

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

OPEN MEETING ON EDUCATION

VOLUME II

June 26-27, 1975

Sacramento, California

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## 1 AFTERNOON SESSION

2 June 26, 1975

3 1:00 p.m.

4  
5 (Ms. Nadine Hata was Chairperson for the following  
6 session)

7  
8 THE CHAIR: I think we'll begin in the interests of  
9 trying to keep on schedule.

10 My name is Nadine Hata, I am Southern Vice-Chairperson  
11 of the State Advisory Committee.

12 To my right, Bill Rogers, to my left, Jack Share,  
13 Jayne Ruiz, Vernon Yoshioka and Junius Griffin. Other  
14 members of the subcommittee will probably be arriving at  
15 any time.

16 We're going to begin this afternoon's session with  
17 a brief overview statement by Dr. William E. Webster.

18 Dr. Webster, in the interests of time, I was  
19 wondering if you could summarize your statement since  
20 you will be here at 4:00 o'clock to respond to questions  
21 of the panel. Could you give us a summary and perhaps  
22 submit your written statement to the staff?

1 DR. WILLIAM E. WEBSTER

2 A (By Dr. Webster) I think that would be very hard  
3 to do, Ms. Hata, because we've prepared this statement  
4 in some detail. And I think to summarize it may mean  
5 that I could leave out some very important pieces. I  
6 will try to move along as rapidly and if that seems to be  
7 bogging down, I will hit --

8 THE CHAIR: Fine. Will you identify yourself?

9 A Fine. I'm Bill Webster, Deputy Superintendent for  
10 Programs for the California State Department of Education.

11 THE CHAIR: One more point for the record, Mr.  
12 Webster, are you speaking on behalf of the state depart-  
13 ment of education?

14 A Yes, I am speaking on behalf of the state depart-  
15 ment of education, as will all of the rest of our repre-  
16 sentatives who are here today.

17 THE CHAIR: Thank you.

18 A First let me say that ~~Wilson~~ Riles wishes he had --  
19 could have been here today, initially he was going to be  
20 out of town, as I'm sure many of you know, this is the  
21 culmination of the budget process and he has been meeting  
22 with the governor as well as other representatives of the  
23 senate and assembly in order to wind up the budget process.

24 We hope, though, we can give you some useful and  
25 helpful answers today, dealing with the question of educa-

1 tional programs for the limited and non-English-speaking  
2 children of our state. We all know that limited and non-  
3 English-speaking -- limited and non-English-speaking  
4 child has not ~~fared~~ well in our educational system.

5 The achievement levels in reading and math of  
6 these youngsters has been consistently lower, their drop-  
7 out rate, as you know, is, and I'm again abbreviating here  
8 from the statement, the drop-out rate has been higher and  
9 certainly the number of these youngsters entering college  
10 has been less than their Anglo peers.

11 And as an aside, it wasn't too long ago, as I  
12 remember, as a teacher in California, that Spanish-  
13 speaking children and others whose English was not their  
14 basic language, were reprimanded on the playground for the  
15 use of these languages. Now, to determine the number of  
16 non-English-speaking and limited English-speaking children  
17 in California, the department of education compiles an  
18 annual census required of all school districts. Pursuant  
19 to Education Code 5761.3.

20 While originally conducted by the bilingual task  
21 force, the survey is now handled by the program evaluation  
22 unit and most specifically, by Jose Martinez, who will  
23 be here with us today.

24 The survey consists of a form developed by the  
25 department and administered by the classroom teacher. The

1 survey conducted in March of 1975 is now being compiled,  
2 however, in March of '74, it recorded 203,145 students in  
3 California public schools, kindergarten through 12th, as  
4 limited or non-English-speaking. This includes 44,000  
5 non-English-speaking and 158,000 limited English-speaking.  
6 the main language cateogries of which there are 72 in  
7 California, are Spanish with 157,000 in this group from  
8 the Spanish-speaking, and ~~about 9,300 Cantonese~~.

9 We provided your staff with the results of the '74  
10 survey, and when the '75 survey is done, we'll also submit  
11 that to them.

12 It is the firm belief and policy of the superin-  
13 tendent of public instruction that every child in this  
14 state deserves and must receive an educational program  
15 appropriate to his or her individual needs. And this  
16 policy applies in a very real way to the more than 200,000  
17 limited and non-English-speaking youngsters. As well as  
18 those, of course, with a variety of other needs.

19 The superintendent, the state board of education and  
20 the department of education, recognized the immediate  
21 necessity for bilingual education programs for these  
22 children and designated delivery of such a high priority  
23 in 1971. And we've maintained bilingual-bicultural educa-  
24 tion as a department priority since that time.

25 Let me, thus, outline for you some of the things that

1 we've been doing.

2 When Wilson. Riles became superintendent, the only  
3 program aimed specifically at these youngsters was ESEA  
4 Title VII. He was aware that we needed to do much more  
5 than this, that there had to be a major state effort.  
6 Thus, in April of 1971, the bilingual-bicultural test was  
7 created as a special unit within the department to lend  
8 visibility to the importance of this effort.

9 To emphasize our commitment to these children and  
10 to spearhead and coordinate the drive to bring more and  
11 better educational programs to them. The test course was  
12 charged with responsibility for designating a plan for  
13 meeting the educational needs of this heretofore neglected  
14 segment of this schoolage population.

15 It was also evident that state dollars had to be  
16 available to meet our state commitment. In 1971 we,  
17 as a department, wholeheartedly gave our support and assistance  
18 to the preparation and passage of the Bilingual Education  
19 Act of 1972, often referred to as AB2284. The act was  
20 significant as a breakthrough. For the first time state  
21 funds in substantial amounts were going specifically and ear-  
22 marked for these youngsters.

23 Your staff has asked many questions concerning our  
24 bilingual task force and right now we have six people on  
25 the task force under the direction of Dr. Martinez. All

1 six of the staff are bilingual, five of them in Spanish  
2 and one of them in Cantonese, English-speaking.

3 Prior to 19 July '75, the task force has been a  
4 special unit under the administration of Dr. Xavier Del  
5 Buono. Mr. Martinez reported to Dr. Buono, who in turn  
6 reports to me, associate superintendent and you'll see  
7 we have the charts up under the department reorganization.

8 The task force will become a permanent unit and  
9 will be a part of our support service component, and under  
10 this new regime the task force will still have the core,  
11 it will become a permanent unit with administrator 2,  
12 that's our jargon for at the bureau level and will report  
13 to Mr. White, who in turn, then, reports to me.

14 The primary responsibility of the task force has  
15 been for the administration of 2284. For '74-'75 we had  
16 72 projects with about 21,000 youngsters involved in these  
17 projects. And let me point out here that the bilingual  
18 programs also include English-speaking children as well,  
19 since the law requires an approximate balance between non-  
20 English-speaking and English-speaking, for example.

21 The task force has provided a variety of technical  
22 assistance services to local school districts, including  
23 assistance in the development and operation of programs,  
24 workshops, procurement of curriculum materials and so on.

25 On-site review of each project has been a continuing



1 function of the task force as well. Two to three visits  
2 each year conducted in visiting the schools to determine  
3 strength and weaknesses. The task force also assumed  
4 some responsibility for the bilingual education programs  
5 operating under ESEA Title VII. Pursuant to federal re-  
6 quirements, although we don't receive any administration  
7 money for the work we do for Title VII.

8 The task force reviews and ranks the Title VII  
9 projects. We also have been in constant contact with  
10 Washington, making every effort to increase federal,  
11 state and local coordination. Right now in California  
12 there's 16 million dollars directed to bilingual education  
13 programs in California under Title VII. During '74-'75  
14 it served approximately 63,000 students in 110 districts.  
15 Approximately half of these students are again limited or  
16 non-English-speaking.

17 *1700000  
7/12  
22500*

17 Evaluation of the bilingual education programs  
18 under 2284 is the responsibilities of our program evalua-  
19 tion unit, as I mentioned earlier, Dr. Martinez, from that  
20 unit, will be here.

21 While we recognize that the data available for  
22 evaluation of bilingual programs both federal and state,  
23 have been somewhat inadequate in the past, we have taken  
24 several steps recently which we will hope to rectify this  
25 situation and give you results indicating concrete progress

*eval. 5*

1 made by the student participants. An on-site visitation,  
2 observation scheme has been developed to assist the dis-  
3 tricts in determining strengths and weaknesses. An  
4 evaluation design has been developed which will provide -  
5 districts with a common framework for reporting on their  
6 programs.

7 Through pre and post normal reference tests administered  
8 at the school level we expect to be able to show pupil  
9 progress in language development, reading and mathematics  
10 and English.

11 In addition, criterion reference test will show  
12 cognitive change in the primary language of the pupil.  
13 We have also requested funds in the current state budget  
14 to develop a testing instrument for Spanish-speaking  
15 children, such an instrument is not now available.

16 We in the department have continued -- continually  
17 undertaken the review of our bilingual programs to continue  
18 to revitalize our commitment to all limited and non-English-  
19 speaking children. And we realize that we must further  
20 intensify and expand both 2284 as well as Title VII. But  
21 it has become, as I said that -- we're aware that we have  
22 to do more.

23 Thus we have taken a second and equally important  
24 approach to providing services for these youngsters in that  
25 through our consolidated application process, the districts

referred, asked for their categorical funds through a consolidated application process in which SB90, Title I, ECE, Miller-Unruh, all come in on the same application. And in 1973-74, we began requiring school districts receiving categorical aid through such programs to submit this document and I'm again skipping through some of the detail, I think the most important thing and we've evolved to this year, that the requirement has now been added and is much more specific, so the documents they're now filling out in order to get all categorical dollars, each school is required to provide for the needs of all students whose primary language is not English.

If the number of limited or non-English-speaking students is less than 10% of the number of students enrolled at the school, A school must have on file at the school site a plan for meeting the language needs of these students. If the number of limited or non-English-speaking students is at or exceeds 15% of the number of students, the plan for meeting the needs of these children is to be expressed in the bilingual-bicultural components of the comprehensive school level plan.

On April 9, 1975, I sent further instructions to school districts for their consolidated application programs. For 1975-76, which suggested a model for the bilingual-bicultural programs as well as objectives towards which the

1 goal that such programs should develop a bilingual-bicultural  
2 individual who is able to function socially and academically  
3 in two languages and an environment of two cultures. This  
4 message, along with a more complete instructions for how  
5 schools and school districts should prepare the consoli-  
6 dated application, was explained to school districts by our  
7 regional service teams under the direction of Manuel Ceja.

8 It's quite an effort. Through the consolidated  
9 application process, the department has taken a major  
10 step in requiring school districts throughout the state  
11 to use other categorical aid funds to provide bilingual  
12 education programs for our limited and non-English-speaking  
13 children.

14 As a result of this it is estimated that next  
15 year, substantial additional funds will be available for  
16 programs addressed to the individual needs of those  
17 children through a combination of categorical aid programs.

18 As I said initially, the bulk of our thrust was  
19 through 2284, as we've begun to learn how to do this  
20 better, we've been able to write instructions and create  
21 applications such that the school districts are required  
22 to show us that they're also utilizing Title I, SB90 and  
23 ECE dollars to do the job.

24 We've recently taken a major effort to monitor school  
25 districts' programs to insure that the individual needs of

1 each child are being met.

2 The detailed, school by school ~~monitoring and re-~~  
3 ~~view process of childhood education program~~ under the  
4 direction of Mr. Claude Hansen and a similar effort of,  
5 or program and review team of EDY program represent a  
6 ~~radical departure from past practices of the department.~~

7 So, what the district really did, is they developed  
8 their plans and they said here's what we're going to do,  
9 then we sent teams back into the schools to see if in  
10 fact they did do what they said they were going to do. *Why?*  
*monitor*

11 The intent of this process has been to see that the  
12 schools receiving state and federal moneys offer the  
13 highest quality programs for their students. Our strategy  
14 has been to offer school districts necessary technical  
15 assistance and expertise to reach that goal.

16 Next year the responsibility for this monitoring  
17 process will be assumed by the elementary and secondary  
18 field operations unit under the reorganized department  
19 structure and I think we have some charts indicating that  
20 we have, and if you want to get into detail on this we  
21 can later on, indicating that we have reorganized, really,  
22 in order to establish accountability for some of these  
23 programs much more clearly than we have in the past, there  
24 was some muddiness on who was responsible for which, and  
25 we've reorganized to tighten up our accountability. *Why?*  
*Reorg*

1 Before you address specific questions to me and others  
2 of our staff, let me reaffirm our commitment to provide  
3 educational programs tailored to the needs and capabilities  
4 and learning style and pace of each child in the state.  
5 And again this certainly includes this group of youngsters.

6 I want also to emphasize very clearly the evolutionary  
7 nature of our efforts. We have sought, continued to improve  
8 our services to school districts and thus to the children,  
9 by reviews and revising and updating what we've done.  
10 So we've made mistakes, we've tried to correct them and so  
11 that our past errors can become our future benefit.

12 The reorganized position of the bilingual unit as a  
13 permanent unit, the strengthening of our consolidated  
14 applications and our monitoring review processes, will insure  
15 that bilingual education programs will be provided for  
16 limited or non-English-speaking children so that they no  
17 longer fail, no longer drop out of school, but rather, share  
18 in the joy and excitement of the learning process.

19 So, again I think we see your questions to us  
20 today as more or less a snapshot of where we are, where  
21 we were last year is different from where we are now, and  
22 we earnestly -- well, we believe, we know that next year  
23 we'll be further down the road doing a more effective and  
24 efficient job for these youngsters.

25 Thank you.

1 THE CHAIR: Thank you, Mr. Webster.

2 Our schedule indicates that we will see you back  
3 here at 4:00 o'clock.

4 A I wasn't aware of that, but I will be here.

5 THE CHAIR: Thank you.

6 Our first witness this afternoon will be Dr. Vernon  
7 Broussard.

8 Dr. Broussard, the committie practice has been to ask  
9 you questions and, is that satisfactory?  
10

11  
12 DR. VERNON BROUSSARD

13 A (By Dr. Broussard) That's satisfactory.

14 THE CHAIR: Great. Would you give us your name and  
15 your title for the record, please?

16 A My name is Dr. Vernon Broussard, I'm currently  
17 manager for the program review and improvement unit within  
18 the state department of education.

19 THE CHAIR: Thank you.

20 Mr. Rogers?

21 Q (By Mr. Rogers) Dr. Broussard, why did the depart-  
22 ment set up a program review and improvement unit?

23 And basically, what is the function of the unit?

24 A The, first of all, in both the federal legislation  
25 and the Title I, and also under Senate Bill 90, that legis-

1      lation, that's the -- that section that deals with the  
2      education of the disadvantaged youth programs, the state  
3      superintendent of public instruction is required to  
4      monitor programs. We have done some monitoring in the  
5      past, we did 17 last, the spring of 1974. This unit  
6      was set up on July 1, 1975. It's primary mission was to  
7      do two things, to assess compliance on the part of par- *Mandate*  
8      ticipating school districts, that is those school dis-  
9      tricts that were participating in what we refer to as the  
10     consolidated application, that is school districts that are  
11     receiving Title I funds, SB90 funds, 2284 funds, Miller-  
12     Unruh funds, Early Childhood Education funds.

13             Once again, our primary mission was to assess  
14     compliance, that is with the existing state regulations, the  
15     federal regulations, policies that had been promulgated  
16     by the state superintendent of public instruction, Dr.  
17     Riles, and also by the state board of education.

18             Secondly, as an integral part of that, not in any  
19     kind of order of priority, was also to assess the quality  
20     of the programs.

21             And that is to give the school, the local school and  
22     the local school district, an evaluation -- a qualitative  
23     assessment of their programs.

24             Q      Now, you say one of your major functions is to  
25     assess the compliance to determine if the program is in



1 compliance --

2 A With the law.

3 Q -- or is complying with the laws?

4 A Right.

5 Q State and federal laws. Suppose they aren't meeting  
6 or complying with those state and federal laws, what then  
7 is your procedure then?

8 A Okay, in a number of instances, first of all, as  
9 the teams review a particular school district, and by  
10 the way, there were some 112 staff members involved,  
11 both state and county staff members involved, when we make  
12 an observation on-site, we attempt to verify that in a  
13 number of ways with teachers, with parents, with other  
14 staff members, principal, etcetera. Through documentation.  
15 And once we write the report, we put down, we place in  
16 the report, in language that would indicate that this par-  
17 ticular section or area of the regulation appears not to  
18 be in compliance.

19 The school district then has 30 days in which to  
20 respond to that, it may very well be that a staff member  
21 has overlooked something or that we have made an error in  
22 terms of our judgment as to whether or not that particular  
23 area is in -- is in compliance or not in compliance as the  
24 case may be.

25 In any case, once the school district responds with --

*compliance  
proced.*

1 with its statement that either they were not in response or  
2 we have given them as part of those instructions that if  
3 they agree with the fact that the item was not in com-  
4 pliance, they are to submit to us a plan for corrective  
5 action.

6 That plan for corrective action is then forwarded  
7 to our regional service teams for followup work.

8 Now, in terms of our own, that is returning back to  
9 the unit now, that in terms of our own followup work, in  
10 school districts in which we found that there were sig-  
11 nificant areas of noncompliance, we revisited those school  
12 districts, taking what they said they were going to do  
13 as a result of our first visit and then going back to see  
14 whether or not they in fact had taken that kind of action.

15 THE CHAIR: Excuse me, how many school districts  
16 are you speaking of?

17 A We're talking about sixty-nine school districts  
18 in the state. And 431 schools.

19 Q (By the Chair) How many were in noncompliance,  
20 you're talking about noncompliance cases.

21 A Yes. Without an exception there were some non-  
22 compliance areas in each of the school districts and schools  
23 that we visited.

24 Let me just say this with regard to this sixty-nine  
25 schools in the 431 school districts to give you the scope

1 of the operation. That involved some 125 million dollars  
2 in categorical funds. Including the ECE expansion.

3 Q (By Mr. Rogers) Also, Dr. Broussard, what par-  
4 ticular grade levels are you responsible for?

5 A K-12.

6 Q K-12? Now, you were discussing your review  
7 procedures, or were you discussing --

8 A Well, I was interspersing them, not -- would you  
9 like for me to go through those --

10 Q Well, for clarification, would you please explain  
11 what your review procedures are?

12 A Okay. First of all, we developed, after the unit  
13 was established, Dr. Webster took the leadership role in  
14 terms of establishing this unit, at the request of Dr.  
15 Riles. We then developed an instrument based upon the  
16 existing regulations, the instructions that had been issued  
17 to school districts, when I say we, that is the staff  
18 within the department, that is our ECE management team, our  
19 PRI new unit, the regional service teams, and also our  
20 county staff was also involved in the development of this  
21 instrument.

22 The instrument is in three parts, it is the key. It  
23 has a district level compliance which covers all of the,  
24 once again, all of the federal and state regulations and  
25 the other policies that have been issued to school districts

1 regarding these various programs, there's a school develop-  
2 ment compliance section to that instrument, and then the  
3 last part of the instrument is a quality section. So  
4 the first thing is, of course, the development of the  
5 instrument as I said before.

6 In terms of our procedures, first of all there is  
7 -- there was an in-service training period for the staff  
8 that was to be involved in this review process. Our *PRI emphasis*  
9 emphasis, while I previously indicated that our primary  
10 mission and objective was to assess compliance and quality,  
11 program fidelity on the part of the school districts that  
12 we were going into, we also wanted to emphasize this,  
13 that it was a helpful role to school districts, and that  
14 was one of the reasons, I think, that this little  
15 editorializing here, but I think that the operation was  
16 successful, because of the fact that we did go in with  
17 that kind of an approach.

18 Not to compromise the regulations or our reviews,  
19 but nonetheless, that was an important emphasis, that's  
20 why we added the word improvement to the unit's designation.

21 Essentially getting down now to the school district  
22 with regard to the PRI procedures, first of all, we send  
23 out, within 30 days prior to the review, a notification  
24 that the school district would be -- would be reviewed.  
25 And list the schools that would undergo review. We also

1 send out to them at that time, a copy of the instrument so  
2 that they would be aware of what we were going to be  
3 looking at. Rather than to try to go through the entire  
4 instrument, because it's a rather thick document, we  
5 selected 15 key items. In all but one school district, and  
6 this one particular school district we had sufficient  
7 evidence and were directed by the state board of education  
8 to conduct a full review in that particular school district.  
9 But essentially, our procedure was to preselect items,  
10 some 15 items.

11 The team leaders, that is the, I say team leaders,  
12 the state was divided into six regions and the team leaders  
13 then had the option to select some additional items, a  
14 few additional items, so that we could make sure that we  
15 were not being -- that the school district was just simply  
16 not prepared just for these items that were preselected.

17 Following this mailing, there was a second letter  
18 that was sent out, this letter went not only to the school  
19 district's administration, but also went to the county  
20 superintendent and more importantly, went to the chairman  
21 of the parent advisory committee, the school principal, and  
22 the school advisory committee, the chairman of the school  
23 advisory committee. So that all of these key individuals  
24 we felt should be informed of this review.

25 And in fact, we included in the letter an invitation

1 at the discretion of the local school district, to involve  
2 parents of the advisory committee in the review process.

3 Also involved in that group, in our review process,  
4 were members of the department's staff outside of the PRI  
5 unit, and that's our RST staff members.

6 On several occasions they accompanied us too because  
7 they have the responsibility for, primarily for the followup  
8 work with the local school district.

9 After we had notified the school district and the  
10 subsequent person or persons that I had indicated, then  
11 there was an orientation. Once the team goes into the  
12 school district there's an orientation, and we suggest that  
13 the individual school be present at this orientation,  
14 with the superintendent of schools, the principals of the  
15 schools that are involved, the chairmen of the district  
16 advisory committees, a parent, the chairpersons, I should  
17 be using chairpersons, I guess, chairpersons of the various  
18 school advisory committees.

19 During the orientation period we explain our purpose,  
20 of course, of being there, the mission of the unit, our  
21 legal basis, and what, essentially, our procedures will  
22 be during the time that we're there.

23 There was something that I did leave out and I guess  
24 I'm going to have to come back to it. But following that,  
25 that's a relatively short meeting, usually lasting maybe

1 30 minutes to 45 minutes, the orientation at the district  
2 office, usually that occurs there.

3 Then we immediately go into the schools and also the  
4 review of the district, using the instrument that I just  
5 indicated to you.

6 At the school site, we do both, as I indicated  
7 earlier, a compliance check and also a quality rating.  
8 There's an exit interview at the school level. During this  
9 exit interview we invite, first of all teachers, parents,  
10 specifically the chairman of the parents, the local  
11 school parent advisory committee, of course the school  
12 principal and any other interested citizens that may want  
13 to attend.

14 Oftentimes, sometimes there are reporters there  
15 that are attending these exit interviews. At that time  
16 we go over, in some rather broad generic kinds of terms,  
17 the results of our review. But not broad in -- broad in  
18 the sense that it's not specific. I'm speaking now, really  
19 about the quality part of the document. Because that  
20 part of the document we assign a school, or percentage, to  
21 that school, in terms of the quality as we have observed  
22 the activities in the school.

23 Then, after each of the school exit interviews, then  
24 there's a district exit interview in which we bring together  
25 the school principal, the chairman of the DAC, the county

1 superintendent is also invited to attend that meeting  
2 along with citizens and we then give them a report. We  
3 leave with them at that time the district level compliance  
4 report. The school level compliance reports, along with  
5 the school quality report, that is once again the school's  
6 score along with those recommendations, suggestions that  
7 we may have, is then mailed within 15 working days after  
8 we have completed the review.

9 We generally try to stay within that schedule.

10 That, in essence, is our review procedures.

11 Q Okay.

12 Of the school districts that you reviewed, how many  
13 were actually re-reviewed and if so, how were they selected?

14 A Well, in response to your first question, there were  
15 eight school districts re-reviewed. That involved 27  
16 schools. The basis on which we made that judgment, we  
17 took a look at the frequency of noncompliance, and also  
18 the specific areas of noncompliance, there are some areas  
19 that we consider critical, as an example, the selection of  
20 schools and participants being very, very key. Carrying,  
21 I think, more weight than some of the other parts because  
22 if you aren't in the right school and not serving the  
23 right youngsters, then of course, whatever else is  
24 occurring is somewhat irrelevant to be quite frank.

25 So that as we looked at the number of, or rather the



1 frequency of compliance and then in terms of our staff,  
2 how much staff we had to go back and to conduct these re-  
3 views, we just put them in rank order, and taking a look  
4 at our staff and the number of school districts that we  
5 could get back into, that's how we made that determination.

6 Q Okay.

7 Of these districts found in noncompliance, how many  
8 involved bilingual or lack of bilingual programs?

9 A In terms of the number of school districts that  
10 specifically involved noncompliance areas, in the area  
11 of bilingual education, that's the section 10.0 of the  
12 instrument, the answer to that is 25 school districts  
13 out of the 69.

*Bil.  
Non-  
Comp.*

14 Q What about programs for language minority students?

15 A Would you define a program for language minority  
16 students, if you would, for me, please? I'm not clear on it.

17 THE CHAIR: Perhaps staff could --

18 MS. GODOY: Yes, either bilingual-bicultural programs  
19 or programs to assist them either with bilingual ~~aides~~  
20 or ESL program or anything else where a language minority  
21 child might receive some assistance or be able to participate  
22 in the education program.

23 A Okay. I think the -- you know, the accurate re-  
24 sponse to that would be, 69, all of the school districts  
25 in that broad sense. In the narrow sense, that is if we take

1 a look at that section of the document that deals just  
2 with, you know, bilingual education, rather than reading  
3 or language development, which covers all children, we're  
4 talking about Black children, we're talking about poor  
5 White youngsters or other youngsters who may be dis-  
6 advantaged educationally speaking, so in the broad sense,  
7 my response would be 69.

8 If you're going to narrow it to those school dis-  
9 tricts that have 15% or more of their student population that  
10 were limited English-speaking, or Spanish surnamed, then  
11 that, the answer would be 25.

12 Q (By Mr. Rogers) Of those particular school districts  
13 that you indicated you found to be in noncompliance,  
14 approximately how many of those districts will remain in  
15 noncompliance?

16 A Will remain?

17 Q Yes.

18 A Well, all of them have indicated to us that they  
19 will be taking corrective action. They have submitted  
20 to us in writing what they plan to do to correct those  
21 areas of noncompliance, and --

22 Q What kind of an enforcement capability do you have  
23 in your office, Dr. Broussard, if no one -- if none of the  
24 school districts decide to comply, just drag their feet,  
25 what do you do? What kind of clout do you have in your office

1 to make them comply?

2 A I think the policy that we operate in the department,  
3 and Dr. Riles, which I will say here that I wholeheartedly  
4 support, without reservation, and agree with, and that is  
5 that as a last resort, as a very last resort, which we have  
6 used in school districts not only under the consolidated  
7 application but on the demonstration programs in reading  
8 and mathematics, that's to withdraw funds, that's the  
9 ultimate weapon, in terms of -- but the policy there is  
10 that once we do that, what occurs and what I have personally  
11 observed, is that you're hurting the kids.

*ult. weapon*

12 The staff remains. The principal remains, the teachers  
13 remain, all that is lost is the kids. And I've seen that  
14 occur many, many times. So what we have essentially done  
15 is by inviting parents in, by inviting teachers in, by  
16 opening up the review process, that with that kind of --  
17 of exposure, that we have seen many school districts, many  
18 school districts move in that direction in terms of complying.

*accept. alter. nature*

19 I think ultimately, if the superintendent feels that  
20 the school district, after we've talked to them and there  
21 have been occasions on which we've had to involve the  
22 superintendent directly, he has not hesitated to indicate  
23 that he will indeed use the ultimate power and that is  
24 if that authority is there to withdraw the funds, he would  
25 do that.

1 Q Let me ask just one other question then. Has that  
2 ever occurred? Have you ever had to use the ultimate  
3 weapon?

4 A Under our demonstration programs, in reading and  
5 mathematics, we have. We've taken money away. I think  
6 that Mr. Ceja, who will be talking later, can speak more  
7 specifically about those school districts in which we  
8 withheld funds.

9 I know that there are several school districts that  
10 Dr. Webster and/or Mr. Ceja can speak more authoritatively  
11 about, now that we're holding up the applications.

12 I have personal knowledge of a couple of school  
13 districts that as a result of our reviews, their consoli-  
14 dated applications were not recommended to the state board  
15 in June, and we are, until we are sure, as sure as we  
16 can be that we're going to get that cooperation from that  
17 -- in those school districts, we will not be recommending  
18 those applications in July.

19 THE CHAIR: Are there any other questions?

20 Q (By Ms. Ruiz) At any time during your monitoring,  
21 do you ever check the ultimate spot of the moneys that's  
22 being spent? Do you ever check with the students to see  
23 if they might have any complaints or any requests or any  
24 suggestions? They're, after all, the recipients of all this.

25 A Yes.

1 Q Do you ever check with them?

2 A Yes. The response to that is yes. That is a part  
3 of the review process. We don't just, of course, talk to  
4 the principals or teachers or to aides because oftentimes  
5 they do have vested interests. We talk to parents, we  
6 more directly talk to students, having been on a number of  
7 reviews myself, in large urban districts, and in some  
8 small ones, many times I will go directly to the student  
9 to determine whether or not the service is really being  
10 provided and whether or not by, you know, even asking him  
11 as an example, to read something from the book that's  
12 before him. See whether or not ~~what the services~~ that we  
13 have provided, whether or not at least in that subjective  
14 sense, are taking place.

15 So we do talk to students.

16 Q (By Dr. Share) May I also ask, are your final re-  
17 ports available to the community at large?

18 A They are available to the community, as I don't know  
19 whether I indicated or not, but when we mail out the  
20 reports, that is the district report, the school level  
21 report, both quality and compliance, that document is  
22 sent to the county superintendent, it is sent to the dis-  
23 trict superintendent, if there's a project director we  
24 send a copy there. We send a copy to the chairman of the  
25 district advisory committee, we send a copy to the chairman

*Students as comments*

*PRR reports mailed to:*

1 of the school advisory committees, and these are -- the  
2 latter two are not employees of the school district.

3 As I also indicated earlier, oftentimes there are  
4 reporters that are present, a number of times throughout  
5 the state articles have appeared in the papers so that  
6 the reports are available to the public.

7 Q To your knowledge, various interest groups have  
8 never had any difficulties in obtaining these reports?

9 A There have been one or two occasions in which  
10 there have been interest groups who have asked for the  
11 reports, we do not release the reports until either I  
12 have cleared them myself or in some cases, in which -- for  
13 example, the state board directs the superintendent of  
14 public instruction to do something, then my report then  
15 goes to the superintendent of public instruction, Dr. Riles,  
16 and it is his responsibility, and he has done that.

17 Once he approves it then he makes it public, so in  
18 the end, I can say without -- without an exception, that  
19 there have been no reports, no reports at this point in  
20 time, that have not been made public.

21 Q (By the Chair) What does made public mean?

22 A That simply means that in terms of those special  
23 interest groups, you, as the commission, a commissioner or  
24 a commission, if you want a copy of any of these reports,  
25 they are available.

1 Q Fine. Do you make copies available to the office  
2 of legislative analysts as well?

3 A Yes, we have talked to the legislative analysts'  
4 office, in fact, several of his representatives came  
5 over during the course of the year to review the process,  
6 to make some recommendations and suggestions in that regard,  
7 and --

8 Q Get copies of the report?

9 A They got copies of the report.

10 Q (By Dr. Share) Part of my question, if I may, also  
11 is do you have discretion in your office when you feel a  
12 particular school or district is not complying, to take it  
13 on yourself to send a report to some action community  
14 group that you feel may be in a better position to follow  
15 through on some of the things that maybe your office has  
16 had difficulties in getting this particular school district  
17 to do? Do you assist community groups?

18 A Our primary relationship is with the school district.  
19 And the parents, the school district and its clients,  
20 particularly the students and the parents. So our reports  
21 go to those.

22 If there is a -- we would not, you know, deliberately  
23 as an example, send a report out to the NAACP, as an  
24 example, or to some other similar kind of group. If they  
25 asked for a copy of the report, then we would release the

Down  
PRI  
report  
to  
com's  
group

1 report to them. Because they are public documents, once  
2 they have been approved internally, they are public docu-  
3 ments, if any -- if there is any group now that wants a  
4 copy of these reports, in fact, the point I want to get  
5 across here is that during the course of the exit inter-  
6 view, and having participated in many of those myself  
7 as -- in some large and small school districts, and I  
8 think a couple of your staff members here have also par-  
9 ticipated in those, know that they are open, and so that  
10 community groups who have concerns and who want to, you  
11 know, improve the delivery of educational services to  
12 children in that school, they can hear, verbally, our  
13 report, and they can receive a copy of the written report.

14 Q (By Mr. Griffin) Dr. Broussard, I understand that,  
15 going back to your previous statement, you found that 69  
16 schools were in noncompliance? Is that the most recent --

Non-  
Compl.

17 A At one -- you know, in varying degrees.

18 Q In varying degrees?

19 A There are some 129 or so areas of noncompliance.

20 Q Was this the last school year?

21 A This was the past school year, '74-'75, yes.

22 Q Has this figure remained static over a number of  
23 years or since you've been with the unit? Or has it de-  
24 creased?

25 A I really don't have a basis of comparison in that



1 regard, because I just assumed the responsibilities last  
 2 July 1st, and in terms of the previous reports on the 17  
 3 previous districts that we went into, I did review briefly,  
 4 well, somewhat, their reports. But not in terms of, you  
 5 know, making a comparison as to whether or not compliance  
 6 increased or decreased.

7 Q Did you take any special notice of the 25 schools  
 8 that were in noncompliance with the bilingual-bicultural  
 9 education programs? Did you take any note of that before  
 10 you assumed your present position last July?

11 A Well, now wait a minute. The 25 was -- were a  
 12 result of the reviews conducted this year. You see. So I  
 13 did not have that knowledge July 1st last year.

14 Q Yes. When was this survey taken?

15 A The reviews were conducted during '74-'75, beginning  
 16 October 1, 1974, and terminating about June 2nd or 3rd of  
 17 this year, of the current year.

18 THE CHAIR: Some questions from Dr. Rodriguez?

19 Q (By Dr. Rodriguez) Yes, as I understand it, this  
 20 past year separate applications were required for AB2284  
 21 bilingual programs and consolidated application programs.  
 22 Did all the school districts you reviewed have awareness  
 23 of the fact that they had to make separate applications?

24 A That was some confusion, quite frankly, on the part  
 25 of some of the districts in that regard. They did indeed

1 submit a consolidated application, using that format, I  
2 should say, it really wasn't a consolidated application,  
3 it was a single application for 2284 funds through our  
4 bilingual unit.

5 What we did, one, we got into the school districts  
6 and we made -- well, first of all, looking at their con-  
7 solidated application just the budget page would tell us  
8 whether or not they had 2284 funds. If they did have 2284  
9 funds we did either one of two things. Went to the bi-  
10 lingual unit to get a copy of the application to review  
11 that. That's a district application.

12 What we really were after was not just the dis-  
13 trict application but primarily to see what that school  
14 level plan looked like. Because we requested, that was  
15 one of the things at the time that we requested that they  
16 send us a copy of the school level plans, prior to the re-  
17 view, since we did not have those in the department.

18 The department is now requesting all of the school  
19 level plans beginning July 1st of this year. Even though  
20 that the district may very well have a separate form  
21 for its 2284 program, we were going for review, we either  
22 request beforehand or at the time that we are there, a  
23 copy of that application.

24 What we do is to, that <sup>dist.</sup> application has been approved  
25 by our unit, that is by our bilingual unit and our task there,

1 that is during the course of the review, whether it's  
2 with 2284 or Title I or whatever it is, is essentially  
3 to verify that what is in the application is indeed going  
4 on. !!

5 In other words, if it's a needs assessment or  
6 whatever, whatever was described in the application.

7 Q But nonetheless, there were a lot of schools that  
8 didn't get both programs because they weren't aware, am  
9 I right?

10 A No, not to my knowledge. Let me just simply say  
11 this again. In terms of submitting the application for  
12 2284 funds, the forms were the same, it was just on a  
13 form, the form was the same, it went to the bilingual task  
14 force for review. In terms of the consolidated application,  
15 it would show up on the consolidated application as one  
16 of the funding sources. }

17 Then that would alert us to the fact, and I knew  
18 that, you know, that there was a plan in the department,  
19 and so that the teams could get a copy of that district  
20 level plan, the school level plans were not submitted to  
21 us so we asked that the school districts send in the school  
22 level plans to us, that is 15 days prior to our meeting  
23 and we review those.

24 So it really didn't present a problem in that regard.

25 Q Did it present any problem in terms of the bilingual

1 students in these schools, did it have any effect on the  
2 children themselves?

3 A I don't know whether I could isolate that as --  
4 not avoiding your question at all, but I don't think I  
5 could isolate that as being a variable in terms of its  
6 negative effect or positive effect upon the bilingual,  
7 you know, the children who were participating.

8 I think there were many other variables that had a  
9 great deal more influence than the fact of whether or not  
10 the application went to our bilingual unit or whether or  
11 not it went to the RST unit within the department.

12 It was the quality of that application, the commitment  
13 of the staff in the local school districts.

14 Q (By Ms. Godoy) May I ask for a clarification on  
15 this point? Was the confusion of the districts one in  
16 that they did not know where to submit their application  
17 for -- application for funds for 2284 programs and for con-  
18 solidated application programs? Did this confusion exist  
19 among the districts?

20 A It may -- I -- really, you know, really can't answer  
21 you definitively, that question, except to comment in this  
22 way, and that is that there may have been some confusion on  
23 the part of school districts as to where they should send  
24 their applications, most school districts who were interested  
25 in applying for 2284 funds, and I think that there were more

*dist. conf. sum*

1 districts applying and I think Dr. Martinez will be able  
2 to address that more definitively than I am now, but I  
3 think there were more districts interested in applying for  
4 2284 funds than there were funds available.

5 So that what they were mostly concerned about is,  
6 let me get it on this piece of paper, I don't care what  
7 kind of piece of paper it may be, and get it into someplace  
8 and get it approved and essentially that occurred.

9 THE CHAIR: Are there any more questions?

10 One quickie.

11 Q. (By Mr. Yoshioka) Yes, I was wondering, you said  
12 the reports are prepared on each of these schools that  
13 were noncompliance, how many reports would that be?

14 A. There were 69 schools and 431 schools. I mean 69  
15 school districts and 431 schools.

16 Q. So the report on each of those schools?

17 A. We have reports on each school district and each  
18 school.

19 THE CHAIR: Thank you very much.

20 A. May I make just one rather brief comment with re-  
21 gard to not only this activity, but the overall commitment  
22 of the department, I think in this regard?

23 I think that as Dr. Webster has pointed out and I  
24 think accurately so, that Dr. Riles, right from the beginning,  
25 made a commitment this was one of the priorities, was the

1 bilingual-bicultural meeting the needs of those students  
2 and establishing that task force. I think that throughout  
3 the -- since I was chief of program development, at the  
4 time, for compensatory education, that included Title I  
5 and the other programs, that the effort there under his  
6 leadership was to expand the definition of educationally  
7 disadvantaged to include youngsters who had different  
8 levels of verbal functioning due to linguistic, social  
9 and economic isolation.

10 So that not only 2284 funds would be available but  
11 also Title I, SB90, were indeed available. We had, as an  
12 example, this was '73-'74 and I have some other statistics  
13 to support that, that 37% of the children who participate  
14 in Title I and our SB90 programs, are -- have -- are Spanish  
15 surnamed, whether or not they're limited English-speaking  
16 is something else that has to be determined.

! ?  
Stats

17 We found a similar percentage, some 107,000 Spanish  
18 surnamed children were involved in the 69 districts that  
19 we reviewed. They were receiving services to some degree  
20 or the other, and that you'd have to look at the report  
21 to see that.

22 But I guess my point here is the department has had  
23 a commitment in that regard, and I just wanted to emphasize  
24 that.

25 THE CHAIR: One final question.

1 Q (By Ms. Godoy) Two final questions, please.

2 Of the 25 school districts that were found in non-  
3 compliance because of their bilingual component, how many  
4 of those were receiving 2284 funds?

5 A I should maybe -- 22.

6 Q Twenty-two?

7 A Yes.

8 Q Of the 25?

9 A Yes.

10 Q And I understand that you have a summary or a compila-  
11 tion of your reviews?

12 A Yes.

13 Q Could we have a copy of that for the record?

14 A As soon as we -- this is in draft form now, this is  
15 -- the final report on the program review and improvement  
16 activity for '74-'75. Quite frankly, I have not even  
17 completely proved it myself. But as soon as it is complete,  
18 and is cleared by those superiors in the department, I'm  
19 sure that it will be made available to you.

20 Q Okay. Now, of the 69 districts that you found in  
21 noncompliance, to date how many of those are still in non-  
22 compliance?

23 A That would be -- I really don't know the answer to  
24 that.

25 Q Will your report have that documented?

1 A We will have documented the fact that the areas  
2 of noncompliance in those particular school districts,  
3 we will have documented in a paragraph or two that you  
4 may go to the files and see what the school districts said  
5 it was going to do to bring itself in compliance. But  
6 essentially, unless, you know, unless I went back or the  
7 teams went back to actually see whether or not this had  
8 occurred or the -- some other unit in the department, the  
9 RST's or whoever, may have a responsibility for that, our  
10 bilingual task force had gone back to actually see them.  
11 it would be difficult to, you know, to give you an accurate  
12 answer to that question.

*follow-up after dist. for non-compliance*

13 Q (By the Chair) Your report, then, does not give the  
14 school districts a place to respond?

15 A Oh, yes, it does, it gives them a place to respond,  
16 tells them to respond to me in the department of education.

17 Q The report that I'm talking about, this report --

18 A This right here? This is the final report. This  
19 is just a compilation of what the activities were this year.

20 Q So, if anybody wants any further information, then  
21 they will have to go in the files?

22 A They'll have to go in the files.

23 If you want to find out something about a particular  
24 school district in terms of their reviews, then those are  
25 public documents, and available in the files. But that would



1 would be something like that. 431 schools and 69 school  
2 districts.

3 Q (By Ms. Jones-Booker) Just one final question.

4 You wrote this report, it's my understanding of the  
5 reorganization that PRI will not exist in the form it was  
6 this past year, right? So your team, itself, would not  
7 have the opportunity next year to go back and check those  
8 69 schools?

9 A No, not my team, no. The answer to that is --

10 Q In the reorganization will there be such a possi-  
11 bility that these schools will again have a followup or how  
12 will your unit fit into the reorganization?

13 A Well, the unit, the Program Review and Improvement  
14 unit, along with many other units under the reorganization  
15 the staff is being redeployed in the various age spans,  
16 that's elementary, secondary and adult.

17 The review function, according to Dr. Webster, will  
18 continue, and that's essentially what the purpose of this  
19 report is, so that this is made available to the elementary  
20 age span manager and also to the secondary age span manager,  
21 along with the reviews that were done by Dr. Hansen, Claude  
22 Hansen, they would be made available and the recommendations,  
23 process, modifications in instruments, etcetera, so the  
24 functions we think will be -- will be assumed by the other  
25 units under the age span.

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ation

1 Q (By Mr. Rogers) Well, Dr. Broussard, I guess all  
 2 I want to ask, in the reorganization, who would have the  
 3 responsibility for the review function?

4 A The person that would have the responsibility for  
 5 the review function would be the associate superintendent  
 6 for the particular age span, in the case of elementary  
 7 that will be Dr. Davis, Dr. Fortune. ~~for secondary,~~ and  
 8 Dr. Del Buono for adult education.

9 Q So it would not be coordinated through one central  
 10 body of your agency?

11 A No.

12 Q It would spread throughout, in other words?

13 A It would be under elementary, functions under  
 14 secondary, in other words, I have knowledge that the  
 15 secondary unit age span, because I'm a part of that age  
 16 span, is developing right now plans to review programs  
 17 in secondary schools for next year and essentially using  
 18 modified procedures, that is modified in the sense that  
 19 the basic one I experienced this last year, and I know  
 20 that the reviews in elementary will continue too.

21 THE CHAIR: All right. Thank you very much, Dr.  
 22 Broussard.

23 A Thank you.

24 THE CHAIR: Our next witness will be Mr. Claude  
 25 Hansen. Mr. Hansen?

*review  
function  
after  
reorg'n*

1           Would you state your name and position for the  
2 record, Mr. Hansen?

3  
4  
5           MR. CLAUDE HANSEN

6           A     (By Mr. Hansen) Yes, I'm Claude Hansen and I'm  
7 presently the manager of the Early Childhood Management  
8 Team.

9           THE CHAIR: Our committee people have some questions  
10 for you. Dr. Rodriguez?

11          Q     (By Dr. Rodriguez) When and for what purpose was  
12 the Early Childhood Education established?

13          A     As you may know, the bill was signed into law in  
14 November of 1971. I'm sorry, '72. And the Early Childhood  
15 Management Team came into being in March of 1973.

16          Q     For what purpose?

17          A     For the purposes of implementing Senate Bill 1302,  
18 which is, as you know, the bill that is responsible for  
19 Early Childhood Education.

20          Q     Okay. What responsibilities does your particular  
21 unit have?

22          A     The unit has a responsibility for implementing the  
23 program, and as you may know, the Early Childhood Education  
24 program is a competitive program, and as a result of the  
25 competition we've had to develop what we've called a

1 criteria for expansion. That criteria of expansion relates  
2 to how moneys will be expended.

3 The first year we were able to fund almost all  
4 programs that applied, with the initial 25 million dollars.  
5 The second year the honeymoon was over because we were  
6 no longer able to fund all of the programs that desired  
7 funding.

8 There was an additional 15 million dollars that  
9 came to us the second year and with that additional 15  
10 million dollars it became necessary to work out a criteria  
11 for expansion, and within that criteria lies the answer to  
12 your question, because the work load and responsibility for  
13 the unit really is within the context of that criteria,  
14 so if I may, let me outline what that criteria is.

15 Q Please.

16 A The procedure that has been developed is that since  
17 the program is a competitive program, we have to have some  
18 definitive criteria in order to make decisions about how  
19 moneys would be expended.

20 We basically developed three criteria, that would  
21 determine how moneys would be expended. The first of those  
22 criteria had to do with <sup>(1)</sup> the development of a school level  
23 plan. The school level plan is developed in partnership  
24 at the school site and that partnership consists of a  
25 partnership, really of parents, school staff and adminis-

1       tration in developing a school level plan. That plan is  
2       submitted to the state department of education, and is  
3       reviewed by consultants in the Early Childhood Management  
4       Team, we're currently involved in that whole process being  
5       repeated again because the due date for those new appli-  
6       cations is July 1st.

7               The first year and the second year we read those  
8       school level plans and gave a numerical assessment to  
9       those school level plans, based on an instrument that we  
10      are using and which I think Ramona, the others may have.

11             The assessment of that school level plan constituted  
12      25% of the decision as to whether the district or rather  
13      the school would expand and subsequently, ~~the~~ district.

14             The second part of that criteria had to do with the  
15      monitor and review effort. Most of us, all of us have  
16      been teachers or school administrators, school superin-  
17      tendents and we felt and feel strongly that a plan and a  
18      written document is obviously not enough, there has to be  
19      a determination of the extent to which what is written is  
20      being actually performed in the lives of children.

21             So, the monitor and review aspect of the program was  
22      devised, and you heard Dr. Broussard explain something about  
23      that process and there are some differences in process  
24      that I'd be happy to address.

25             Basically, that has constituted 50% of the decision

1 about the expansion potential for the district.

2 The third, 25% is based on reports that are sub-  
3 mitted to the state department by the individual school  
4 site and the district site and basically it's a discrepancy  
5 evaluation report which says basically we did what we  
6 anticipated doing or what we said we would do in the  
7 school level plan.

8 In addition to that, then there's a product report,  
9 an evaluation report that comes in at the end of the year  
10 and based on all of these criteria, then we were able,  
11 the first year in April, this year in May, first year of  
12 the program, to develop a printout which established the  
13 extent to which a district could expand based on these  
14 various indices.

15 And we developed a natural percentage of expansion  
16 based on the moneys that were available to us the second  
17 year, which, as I've stated, was 15 million dollars.

18 We had received several categories of schools, the  
19 first year we had some -- some schools that were partial  
20 to full, they were really K-1 situations because even the  
21 first year there was not enough money to fully fund all  
22 of the programs that had initially made application.

23 So that we, in those instances, those schools went  
24 from K-1 to K-3 in terms of their expansion and in other  
25 instances in the larger district schools, then went from

1 full funding K-3 in one or more schools to additional  
2 schools. The first year we, based on that information, told  
3 districts that they either could expand or could not  
4 expand, and therein the honeymoon stopped and a very  
5 different kind of mode and behavior became necessary in  
6 terms of assistance to the field.

7 Q Now, how many schools were these, this year?

8 A The first -- the first year we were able to fund  
9 1,013 schools, as a result of last year's expansion, an  
10 additional 300 schools.

11 Q And how many of these schools were following a  
12 bilingual-bicultural program?

13 A We have -- we don't have absolute information on  
14 the chronology of sequencing in terms of the way in which  
15 they came into the schools except in terms of the assess-  
16 ment instruments through this process that we've developed.  
17 There has been definitely an evolutionary process in terms  
18 of underscoring and reenforcing the need for bilingual  
19 information and bilingual competency.

20 In the plan review process, the first go-round,  
21 there was no information that specifically requested  
22 separation out of bilingualism except as it was apparent  
23 in the total educational process of the school.

24 As you may remember or know, the bill itself, 1302,  
25 focuses primarily on the individualization of instruction,

1 in order to do that the bill writes in a one to one adult-  
2 pupil ratio so that all the, the focus of the bill  
3 itself really has to do with dealing with individual  
4 children. So that initially there was not, there were *focus*  
5 not descriptors in the plan that would enable us to pull *effect*  
6 out and separate bilingual children apart from the concept  
7 of individualization.

8 The second year of the plan, there was obviously  
9 an evolutionary process in that plan and again I think  
10 you have those documents.

11 The second year we did talk about an appreciable  
12 number of students and from that appreciable number in  
13 terms of our plan process this year, the new document,  
14 we are specifically talking about 15% but we are also  
15 talking about an individual plan for individual children  
16 as well, that will be kept at the school site level.

17 The same kind of evolutionary process has taken  
18 place in our March instrument. The monitor and review  
19 instruments.

20 The first year we had several items that did re- *test*  
21 late to language difference and those items helped to *instrument*  
22 give us specific information that I can share with you  
23 about the numbers of schools that were involved, and the  
24 number of programs that were involved.

25 This last year we have additional information that has



1 made that kind of breakout much more specific, and based  
2 on our new A127ES, which is our terminology for the con-  
3 solidated application, we do have much more specific kind  
4 of detail.

5 So that that's a long, no answer to a very short,  
6 a very short request. And I would like to bring it out  
7 in terms of the specifics since I recognize that that's  
8 what you've got in part.

9 THE CHAIR: We'd appreciate some concise answers.

10 A Fine. I've gone through this process and I hope  
11 it's been valuable to you to understand the sequence of  
12 evolution that's taken place and I didn't mean to take  
13 time to provide information that was not valuable.

14 Q (By Dr. Rodriguez) In other words, you don't know?

15 A No. In terms of the -- in terms of the plan rating  
16 document for 1974-75, the specific questions that were  
17 addressed having to do with bilingualism indicated that  
18 of the total plans that were received, 775 schools  
19 indicated that they had programs, that had 15% or more  
20 bilingual kinds of student bodies.

21 Of those, 528 were not ECE schools, of those 500 --  
22 of the total, however, 247 of the schools were Early Child-  
23 hood Education schools. And on that quality rating instru-  
24 ment, the plan rating instrument that I told you about,,  
25 we were able to give a score for those -- for those 247.

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1 schools. And of the -- of those 247 schools, the scores  
2 reflected that 59 schools in that category had zero  
3 programs, although they had 15% or more bilingual student  
4 bodies. 92 schools indicated that they had programs that  
5 were all the way from inadequate to simply adequate, and  
6 there were 96 other schools in that total that indicated  
7 that they were anywhere from good to excellent.

8 So that we have that kind of range of information  
9 in terms of that first year's planning process, which is  
10 really the question that you were addressing and concerned  
11 about.

12 As I've said, we have more specific information in  
13 terms of our monitoring, and review kinds of questions and  
14 I'd be happy to go over those materials, if you are  
15 interested.

16 Q Does your review process -- how does the review  
17 process differ from the Program Review and Improvement, PRI?

18 A Okay. The critical difference I think, although  
19 the process is very similar with some exceptions, is that  
20 our review is tied to expansion. So it's critical that  
21 we generate scores as the PRI process has done but also that  
22 we keypunch those scores because we have to develop a  
23 printout which will ultimately determine the percentage of  
24 expansion.

25 So that we are very much concerned about the quality

1 aspect of the program, particularly as it relates to  
2 Early Childhood Education, and we are critically concerned  
3 about being able to complete our work load.

4 This last year, from November through ~~March~~, we  
5 completed a total of 905 separate school reviews, our  
6 process is somewhat different in that we are unable, just  
7 because of the numbers of people that we have, and the  
8 time limitation that we have to face, realizing that it's  
9 important to get that information back to the schools in  
10 May, we are unable to go back to schools in the way that  
11 the PRI unit has been able to do in some instances.

12 So, our process differs in that we complete our  
13 process in one day. We have two reviewers that go into  
14 a school in the morning at 9:00 o'clock, spend their  
15 entire day in that school, interviewing staff, parents,  
16 teachers, children, visiting classrooms, talking to  
17 parent advisory groups, and at the end of that day, at  
18 4:00 o'clock, then we are faced with our exit interview  
19 which is an opportunity for us to share with the entire,  
20 what I call ECE family, the results of the review.

21 It's a very presumptuous kind of role to be in.  
22 And a very difficult role to be in, particularly when  
23 schools who have been asked to go through this same process  
24 and equate themselves in terms of their own assessment  
25 with the numbers, realize that our assessment of them

1 may be quite different from their assessment of themselves  
2 and there lies -- lies often, sometimes a difficult after-  
3 noon in terms of coming to grips with discrepancies that  
4 may exist in our assessment of the individual schools.

5 Q The PRI program, or the PRI review, seems to give  
6 tremendous warning to the schools that they are coming --

7 A Yes.

8 Q -- do you also?

9 A Yes, we do, pretty much in the same way. Our  
10 schedule is announced in advance, documents are sent to the  
11 schools so they know exactly what kinds of issues we're  
12 asking them to be concerned about. As I just indicated,  
13 we ask them also, parents, staff and administration, to  
14 do an assessment of themselves so that at the -- at the  
15 exit -- at the time of exit interview, we then can compare  
16 our assessment of them with their assessment of themselves.

17 Q What effect, what negative effect do you think all  
18 this warning has in terms of the accuracy of the results  
19 that you're actually getting in these reviews?

20 A I suppose sometimes there is a staging kind of  
21 process that may take place. I think there are so many  
22 people and there are so many variables involved in the  
23 process that that negative effect is counterbalanced.

24 I was interested in your question earlier about --  
25 about, I guess it was your question earlier, about children,

1 and as you talk to children, as you move into classrooms  
2 and sit down with children and -- it's often very easy to  
3 ascertain the extent to which staging has taken place.  
4 That's a beautiful learning center, isn't it, and Johnnie  
5 says, well, yes, and you say, well, how long has it  
6 been in your room? And he says, well, it just came in this  
7 morning.

8 You have a, have a very real and immediate clue that  
9 there has been some staging taking place. But I think the  
10 basic integrity and honesty of the process is one that is  
11 understood and I think that kind of -- that kind of  
12 practice is not, certainly, in any way a general practice.

13 Q In the hearing today there's been a recurrent,  
14 I think issue or theme of the lack of coordination. How  
15 about the coordination or, how do I put it, the coordination  
16 between the ECE program and the PRI?

17 A And the PRI?

18 Q Yes.

19 A Well, as Vernon indicated initially, the development  
20 of the document both the quality instrument and the com-  
21 pliance instrument, was done jointly with the ECE manage-  
22 ment team and the PRI unit, as well as the RST's and other  
23 groups that he identified, so that that was the initial  
24 process for really getting to -- facing the task on a joint  
25 basis, so that that process was critically important and as

1 Vernon had indicated, his unit ~~has~~ also involved county  
2 staff in that process, so that there has been a lot of cross  
3 fertilization in that process.

4 But more importantly, I think the need for consis-  
5 tency throughout the process is important, one of the other  
6 distinctions that I did not mention is that Dr. Broussard's  
7 unit has visited this year where he has visited ECE  
8 schools, they were continuation schools, as opposed to  
9 expansion schools. Our task and responsibility was to  
10 visit the expansion schools. Because we were both in the  
11 same ballpark in a sense, with respect to ECE, continuation  
12 versus expansion, it became necessary for us to maintain  
13 regular meeting, so we, Vernon's staff and my staff, have  
14 a liaison committee, they meet on a regular basis to share  
15 common problems and perceptions.

16 We also have this committee, same committee has  
17 also developed an in-service program, not as adequate as  
18 we'd like it to be, but a continuing and constant program  
19 of in-service throughout the monitor and review process.

20 And we're currently now involved in setting up,  
21 again we're reconstituting that group in a way that we can  
22 look at both, both processes, and determine the elements of  
23 both that were valuable.

24 I, for instance, feel strongly that because of the  
25 work load we were not able to have the kind of district

*dist review*

1 review that Dr. Broussard's unit was able to have, and I  
2 feel strongly that that kind of district review is critical  
3 and important and that I would hope that that kind of  
4 process could continue.

5 Q How many districts did you review in 1974-75?

6 A In 1974-75, we reviewed 905 schools, but in a total  
7 of 711 school districts. The previous year, 1973-74, we  
8 visited -- we visited 874 schools in a total of 659 school  
9 districts.

10 Q How did you select the ones that were reviewed then?

11 A In both instances, as far as ECE management team  
12 was concerned -- well, the first year was easy because  
13 we visited all the schools, with the exception of about  
14 -- about 40 schools that had grants that were less than  
15 \$5,000.00. And this year we went back to those school  
16 districts, these little tiny schools up in the mountains  
17 were really quite up tight about that, they felt it was  
18 important that they also be seen, even though they were  
19 small so we went back to them this year.

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20 This year we only visited those expansion schools.  
21 So that the 905 that we actually visited this year were  
22 the schools that were allowed or districts, but schools  
23 that were allowed to expand either from partial to full  
24 funding or from full funding to additional schools. So --

25 Q So that was the basis of review?

1 A That was the basis of determination.

2 Q (By Ms. Godoy) May I interject just one question  
3 here? As we asked Dr. Broussard how many of the 905  
4 schools that you visited were found in noncompliance?

5 A In the 905, Ramona, we visited, we did a total of --  
6 we reviewed a total of 228 districts for compliance, that  
7 is there were that many districts involved, but more im-  
8 portantly for our purposes, the school number is critical.  
9 We did visit, and have compliance reviews on 381 schools

10 Now, out of that total number, I can not tell you  
11 how many are out of compliance, our procedure was that  
12 those compliance documents, when they came back to the  
13 office with the consultant after the review process were  
14 turned over to the regional service team, and it was --  
15 and the responsibility of the regional service team to  
16 then follow up on compliance, or more importantly, non-  
17 compliance in those situations.

18 We have had followup in a planning load since the  
19 monitoring review process stopped because our consultants  
20 have gone right back out to assist school districts in  
21 the development of school level plans which are again  
22 due July 1st, so that they've gone out and helped.

23 In that sense. But there has not been a formal  
24 revisitation for those schools by the management team.

25 Q (By Dr. Share) Just a point of clarification, if I



1 may, I don't quite understand. Your office, then, does not  
2 know which were the schools that were not in compliance?

3 A Oh, yes, we have -- we have a listing of schools and  
4 we can tell you in terms of the documents that we have  
5 turned over to the regional service team exactly which  
6 schools are not in compliance.

7 I did not pull all of those in preparation for this  
8 hearing, and therefore can not tell you specifically,  
9 exactly how many were determined to be out of compliance.  
10 But that information is available to us and it is on the  
11 document.

12 Q (By Ms. Godoy) Can you approximate what percentage  
13 of those 905 schools you found in noncompliance?

14 A I would guess generally, and as the issue again is  
15 one of degree, I mean there are various areas of non-  
16 compliance, and as I think Dr. Broussard indicated, in most  
17 situations there are varying numbers of items that may  
18 or may not be in compliance, but I would guess basically,  
19 in terms of our review, that it would be probably at the  
20 60% level.

21 Q (By Mr. Rogers) How would reorganization affect  
22 the effectiveness of your program?

23 A Basically, it means as it does with Dr. Broussard,  
24 that the ECE management team will not exist as it's  
25 presently constituted. It means from my point of view, that

1 the department is now accomplishing what it has asked  
2 districts to do in terms of consolidating their resources.  
3 It means basically, that individual consultants, my staff,  
4 will no longer function in specialist roles as ECE con-  
5 sultants.

6 The management team was constituted for a particular  
7 task, that task has been accomplished in the sense that  
8 the program has gotten itself off the ground. My staff  
9 and the staff from the PRI unit that are redeployed and the  
10 RST's that are redeployed, will be serving as generalists  
11 and will have responsibility for Title I, SB90, Miller-  
12 Unruh, ECE, so that we will be functioning in generalist  
13 roles rather than in specialists roles.

14 It will also mean our identity field-wise will  
15 pretty much continue, that is my staff, the RST staff, has  
16 all been deployed on a regional basis.

17 There are six regions throughout the state, and our  
18 staffs are all divided between those regions so that for  
19 the most part, with few exceptions, people will remain  
20 in those regions and remain in contact with the people  
21 and school districts that they have, or counties that they  
22 have served before, but the responsibility will be as  
23 generalists.

24 So we have a lot of homework to do, I and assistants.

25 Q Will you be more effective? That's what I'm concerned

1 about.

2 A I think we will, I feel strongly that we will be-  
3 cause I think that concern about inconsistency, the more  
4 people you have providing information, in specialist roles,  
5 the greater chance, it seems to me, of inconsistency there  
6 may be, so I feel very, very good about the need to take  
7 and assume those kinds of generalist roles and I feel  
8 assured that we will be more effective.

9 Q (By Dr. Rodriguez) Can I get you back to the ques-  
10 tion of bilinguality? Does the review you have indicate  
11 whether a school is meeting the needs of the language  
12 minority children?

13 A Yes, the documents, and again, and the reason for  
14 my longer explanation initially, had to do with the indi-  
15 vidual items on these documents. And I have these documents  
16 and assume that you have them, but with the specific items  
17 we can -- we can and have keypunched that gives us very  
18 definitive information about the extent to which, either  
19 on the planning, in the planning process or in the monitor  
20 and review process, these concerns are being satisfied.

21 Q In terms of teachers, monolingual as opposed to  
22 bilingual teachers, and so forth, this all comes out in the

23 A No, to the degree that -- we do not have questions  
24 that address the issue of -- of ethnicity, in terms of  
25 staff, or bilingualism in terms of staff. We do have other

1 information that provides us that kind of a breakout and  
2 we have that information in terms of need assessment, as  
3 an opportunity -- even before the plans come to us.

4 We can take that kind of data from our own terminals  
5 and I think Dr. Martinez can give you additional informa-  
6 tion about that.

7 Q Do you think this is a problem?

8 A ~~I think it is a problem, yes, I concur. I feel~~  
9 strongly that in order to effectively develop an adequate  
10 bilingual program, it is necessary to have, obviously,  
11 bilingual staff and I feel strongly that -- that ethnicity  
12 does not necessarily make the difference in terms of the  
13 quality of competency, in terms of training, having to  
14 do with bilingualism that is necessary.

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15 So I think we're -- we have to, we have to have  
16 bilingual staff and we have to have staff that are adequately  
17 trained to develop adequate bilingual programs.

18 Q (By Dr. Share) Let me, if I may, ask a couple more  
19 questions your way in hope that you can further clarify  
20 some of these problems we're all here meeting about today.

21 What training is provided review teams on bilingual  
22 education?

23 A The monitor, the Early Childhood -- the ECE management  
24 team staff has a total probably of four to five days of  
25 involvement in in-service. These have not been total day

1 periods of time. Initially, when the program began, we  
2 had a day with a member of the bilingual staff, bilingual  
3 task force staff, who helped us to explore the problems  
4 and needs with respect to bilingual students. In addition  
5 to that the bilingual task force has provided a period of  
6 two days of training, in-service training for department  
7 staff.

8 And in addition to that, we've had a joint staff .  
9 meeting where we have focused on bilingual needs. The  
10 need for in-service, however, is greater than the amount  
11 of time that has been provided for it. And I think one of  
12 the critical needs is that we spend more time in the area  
13 of in-service.

14 Q Thank you.

15 I was also going to add to that, how many team  
16 members are bilingual and bicultural?

17 A On my staff I have one staff member out of a total  
18 staff of 23, who is bilingual and bicultural, who is a  
19 Chicano. I have three other Anglos on my staff who are,  
20 to varying degrees, bilingual.

21 Q Upon completion of your review, you've partly  
22 answered this before, but I would appreciate if you'd again  
23 qualify this, upon completion of the review, how are  
24 districts informed of their rating?

25 A In terms of the ECE management team data, it's a

*Staff composition*

1 very traumatic kind of thing, I'm afraid, for some dis-  
2 tricts, because the printout is sent out to all school  
3 districts.

4 I have here a variety of printouts that we send  
5 out, the important issue being the three criteria that I  
6 outlined and the scores for those criteria, which in turn  
7 determine the percentage of expansion. So that printout is  
8 sent out to the school districts and to the schools.

9 This is a very important document from our point  
10 of view, because not only does it give us -- not only  
11 does it give the district its percentage of expansion,  
12 but it enables us, on an item by item basis, to know  
13 exactly what kind of assistance we should go back and  
14 provide the district.

15 We send a printout of the actual, the actual form  
16 that we use to make judgments about the quality of school  
17 level plans, so on an item by item basis, 406 separate  
18 items, we send a printout statement out that will help  
19 them to determine where deficiencies are, and where needs  
20 need to be satisfied.

21 Same is true for the monitor and review instrument,  
22 we do not send it out, we leave it at the school that day.  
23 Because we have to get ready for the next day at a dif-  
24 ferent school, but that instrument is left at the school.

25 Q Now, has district rating affected any changes? And

1 if so, in what way or ways?

2 A I'm sorry, the --

3 Q District rating --

4 A Does the district --

5 Q -- has district rating affected any changes?

6 A Oh, yes, dramatically. I think -- I think when you  
7 tell certain districts in the state that they are not  
8 permitted to expand and that information is public in-  
9 formation, it creates tremendous change, incentive within  
10 the district and within the individual school.

11 The results of the individual school's scores de-  
12 termine what the district percentage of expansion will be.  
13 You have schools waiting in line to come in, and because  
14 of the success or failure of schools that have been in  
15 program, in the program before, their printout will determine  
16 the extent to which additional schools come in, so there  
17 is an economic incentive to encourage districts to really  
18 work harder.

19 Q Let me follow that up also. What, if any, technical  
20 assistance is provided districts following that ECE review?  
21 And if I might also add onto that, have either regional  
22 service team or the bilingual-bicultural task force  
23 cooperated with ECE in providing technical assistance?

24 A Yes. On my staff I have, as I indicated initially,  
25 there are six regions, for each of those regions I have a

1 coordinator that works closely with the regional service  
2 team and he or she becomes kind of an extended member of  
3 that team and really an integral part of the team for  
4 planning purposes. In terms of the bilingual task force,  
5 several months ago, I asked Dr. Martinez if we could not  
6 have a joint staff meeting to work out the same kind of  
7 linkage on an individual team basis with individual  
8 members of his team. And that was accomplished.

9 We have a long way to go to perfect the kind of --  
10 the kind of coordination that I think is critical and  
11 important, that process and mechanism for that process  
12 has been established.

13 Q I would also, again, appreciate if you would comment,  
14 if a district is found not in compliance, what action is  
15 taken by the ECE, or any other department unit.

16 A In the area of noncompliance, with respect to ECE,  
17 it falls up clearly in terms of an economic incentive. In  
18 terms of the bilingual concern that you have raised, again  
19 the responsibility has been for followup on the part of  
20 the regional service team and I think the same kind of  
21 mechanism for -- mechanism for or mandate for reform that  
22 Dr. Broussard mentioned, is inherent in the -- the depart-  
23 ment's procedure with respect to any district that is  
24 found to be out of compliance.

25 Q And funds have actually been withheld then?



1           A     Yes, and again I think Mr. Ceja should speak to  
2 you about exact instances where that kind of situation is  
3 happening. I know of one specific instance where a man  
4 is -- where a district today is receiving an additional  
5 review, and where funds have not been withheld, but the  
6 entire application process and procedure has been held up  
7 until that particular district comes into compliance.

8           Q     Was an evaluation made of the 1974-75 ECE effort?  
9 And if so, what were the findings? *Sobkin*

10          A     Yes, it was. That document is available and you  
11 may have seen it. It's this particular document, we were  
12 obligated, as you know, two years after the initial legis-  
13 lation was introduced, to write an evaluation report and  
14 this is the report that was submitted last November, which  
15 really reflected a year's experience with Early Childhood  
16 Education. In terms of achievement scores we were elated *Stats*  
17 in the sense that normally there is a month for month gain  
18 in terms of the overall population that we're serving.

19 Based on the data that we have before us here, we have  
20 evidence to indicate that we have a -- have made a 1.1  
21 month's gain and in some instances the second grade level,  
22 as high as 1.4 gain for each month of instruction.

23               So there is that kind of data in this report.

24               There is other data that reflects the process of  
25 Early Childhood Education which I think is critically impor-

1        tant also to look at, which indicates that change has come  
2        about, dramatic change has come about.

3            I think one of the obvious indices of change is  
4        that those districts that were previously denied expansion,  
5        except in two instances to my knowledge, have this year  
6        been allowed to expand. And there has been considerable  
7        effort expended in those districts, both on the part of  
8        districts' personnel and on the part of state department  
9        personnel who have assisted those districts, so that they  
10       could in fact improve. *\* \**

11        Q        I'd like to also quickly ask, beginning July 1st  
12        what is the anticipated role for ECE, and also what altera-  
13        tions in the review procedures will be made, if any?

14        A        Well, the anticipated role for Early Childhood  
15        Education is at the moment entirely dependent on the *reorg'n*  
16        budget process. And I think you're aware of that process,  
17        and we would hope that by next week, the superintendent's  
18        request for the augmentation of Early Childhood Education  
19        moneys will have been approved by the governor. That will  
20        in fact determine our work load for the next year.

21            But again, the work load will not be that of the  
22        Early Childhood Management Team, it will be the work load  
23        of the new elementary field services and the work load of  
24        all of the pupils that we have identified that will be in  
25        that unit, but basically, the work load, the pattern will

1 continue, it will be again a process of plan reading  
2 which we are already involved in at the moment. In pre-  
3 paring for, the process of monitor and review and a  
4 process of looking at evaluation criteria that is so im-  
5 portant in determining future expansion potential.

6 Q And then, finally, do you have any specific recom-  
7 mendations for improvement of monitoring of bilingual  
8 programs in particular?

9 A Yes. I think it's critically important that school  
10 districts and the department work hard to recruit competent  
11 bilingual staff, tied with that is the critical need for  
12 continuing and constant in-service, so that we are effec-  
13 tive, although we may not be bilingual or bicultural.

14 I think the partnership that needs to exist between  
15 the school districts, the counties, the state and within  
16 the department, needs to be enhanced so that communication  
17 always can be improved.

18 I think we have a long way to go, I feel strongly  
19 that we've gone a long way in a very short period of time,  
20 but I feel very much concerned about the needs of -- to  
21 move at a much faster rate.

22 Q Now, this, to me, again would be kind of a general  
23 observation, I think we would all agree with you.

24 Do you have any specific things that you could put  
25 your finger on at this time that you feel would make it much

1 more effective?

2 A Well, again I would like to focus on the need for  
3 ~~competent bilingual staff members, both at the school~~  
4 level and at the district level and at the departmental  
5 level, that can give us that kind of assistance. That, of  
6 course, is always tied to funding. I think the bilingual  
7 task force has made an important contribution, they need  
8 additional staff as we need additional staff, so I think  
9 that is important.

10 This is obviously true, also of the school site  
11 level. I think then, and I am again in a sense reiterating  
12 myself, but I do feel that that's a critical beginning  
13 and that in-service education needs to come with that so that  
14 those kind of competencies can be shared and multiplied  
15 in a way that children will benefit.

16 Q (By the Chair) Are you implying then, that the  
17 current staff is to some degree incompetent?

18 A No, not at all. Certainly not. I am only implying  
19 that I feel that we need more people to accomplish the  
20 task that is before us.

21 THE CHAIR: Thank you very much, Mr. Hansen.

22 Our next witness is Mr. Ceja.

23 May I caution committee members to try to keep their  
24 questions as brief as possible, we are running behind  
25 schedule, and ask the cooperation of our witnesses to also

1 be as brief as possible, when, say if you mean no, please  
2 tell us no.

3 For the record, then, Mr. Ceja, will you give us  
4 your name, and your position?

5  
6  
7 MR. MANUEL CEJA

8 A (By Mr. Ceja) My name is Manuel Ceja, I'm the  
9 Assistant Superintendent of Public Instruction for Com-  
10 pensatory Education and my assignment also includes that  
11 of being coordinator for the regional service teams.

12 THE CHAIR: Thank you.

13 Ms. Ruiz?

14 Q (By Ms. Ruiz) Since you've been involved in both  
15 units, could you describe, begin first with compensatory  
16 education and second the regional service training?

17 A I didn't hear your question.

18 Q You've been involved with both units, could you  
19 please describe compensatory education first and  
20 secondly the regional training service Or service training,  
21 I'm sorry.

22 A That training is foreign to me.

23 Q Well, the team. Regional service training team.  
24 You were involved with this, were you not?

25 A We don't have such an organization, we have a regional

1 service team.

2 Q Yes.

3 A But you keep throwing the word in training.

4 Q Sorry.

5 A You confuse me.

6 Comp. Ed.  
7 Compensatory education was a unit organized in 1963  
8 when the state got a grant for providing programs for dis-  
9 advantaged youths in California. That program lasted  
10 two years.

11 In 1965, when the Elementary and Secondary Education  
12 Act was passed by the federal government, then a division  
13 of compensatory education was established which Wilson  
14 Riles became the director of this division and to implement,  
15 start programs for disadvantaged youngsters in California.

16 The functions and the activities that were started  
17 at that time have gone into a consolidated, coordinated  
18 effect so that under the umbrella of compensatory education  
19 these functions are not there physically but they've been  
20 reallocated, redirected to the various units within the  
21 department.

22 My primary role now as responsibility for compensatory  
23 education, is that of being an advocate, recommending  
24 policy, for programs that affect disadvantaged youngsters.

25 I also provide the money, resources for other units  
to carry on the functions. I also, then, provide the human

1 resources so that they can accomplish these functions.

2 The regional service teams are a delivery system  
3 organization in which the state has been divided into  
4 geographical regions. And the purpose of the regional  
5 service teams is to provide the leadership necessary for  
6 school districts to apply to the department for the  
7 various categorical funding sources that are available  
8 to them from the department.

9 So, we provide technical assistance to school dis-  
10 tricts in getting ready for this process. We help them  
11 with comprehensive program planning. We then participate  
12 in the approval of the applications as they come in, we  
13 investigate many of complaints that arrive from particularly  
14 parents who feel that they've been left out of the planning  
15 process or that they're not getting communication or they're  
16 being treated arbitrarily and are not part of advisory  
17 committee process.

18 We assist districts in interpreting what their entitle-  
19 ments mean. And the whole response that we have towards  
20 their problems that they have in coping with the problems  
21 of applying, implementing, evaluating programs within the  
22 consolidated application.

23 Q What is the reception of the districts to the imple-  
24 mentation of bilingual programs?

25 A It's mixed. Some districts have felt that, or were

1 waiting for the state to give definite instructions on  
2 how -- how it's to be done.

3 We've had some reactions that bilingual education,  
4 particularly by many Mexican-American parents, is not  
5 needed, they want their youngsters to learn English. We  
6 have had reactions that there are not enough teachers who  
7 have the bilingual teaching skills in order to implement  
8 bilingual education.

9 We have a district in southern California now who  
10 is seriously taking a look at their programs and they  
11 don't know whether they ought to apply or not because of  
12 the bilingual requirement.

13 And there's a feeling in this country that the  
14 knowing of two languages is a bad thing. English is the  
15 primary language and if we're going to live in the country  
16 then, you know, we speak English. So it's been mixed.

17 Q Would you say that was the only problem with bilingual  
18 limitations was the feeling of the people that they want  
19 their children to speak English?

20 A To me, you know, attitude is the primary detriment  
21 to doing anything. If you're committed to doing something  
22 you're going to do it. If you're not committed to doing  
23 it or you don't feel it ought to be done, then I don't  
24 care how much money, you know, you apply towards the program,  
25 it's not going to happen. You know, that's what I feel is



1 the -- is the big -- is the big problem.

2 Q Well, is this the attitude of the school districts  
3 or the attitude of the parents?

4 A Well, you know, when you talk about generic terms  
5 like school district or, you know, parent, it's hard to  
6 answer your question, because, you know, within a school  
7 district there are school boards, you know, there are  
8 administrators, there are various segments of the adminis-  
9 trative level.

10 As I mentioned before, you know, it's mixed. Some  
11 of them really want to go. You know, every application  
12 that's come in to the department has to be approved by  
13 the school board. You know, in one particular district  
14 the staff is committed to have bilingual education but the  
15 board has ordered them to take that application back and  
16 delete all, you know, all the effects of -- well, any  
17 reference or any -- anything in there that applies to bi-  
18 lingual education. So you know education. So it's hard  
19 to say you have to go in and study each individual area.  
20 And you have, depending on the socioeconomic level, too, of  
21 parents, as to how your feeling is of bilingual education.

22 You know, if you went to school and your experience  
23 is you were penalized, like I am a California native and  
24 the procedure to teach me English, you know, was to paddle  
25 me. If I spoke Spanish. Then, you know, my children are not

1 going to learn Spanish because it penalizes them.

2 And so therefore I may feel that, you know, I don't  
3 want them to learn Spanish but I want them to learn, you  
4 know, to learn English because that's the way I'm going  
5 to succeed in school or because many things were denied  
6 to me because, you know, I spoke Spanish with an accent or  
7 anything else.

8 So you know, it depends on which parent that  
9 you're talking, and if you use the general term parent,  
10 that's hard to say that, you know, within it you have all  
11 kinds of different shades of how they feel about it.

12 THE CHAIR: Any more questions? Yes?

13 Q (By Mr. Griffin) In this one particular instance  
14 that you mentioned, what is the composition of the school  
15 board? Is it made up of Mexican-Americans or Chicanos or  
16 is it primarily Anglo?

17 A It's all -- it's all Anglo.

18 Q It's all Anglo. Then would it be fair to venture  
19 to say that the Mexican-Americans could have been influenced  
20 concerning the Spanish language training or the bilingual-  
21 bicultural training by the members of the board?

22 A This particular district, several years ago, would  
23 never -- would not take Title I funds. So the parents  
24 had to institute a lawsuit. So the district, rather than  
25 suffer the penalties of the lawsuit agreed to take Title I.

1           Then a couple board members left, you know, who  
2           were adamant not to accept federal funds and they left,  
3           so you know, people were appointed. And this is one of  
4           the problems we have, many of our minorities don't get  
5           on the board until they're appointed and you have a ward  
6           system, a trustee system, where they get -- okay. So  
7           during the time that these two new influences were in  
8           this particular school district, many good things happened.  
9           They had a very viable Title VII project, the many bilingual  
10          administrators, teachers were employed, so, you know, that  
11          is still there.

12           Except that in a new election then, the minorities  
13          were replaced and they got in people who then felt that,  
14          you know, bilingual education and federal programs weren't  
15          viable for this district and so, therefore, now, you know,  
16          we've got this kind of reaction.

17          Q     Am I to detect that there is a bit of ambiguity  
18          between the authority of the school district and the state  
19          department of education when it comes to supplying the  
20          programmatic thrust for bilingual-bicultural education,  
21          that the district is left pretty much on its own and that  
22          all you have to do, you review more than anything else?

23           In other words, I'm trying to ask, do you have more  
24          responsibility than you have authority?

25          A     The only authority we have is once a school district,

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*Respect*

1 you know, sends in an application and then says it's  
2 going to do these things, but if a district does not send  
3 in an application, you know, to ask for funds for these  
4 things, then, then you know, the education code spells  
5 out the relationship, you know, that the primary responsi-  
6 bility for that school district is the elected school  
7 board.

8 And you know, the interference of the state depart-  
9 ment within the prerogatives of that school board, are  
10 spelled out.

11 Q Then the answer is that the district does have no  
12 final authority?

13 A That's right, they decide whether they want to  
14 apply for funds to do certain things.

15 Q (By Ms. Godoy) Mr. Ceja, both ECE and PRI managers  
16 mention that those districts that were found in noncom-  
17 pliance as a result of their bilingual components or  
18 lack of bilingual components, are referred to your team.  
19 What do you do with these referrals?

20 A As the referrals came to the regional service teams,  
21 they were given to the leaders of each of the regions in  
22 which the noncompliance was cited, and they -- our teams  
23 then went down to validate that citing of noncompliance  
24 and follow up on it.

25 Q Okay. How many were referred to you by both units?

1           A     I don't have that information with me.

2           Q     You don't have that information? How many of those  
3 that you went back and followed up were found in noncom-  
4 pliance by your teams?

5           A     That information I don't have either.

6           Q     Do you have that information available or is it  
7 that your unit or your team does not retain that informa-  
8 tion or --

9           A     I haven't discussed that information with my team  
10 members.

11          Q     There is no formal summary of those districts that  
12 were referred to you and what followup was taken?

13          A     The reply under PRI was sent to PRI, and their  
14 response, you know. We would go down and work for a dis-  
15 trict, the districts would correct and then send in the  
16 report to the PRI team, you know, that they had -- that  
17 they had, for ECE, there was no formal report or response  
18 that was asked.

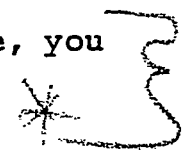
19          Q     Well, let me -- let me understand this process then.  
20 The units refer those bilingual components or those dis-  
21 tricts with bilingual components who are found in noncom-  
22 pliance to you, you go to the districts, you assist them  
23 and then they report back to either ECE or PRI and you  
24 are never made aware of their followup report to these  
25 units? Is that the case? I'm just trying to understand

1 what you're telling me.

2 A The district sends back the report --

3 Q To whom?

4 A PRI, of course, has, you know, always furnishes us  
5 with reports of what has happened. If districtX now has  
6 two things that they're in noncompliance with and we've  
7 gone down and helped them and get them to compliance and then,  
8 when they submit the report back, they don't highlight that  
9 as, you know, something that we have helped them with,  
10 you know, they just submit this is what they've done.

11 And we don't go over those reports to see, you  
12 know, if that has been taken care of. We -- 

13 MS. GODOY: Okay, thank you.

14 A It's a formal process.

15 Q (By Ms. James) Since Mr. Hansen's still here,  
16 Doctor, does your office keep a record of the schools on  
17 noncompliance that you have forwarded to --

18 A (By Mr. Hansen) We keep a record of those documents,  
19 the -- the actual documents that are forwarded on to the  
20 regional service teams.

21 Q So you could account for what you have forwarded  
22 to them?

23 A Yes, yes.

24 Q (By Mr. Rogers) Well, I have a question, because  
25 I thought Dr. Broussard, and I sort of, Mr. Hansen also

1       intimated the same information, that when a particular  
2       school district was found in noncompliance, that the  
3       ultimate weapon of withholding funds, that if that pro-  
4       cedure was ever acted upon, that this was done by your  
5       office --

6       A       (By Mr. Ceja)   True.

7       Q       -- is that correct?

8       A       That's true.

9       Q       Now, could you give me the information, then, how  
10       many districts, how many school districts or schools,  
11       have you withheld funds from?

12               In other words, how many school districts have you  
13       applied this ultimate weapon against? In other words,  
14       withholding funds for noncompliance?

15       A       As part of the PRI and ECE process or as part of  
16       the total overall responsibility that I have for -- you  
17       know, for checking with noncompliance? Which one of the  
18       two do you want?

19       Q       Well, what I'm saying is, with the PRI review  
20       process, the early childhood review process, and they're  
21       found to be in noncompliance, and my understanding was,  
22       in the course of the testimony, that they refer those non-  
23       compliance allegations to you, indicating where they are  
24       deficient. And that if they continue not to change the  
25       system to comply with the federal and state regulations,

1 that the ultimate weapon is for you to withhold funds.  
2 And that you have that jurisdiction to do this. Now,  
3 maybe I misunderstood, I'm pretty sure that's what Dr.  
4 Broussard said.

5 A That's not exactly true. You know, I have a  
6 recommending --

7 Q Okay, fine.

8 A -- I can recommend for withholding of ESAA Title I,  
9 of SB90, only.

10 Q All right.

11 A Glen Davis is the one who has the responsibility  
12 of recommending withholding of ECE funds.

13 Q Okay. What I'm asking of you, you know, I'm asking  
14 for your -- your area of responsibility, whatever that  
15 may be. Now, how many times have you utilized the ultimate  
16 weapon? Just how many school districts?

17 A As far as the PRI and ECE process, only one district.

18 Q Only one district?

19 A That's right. As far as the total overall process,  
20 we have about anywhere from ten to 12 districts that we've  
21 withheld funds from. That have not been a direct result  
22 of ECE or PRI.

23 Q When you withhold funds, by what process, then, can  
24 they get back on board again? Is that -- or is your office  
25 tied into that or is that referred to some other part of



the state department?

A It depends on, you know, on -- on the totality of the area of noncompliance and who you refer it to for overcoming, because the district then enters into a set of negotiations with the members of the teams who serve them, and as a result of additional visits and additional paper work, along with our fiscal auditors, and any other pieces of information that need to be secured, then a determination is made that, you know, they have corrected their noncompliance and can now, you know, be released from --

Q Who --

A -- the money.

Q -- who makes that determination for your office?

A The information usually is coordinated by the regional service team.

Q Which is your responsibility?

A And in concurrence with the manager's responsible for the various funding sources.

Q (By the Chair) Now, aren't these teams accountable to you?

A That's right.

Q And you do not know how many cases these teams have been dealing with in the past year? Whether it's one, 500, ten?

1 A He asked me how many we had stopped.

2 Q No, I'm talking about the questions that the staff  
3 asked in terms of overall numbers of cases that you've  
4 been concerned with, annually --

5 A Well, I said one, one as a result of the ECE-PRI  
6 process and we have 12 as a result of the overall process.

7 Q How many noncompliance cases have your teams dealt  
8 within the past year?

9 A Well, I'll have to ask the teams, you know, how  
10 many they have as part of their work load.

11 Q And these teams are accountable to you and you  
12 don't know what their work load is or --

13 A True.

14 Q -- how many --

15 A That's right.

16 Q You don't?

17 A That's right.

18 Q (By the Chair) So you don't know whether they've  
19 been effective or non-effective?

20 A Well, you know, we have a management plan in which  
21 we, you know, which we check out their work load and what  
22 they do.

23 Q And that does not include any statistics in terms  
24 of how many cases that your teams successfully solve or  
25 have to put on the shelf?

1       A     Yes, it does, because you know, they -- they --  
2     every -- every time that they work with a school district,  
3     whether it's a potential of holding up something that's  
4     always, you know, alerted. I get the alert that that's  
5     going to -- that happens and then I get, I'm told when  
6     it's solved.

7       Q     Can you give us the alert, how many cases have you  
8     dealt with in the past year, how many alerts?

9       A     Well, right now, you know, we have 47 school dis-  
10    tricts that we're holding for one reason or another be-  
11    cause they're not in compliance for funding.

12    Q     Ah, you have a figure?

13    A     The -- the past year. I took over in October the  
14    1st, and you know, up to now.

15    Q     I would think that someone that took over would  
16    familiarize themselves, specifically in his new position,  
17    in terms of cases pending and cases that have been  
18    successfully completed?

19    A     Okay, if you walk in my shoes, you know, then I  
20    would -- you know, I could -- I could --

21    Q     Thank you.

22    A     -- take your improvement strategy.

23    Q     (By Ms. James) May I ask one last question? You  
24    mentioned ten to 12 districts that funds were withheld on?  
25    Were the funds withheld or were you -- or is it a holding

1 back process until they come into compliance?

2 A The funds were withheld and in four cases they were  
3 asked to return money.

4 Q They were asked, in four of the 12?

5 A Yes.

6 THE CHAIR: Okay. Thank you very much, Mr. Ceja.  
7 We are scheduled to have a break.

8  
9 (Short recess)

10  
11 THE CHAIR: Let's begin with our next witness, in  
12 the interest, again, of time.

13 Mr. Gilbert Martinez?

14 Mr. Martinez, for the record, will you please state  
15 your name and your position?

16  
17  
18 MR. GILBERT MARTINEZ

19 A (By Mr. Martinez) My name is Gil Martinez, I work  
20 in the department of education, the manager of the bilingual-  
21 bicultural task force.

22 THE CHAIR: Thank you.

23 Mr. Griffin?

24 Q (By Mr. Griffin) Good afternoon, Mr. Martinez.

25 A Good afternoon.

1 Q Since this morning we have another functional chart  
2 over there and would you be so kind as to tell me the re-  
3 sponsibilities and the limitations of the bilingual-  
4 bicultural task force at this time? Has it changed? From  
5 what it was before?

6 A In relation to the organization chart?

7 Q In relation to the chart that we had there before  
8 and in relation to the chart over here to my right?

9 MS. JAMES: This is current and this will be what  
10 happens July 1st.

11 A Yes. Under the new reorganization the bilingual  
12 task force will become a unit within the special support  
13 division. It is not an age span but it is a special  
14 support division that will have as its function the support  
15 of the other three age spans as well as some line authority  
16 to some school districts, but that will depend, depending  
17 upon programs that they have under their wing.

18 Ours, then, will expand to become one of several  
19 units in the new support division.

20 Q (By Mr. Griffin) I see. Well, could you explain  
21 the support elements to me? Will you have authority  
22 commensurate with the responsibility that you have as being  
23 the -- with the bilingual-bicultural task force?

24 A Yes.

25 Q I mean now that it is a permanent part. Up to this

1 date what has been the -- what has been the effect of the  
2 task force's support status? What have you been able to  
3 accomplish?

4 A The bilingual-bicultural task force has as its  
5 responsibility, Indian education, foreign language in-  
6 struction and bilingual and bicultural education. We have  
7 specific authority with various pieces of legislation, ie,  
8 2284, SB2264, SB1258 and I could enumerate one or two  
9 others. So our responsibilities ~~are aligned~~ direct to those  
10 pieces of legislation.

11 Aligned with that is the need for, to deliver our  
12 expertise into the other interdepartment units to help  
13 them with in-service training and the like, so they may  
14 deliver bilingual services in support of the bilingual-  
15 bicultural task force.

16 Q All right, up until this time, how successful have  
17 you been, up until the time this new functional chart was  
18 drawn? In actually getting this kind of support and working  
19 with the various districts? In terms of input?

20 A From a district point of view, with AB2284 we've  
21 been very successful. We have found that districts are in  
22 fact installing programs beyond just in their own par-  
23 ticular school district's 2284 program.

24 In the department as an example, we've been very  
25 successful in terms of working with other units delivering

1 bilingual services.

2 Q Would you happen to know or would you happen to  
3 have the information with you that will give us, what is  
4 the number of schools participating in each of these bi-  
5 lingual programs and then how many school districts?

6 A We, pursuant to AB2284, we have 69 projects actually  
7 72 school districts, because one is a consortium. Dis-  
8 tricts will vary somewhere between five to seven schools  
9 in a particular district, pursuant to AB2284 to as high as,  
10 ie, L.A. Unified, so the number will vary.

11 I would suggest to you that an average would be  
12 somewhere between ten to 12 schools within a school district,  
13 times 69.

14 Q Before going any further, Mr. Martinez, why is  
15 Cantonet (P) or Cantonese, as we call it, why is it included  
16 in your bilingual-bicultural program instead of the  
17 official language of Mainland China, Mandarin?

18 A The student need is Cantonese in California.

19 Q In other words, our population dictates --

20 A Yes, sir.

21 Q Another question. With the -- with the new Americans  
22 we have coming into Camp Pendleton, do you think it might  
23 have provided a catalyst for our reorganizing some of our  
24 bilingual-bicultural programs?

25 A I'm not sure how you are using the word catalyst. Let

1 me explain what we're doing which may be of help. We  
2 are working as part of a new task force formed by the  
3 superintendent of public instruction in support of what's  
4 going on at Camp Pendleton, various visits and the like.

5 We are now coming up with a newcomer concept, hopefully  
6 with the dollar amounts available for this rather unique  
7 population to insure that they will have some kind of a --  
8 of a program for them in the incoming school districts,  
9 so hopefully, this newcomer concept, that is the transition  
10 between the home, the newcomer center and the particular  
11 unique school districts receiving these students.

12 We have a newcomer survival booklet that's coming  
13 out very soon, again it will depend on dollar amounts  
14 available and where these students will be housed. Hope-  
15 fully we will work with those school districts receiving  
16 those students and in turn, then, provide them with those  
17 unique experiences if they must, no doubt will have upon  
18 entering into that school system.

19 Q Let me make sure that I understand you. The state  
20 department of education is coming up with dollars now to  
21 help the Viet Nameese that we couldn't come up with dollars  
22 to help the other minority --

23 A No, sir, I didn't say that, I suggest -- I said that  
24 there may be forthcoming federal funds, I didn't say that,  
25 but there may be --



*Vietnamese*

1 Q Yes.

2 A Correct. Federal funds available to help us infuse  
3 the Viet Nameese into our system.

4 Q Yes, as a matter of fact, about 312 million dollars,  
5 I believe, and some of it is earmarked, as a matter of  
6 fact, most of it is earmarked according to my sources  
7 in Washington, for California. Has there been any kind of  
8 feedback from the Mexican-American community, the Black  
9 community, the Asian-American community, concerning the  
10 availability of funds and the kind of treatment that our  
11 new Americans coming from Asia are receiving at Camp  
12 Pendleton?

13 A Informally, yes. To me, yes. To myself. Task  
14 force, yes. I'm sure to other members of the state depart-  
15 ment of education. Officially, to my knowledge, no.

16 Q When you say officially no, you -- you receive  
17 personal information from some --

18 A Yes.

19 Q Is there anything, is there anyone in the state  
20 department actually anticipating doing anything with the  
21 percentage of -- the high percentage of professional people  
22 that we have at Camp Pendleton now, the civil servants,  
23 those who are fluent in French and English and Viet Nameese  
24 and as well as the children, in utilizing them, possibly  
25 in a bilingual-bicultural context?

1       A     Yes, sir, there is. We in the task force, the task  
2 force that was recently made up as -- from other members  
3 within the department of education, are identifying those  
4 areas of expertise which is one criteria for a need  
5 assessment presently being conducted by the department of  
6 education, I'm sure others as well.

7               To identify areas of expertise for the indigenous  
8 population.

9       Q     I see. Have you had any information from any of  
10 your school districts to the department of education that  
11 this resentment could actually, sometime over the summer  
12 or in the early fall, turn into physical resentment be-  
13 cause of what some of our minority communities consider  
14 long-neglect in the bilingual-bicultural education field?

15       A     No, sir, not to me, neither written nor verbally.

16       Q     All right. What, specifically, are the functions of  
17 the task force in relation to Assembly Bill 2284, the  
18 bilingual program?

19       A     Pursuant to that act we have letters A through H,  
20 I can't name them all to you but they are there, and they  
21 basically deal with the need assessment, a management plan,  
22 a budgetary controls, community involvement, advisory  
23 committees pursuant to the legislation and the like.

24               All of them dealing with our management function of  
25 that piece of legislation. Basically, the task force

1 reviews on-site by mail and by telephone, the request of  
2 those particular school districts funded pursuant to  
3 AB2284, so the strategy is basically to provide geographic  
4 distribution of those projects and not the projects them-  
5 selves, but the student, our -- our consultants who are  
6 geographically distributed to provide the consulted expertise  
7 help to those districts.

8 Q How many consultants do you have?

9 A Doing that kind of work, five.

10 Q Five. Is that -- is that a sufficient amount?

11 A Well --

12 Q For the whole State of California?

13 A Sufficient is rather a difficult term to address  
14 yourself to. If you were to have ten more, I'm sure I could  
15 do a better job or if we all had a 100 more I'm sure we  
16 could do a better job, so while we would like to expand  
17 our services, we have obvious budgetary constraints and we  
18 work within those constraints.

19 Q And when the budget -- and when the budgetary con-  
20 straints are lifted, then it is anticipated that you will  
21 supplement your staff?

22 A I hope so.

23 Q All right. What about Title VII, bilingual programs?

24 A We have responsibilities to review Title VII ESE  
25 programs programmatically as well as in written fashion, so

*Title VII*

1 as to provide the department, the office of education,  
2 the division of bilingual education in Washington, D.C.,  
3 our best shot in terms of which programs ought to be  
4 funded. However, they have managerial control, fiscal  
5 control and other controls, all other controls.

6 We in support, we are in support of those programs  
7 and do not have titular responsibility for them.

8 Q What about on-site reviews conducted of the AB2284  
9 bilingual programs, what, you know, what is the purpose  
10 of these reviews? And how are the reviews conducted?

11 A Basically they are to see if the districts are in  
12 compliance pursuant to the laws or the regulations and  
13 our guidelines of that particular act.

14 So there is a -- by letter or by telephone that  
15 district or districts then are informed that a consultant  
16 is coming down by that particular consultant.

17 Then there is an interest in satisfying a specific  
18 or unique portion or all of that particular program which  
19 may mean meeting with parents, maybe meeting with the  
20 school board, the superintendent, central office, other  
21 administrative personnel. And obviously to include on-  
22 site in the classroom review.

23 Q All right. Are fiscal audits or reviews within the  
24 purview of your task force? And if so, how are they con-  
25 ducted?

1       A     Yes. Checking the books we know what and how they're  
2     spending moneys. We have, because of 2284, unique qualities,  
3     that is they can only spend moneys for certain things,  
4     i.e., ~~they~~ they can not spend money for professional personnel  
5     but they do spend money for the hiring of paraprofessional  
6     personnel. The purchase of special equipment, the cost of  
7     special costs incurred by the advisory committee and the  
8     pre and in-service training of staff personnel.

9       Q     Okay. Is this information ever shared, you know,  
10    cooperatively with the review or compliance units? Do  
11    you share your information you get from your team with  
12    them?

13      A     Yes. Yes, very true. We have, the word compliance  
14    is rather confusing, at least in my opinion today, because  
15    it may -- may be something very slight or it may be  
16    slightly more difficult. As an example, a person coming  
17    into a district may say that district is out of compliance  
18    because it's an ESL program. Yet that district has chosen  
19    an ESL program and it is in fact in compliance with  
20    the law. But if someone were to view it as only an ESL  
21    program, then it may be considered to be out of compliance.

22            Another example would be because they do not have  
23    a bilingual coordinator in the district, because of change  
24    of personnel and the like. That district may be con-  
25    sidered to be out of compliance. It depends on the person

1       seeing that.

2       Q     I'm speaking, I'm using the word compliance in the  
3       sense of its effectiveness so far as the students are  
4       concerned, and not necessarily in a political sense.

5       A     Yes. Effectiveness also is a rather, it's a  
6       difficult term because how effective can it -- a program  
7       be will depend upon the student -- the student himself or  
8       herself, the effectiveness of the methodology of the teacher,  
9       the application of those methodologies, and the voluntary  
10      help, the parent support, the district support and the  
11      like.

12            Generally speaking, however we do check to see how  
13      effective and hopefully to improve, if they, in our opinion,  
14      they need improving, those rather -- those programs. That  
15      can be specifically by talking with a teacher in terms  
16      of the improvement of methodology, the buying of X kind  
17      of equipment and/or material which may be in support of  
18      what she taught or he taught for that particular day. So,  
19      again, that varies.

20      Q     Does your task force make recommendations for both  
21      personnel and programs in connection with the implementation  
22      and the actually carrying out of the bilingual-bicultural  
23      programs?

24      A     Yes, sir, we do. Specifically with the materials  
25      and the program, no question because we have -- because we

1 have seen so many different kids of programs, what seems  
2 to be most effective would be X kind of a program as com-  
3 pared to a program that a particular consultant may have  
4 seen.

5 Also, we suggest to them that obviously bilingual  
6 competent personnel are almost essential to a bilingual  
7 program. However, we do not have control of that,  
8 obviously, that's a -- that's a responsibility of the local  
9 school district.

10 Q Is there anything being done to transfer that re-  
11 sponsibility and that authority to the state department  
12 or to share it with them?

13 A No, sir. Education in California is a state re-  
14 sponsibility but it's a local function, so everything that  
15 goes on in terms of mandates in a local district, rests  
16 solely with that particular school district.

17 We check compliance in terms of Title V and the  
18 ed. code section for regulation purposes and for guideline  
19 purposes. That's what the education code is all about.  
20 But the prime responsibility for education will always be  
21 a local function in, that is each district, then, has its  
22 responsibility to administer the programs as they see  
23 best for that student population.

24 Q I'm not speaking of necessarily administering a  
25 program, I'm talking recommendations for a program.

1       A     Yes, sir. We do recommend, and when we do recommend,  
2       hopefully they would be in compliance with, compliance  
3       within those recommendations.

4       Q     Could you give me an example, you know, are there  
5       any California companies competent enough to be used, right  
6       here in California with helping us with our bilingual-  
7       bicultural program?

8       A     Did you say companies?

9       Q     Yes. I mean have you recommended any local or  
10      California publishing companies, bilingual, reading arts?

11      A     For the most part it is a matter of preference  
12      depending on the consultant and that particular school  
13      district. In California, there are several books on the  
14      market that districts are using but again it's a point of  
15      personal preference and what they consider to be best  
16      for them.

17            Companies are national in order, i.e., the  
18      programs, which can be very effectively taught in Spanish,  
19      when translated for youngsters. So we do recommend  
20      materials, we show them where to go, the material acquisi-  
21      tion project in San Diego where districts are recommended  
22      to go down and they're listed by schedule as to when to  
23      go down to see those materials which they offer to bilingual  
24      programs in California and throughout the nation.

25      Q     Are you having any trouble finding bilingual-bicultural



1 teachers or people to actually, to train to administer  
2 whatever program you use? Or have you utilized some of  
3 the bilingual programs that are really out of the -- our  
4 university system?

5 A Yes, sir, we have done both. We work with the  
6 university system and the local boards -- correction, the  
7 local districts to see what they have in terms of bilingual  
8 personnel. Then we recommend X person or persons in X dis-  
9 trict or districts which may not, who may not be  
10 utilized and to be used in a possible district, so by name  
11 and by place we recommend to a district where a person  
12 may reply in terms of becoming involved in bilingual  
13 education.

14 But we -- we -- are finding it rather difficult in  
15 many instances to find qualified bilingual personnel  
16 for bilingual education in this state.

17 Q In this state? Have you tried Monterey?

18 A Monterey in California?

19 Q Yes.

20 A We've tried many --

21 Q Monterey Language School? ERL, Sullivan system?

22 A Yes, we have. Yes, we have. There are many people  
23 whom they have trained but go off in far distant lands  
24 or they have different purposes in their training. There  
25 are some available and we do try to find the best people

1 for the best job. And at best it's very difficult.

2 Q Considering the difficulty, do you think there is  
3 really a great need to find, you know, to actually, in-  
4 stead of taking someone through a university course right  
5 away that we should be finding someone to actually to fill  
6 the great void that we have or do you feel that there is  
7 a void in the bilingual-bicultural education program?

8 A If I were to be given my 'druthers, and at the risk  
9 of sounding anti, I would suggest to you that what we  
10 need in bilingual classrooms is a teacher who has the  
11 quality of humanism, or the empathy for children, for students  
12 to teach, then that teacher may seek voluntary help  
13 from whatever source, whether it be a parent, whether it  
14 be another teacher to reduce the teacher, per pupil-  
15 teacher ratio down to further than 30 to ten, so that he or  
16 she then can help in that bilingual atmosphere.

17 Obviously, if that teacher would have bilingual-  
18 biliterate capabilities, then so much better would the  
19 program be, in my opinion.

20 Q All right. Does the task force have any method by  
21 which to identify bilingual-bicultural programs from  
22 English as a second language, as a second language program?

23 A Yes, sir, by actual visitation, on-site visitation,  
24 if that language, the language, the primary language of  
25 that student is not being used and by the very structure or

1 the methodology by which the teacher addresses herself or  
2 himself to the student, whether it be in small or large  
3 group instruction, will pretty well determine what kind of  
4 a classroom that teacher is -- has. Actually, then, if  
5 the child or the student's primary language is not being  
6 used in that classroom and that student is limited or non-  
7 English-speaking, then it is or would be a, quote, ESL  
8 kind of program.

9 That would distinctly differ then from using the  
10 child's primary language as a medium of instruction, and  
11 at the same time, systematically and sequentially, teaching  
12 that child the English language.

13 So then English language is always a component of,  
14 or ESL is always a component of a bilingual classroom.

15 Q All right, is there a procedure whereby the task  
16 force staff provides training to other department staff  
17 on bilingual education? And when and how does this  
18 training occur?

19 A By procedure, not specifically by procedure, but we  
20 have functioned as a group within the department of  
21 education providing expertise to other units, we meet  
22 with -- we have met with ECE people as per a previous  
23 testimony of Mr. Claude Hansen. We have met with RST  
24 team members to infuse into those teams a philosophy, a  
25 structure, a methodology by which they can address themselves

1 to when they see bilingual programs in the state. So  
2 we have done this, it's an on-going function and we will  
3 continue to do so.

4 This also includes material for reading, bibliographies  
5 as well as on-site, so-called better programs, as well  
6 as the material resource programs that we have in Cali-  
7 fornia that seem to be providing and using the resources  
8 to the best of the -- best of their advantage in terms of  
9 the production of software materials.

10 Q All right.

11 Well, I would say we've all read the newspapers,  
12 we've seen the news reports and some of them are coming  
13 out of, one columnist out of Berkeley, some from Los  
14 Angeles and other places. Is there -- do you have any  
15 particular recommendations by which the process you've  
16 just described can be actually expedited or, you know,  
17 can really be put into effect or would you have to wait  
18 for budgetary considerations now? Or are you in the  
19 process of selecting people or screening people to actually,  
20 cut into ~~the~~ the bilingual-bicultural program?

21 A In the process of screening the answer is no, be-  
22 cause we have a civil service examination recently passed  
23 by several people so there is an ordinal rank or ranking  
24 of personnel available to come on board once budgetary  
25 procedures are ironed out.

1            Obviously, we are waiting, then, for budget, for  
2            the budget situation.

3            Q        There will be, this will be -- these will be civil  
4            service positions?

5            A        Yes, sir.

6            THE CHAIR: Are there any more questions? Staff?

7            Q        (By Ms. Godoy) Yes. Mr. Martinez or Dr. Martinez,  
8            how many school districts receive 2284 moneys?

9            A        Actually 72, but we have 69 because several are con-  
10          sortia.

11          Q        And how many schools does that include?

12          A        I don't have an exact figure for you, I could get  
13          it for you, it's in the neighborhood of somewhere around  
14          125.

15          Q        Were reviews of all approximately 125 conducted by  
16          the task force this past year?

17          A        Yes, Ma'am. On an annual basis.

18          Q        Is there an annual compilation of task force  
19          findings?

20          A        No, there isn't, per se, however we do have an annual  
21          report and annual evaluation report conducted by the  
22          office of program research and evaluation in the department.

23          Q        If that's from data submitted by the district, I'm  
24          asking for data compiled by your task force?

25          A        The answer is no.

1 Q Do you know how many of those schools are in  
2 noncompliance or that you've found in noncompliance with  
3 2284 laws and regulations, board regulations?

4 A In what kind of noncompliance like what?

5 Q Well, it doesn't matter what degree, just non-  
6 compliance of any of those particular regulations or pro-  
7 visions in the law?

8 A There have been non -- I can not give you a specific  
9 answer, as to how many have been out of compliance, I  
10 would suggest to you every one of them at one time have  
11 been out of compliance, but those compliances are attuned  
12 and adhered to once we get an on-site investigation.

13 And they are followed up, if they're found to be  
14 out of compliance with X section or sections, i.e., a  
15 school district may want to hire a professional person  
16 for their staff and that can not be, because of the  
17 regulation or of the law of 2284.

18 Q Okay. That brings me to the other question I have.  
19 How many of the 2284 bilingual program instructors are  
20 there?

21 A The exact number of teachers?

22 Q Yes.

23 A I'd have to -- I'd have to guess, I would suggest  
24 to you over a 1,000.

25 Q Okay. And approximately how many of those are mono-

1       lingual, English-speaking?

2           A       I would suggest probably 80%. Again I'm pulling  
3       these hats out -- or figures out of my head.

4           Q       How many schools were granted waivers under 2284  
5       to have these monolingual English-speaking teachers in  
6       the program?

7           A       Originally five. However, during field reviews  
8       this year we have found, because of many factors, the  
9       principal one being the movement of personnel, that there  
10      have been more. Now, any school district, and there are  
11      of course 72, that do not have bilingual personnel in their  
12      AB2284 classrooms can no longer receive a waiver this year.  
13      Instructions went out to school districts last week from  
14      the department of education, saying they must be in com-  
15      pliance with this statute.

16          Q       Well, other than being placed under the special  
17      program as support services management division or section,  
18      how else will bilingual-bicultural task force responsi-  
19      bilities or how -- what other changes will come as a re-  
20      sult of the reorganization for the bilingual-bicultural  
21      task force?

22          A       I am anticipating, because of a larger staff, that  
23      it would be of more and better service to not only -- to  
24      first our clientele which will be the student, then to the  
25      professional personnel, personnel in the field, and then,

1 of course, to the delivery services of the three age  
2 spans in the department of education.

3 Q But -- well, will your functions and responsi-  
4 bilities remain the same?

5 A I'm suggesting the same but enlarged.

6 MS. GODOY: Okay, thank you.

7 Q (By Mr. Griffin) Let me just ask you one last  
8 question on this, and how do you feel about -- do you  
9 think there is any danger in the present status of our con-  
10 ducting the surveys and the studies and the reviews of  
11 the bilingual-bicultural programs that we do have instead  
12 of acting upon them, that it might cut across our whole  
13 social fabric and affect more than the education system?

14 A If there is any danger I would suggest to you it --  
15 the end result would be a positive reenforcement of what  
16 ought to be, in my opinion, in this country, that is that  
17 we live in a bilingual multipluralistic society and what  
18 it is doing, again, and only in my opinion, is surfacing  
19 a different value structure that has never before ever  
20 surfaced.

21 The need for understanding each other as human beings,  
22 based on his or her color as well as his or her bilinguality,  
23 if you will, so I would hope that we will be shifting from  
24 a monolingual melting pot theorist philosophy into a bilingual  
25 mode, into a multipluralistic society, which we obviously are.



1 Q Well, that has already been proven, so far as the  
2 Anglo Saxon philosophy is concerned, I'm sure we both know.

3 I'm asking, do you think the Statue of Liberty will  
4 turn around and face Asia for a change?

5 A I would suggest to you that we who believe in  
6 multipluralistic society will be the turners.

7 THE CHAIR: I promised Mr. Rogers one last quickie  
8 question.

9 Q (By Mr. Rogers) Yes, one quick question, Mr.  
10 Martinez, and I guess I'm getting back to noncompliance  
11 again.

12 I would like to know again, what clout your par-  
13 ticular office has or your task force has as far as your  
14 review procedures are concerned and you find some par-  
15 ticular school district in noncompliance, as relates to  
16 AB 2284, do you have the authority to recommend withholding  
17 of funds from that particular school district?

18 A Yes.

19 Q Have you done so?

20 A Yes.

21 Q On how many occasions?

22 A One.

23 Q Out of how many school districts?

24 A Seventy-two.

25 Q And one school district?

1 A That's total. That's a total amount of funds.

2 Q Okay.

3 A One hundred percent of the funds. There have been  
4 others that we have reduced their funding levels.

5 MR. ROGERS: Okay, thank you.

6 THE CHAIR: Thank you very much.

7 We're going to deviate from our schedule, Dr. Del  
8 Buono has asked if he can be placed next on the schedule,  
9 since he has to catch a plane at 5:00 o'clock.

10 For the record, again, please, Dr. Del Buono, your  
11 name and your position?

12

13

14 DR. XAVIER DEL BUONO

15 A (By Dr. Del Buono) My name is Xavier Del Buono,  
16 and I'm Associate Superintendent of Public Instruction,  
17 and thank you, Madame ~~CHAIR~~man, for changing the agenda  
18 for me.

19 Q (By Dr. Rogers) Dr. Del Buono, what is your re-  
20 lationship to the bilingual-bicultural task force?

21 A The task force for bilingual-bicultural education  
22 has reported to me administratively since the spring of 1973  
23 and as such, I am responsible administratively for the  
24 documents that go out to the field from the task force,  
25 for the administrative review of travel, budgets, and general

1 policy. I assist the task force in interpreting policy  
2 to the deputy superintendent for programs.

3 Q How does the task force, I guess I'm thinking in  
4 terms of matricial system as set within the department of  
5 education, how does the task force fit into that system?

6 A Well, I was tempted to say very loosely, but --  
7 its relationship to me as an age span manager, because  
8 if you look at the charts I'm really responsible for the  
9 age span that corresponds to adult education, the task  
10 force reports to me for no organizational reasons other  
11 than that it had to report to an associate superintendent  
12 because we give it that kind priority, and because the span  
13 of control for the deputy superintendent would be expanded  
14 far out of his ability to be knowledgeable about that  
15 program.

16 So, one part of its relationship in the matrix is  
17 that it reports to an associate superintendent for  
18 general policy review.

19 It fits into the program as has been described by  
20 others in terms of its basic responsibility for the field  
21 operations under 2284 and its collageal responsibility for  
22 the establishment of policies and regulations and criteria  
23 for program approval in other programs that relate to  
24 bilingual education.

25 Q Well, that relationship, is that the current function

1 or is that the projected function after July 1st?

2 A That has been the current function, it's more  
3 clearly articulated, I think, in the reorganization  
4 process. It's more explicit now as it becomes a part of  
5 the program support.

6 Q Will you sort of explain that, how it is more  
7 explicit? Or will be more explicit?

8 A All right.

9 One of the problems that we faced with the old  
10 matrix-type of organization was that you had three  
11 associate superintendents, for age span responsibilities,  
12 and then you had what is now under the reorganization,  
13 under Mr. Whiteneck as program support units, we had  
14 those as one axis of the matrix and all managers reported  
15 directly to the -- to the deputy superintendent for  
16 programs.

17 Now, as we develop four programs under the --  
18 four associates and one superintendent responsible for the  
19 coordination of the program support units, we hope that  
20 under his leadership, the program responsibilities, and  
21 using bilingual as a very good example of that, bilingual  
22 education is not just a responsibility of the task force.

23 We have a manager for migrant education, where this  
24 is a very important component. We have a manager, Mr.  
25 Ceja, for compensatory education, an EDY programs, and again

1 a varietal component of which bilingual education is a  
2 part, and so forth, you can go down that whole list of  
3 support unit programs. In the past it's been difficult  
4 to coordinate amongst those programs a consistent, well  
5 understood and adopted policy regarding bilingual education,  
6 so now if all these programs are together, and Mr. Whiteneck's  
7 major responsibility will be coordinate that kind of policy,  
8 and then with him as an associate, the four associates then  
9 can deal with understanding what the bilingual policy  
10 will be amongst the age span programs.

11 So we have now the arena for that kind of coordina-  
12 tion and articulation to take place.

13 Q Okay. What is, in your professional opinion, after  
14 accuracy of the recommended testing instrument for  
15 identifying language minority children?

16 A That's a question that I would be happy to answer  
17 but only to hedge my bet a little bit by telling you  
18 that I'm not an evaluator. But one of the major problems  
19 that we've had in education for many years, and it -- the  
20 problem has surfaced, the solution has yet to evolve, is a  
21 correct assessment of the needs of language minority group  
22 children.

23 We're often fooled by youngsters who come to school  
24 in kindergarten and grade one, having already learned a  
25 very limited vocabulary, but a vocabulary that's adequate

1 for survival in the classroom and the playground and in  
2 the social use of language. The problem of course is as  
3 children go up through the educational program, the adequacy  
4 of that vocabulary and that language knowledge falls far  
5 short of the needs for skills in organizing and abstracting  
6 and so forth, the power use of language.

7 And so teachers are often fooled as to the real  
8 extent of a youngster's fluency. Okay. The purpose of  
9 the -- of the instrument that was designed was merely to  
10 assist the teachers with some criteria for making a better  
11 judgment of whether a youngster was fluent in the  
12 language, limited in the language, or a non-English-speaking  
13 youngster in this case.

14 Now, there are too many variables to make it a very  
15 accurate instrument, how a teacher implements or utilizes  
16 the instrument, her own knowledge about language structure  
17 and language acquisition, you know, etcetera, etcetera.

18 However, I think it's an improvement over just using  
19 the teachers' judgment and there's also the problem of  
20 a willingness to identify such youngsters.

21 You know, to be very frank with you, the Office of  
22 Civil Rights is coming down hard on districts who have  
23 youngsters in this category and are not serving them.  
24 Very easy for a district to say we don't have these young-  
25 sters, therefore we're not in noncompliance. So there is

1 something to that, at least we think there is in the way  
2 districts have reported their findings.

3 Q What are your recommendations for a more accurate  
4 identification of limited non-English-speaking, minority  
5 children?

6 A I think we have to do two things. I think we have  
7 to look at the instruments we're using and second we have  
8 to be reasonably assured that those instruments are being  
9 used, and this is an individual process. And thirdly, I  
10 guess we need to train teachers to more accurately under-  
11 stand the language acquisition problems that minority  
12 group children have.

13 Q By training what do you propose?

14 A I propose -- I would propose that teachers in their  
15 pre-service training to become teachers in the first place  
16 and secondly through in-service training because that's the  
17 field that we're going to be into more and more with sur-  
18 pluses of teachers are required to take courses in language,  
19 and English as a second language, to better understand the  
20 needs of these youngsters and to better understand the  
21 problems that are caused in education by youngsters not  
22 having a full command of the English language.

23 Q The department requested, I'm speaking about the  
24 state department of education, requested a district submit  
25 data on the exact funding provided for and the number of

1 limited and non-English-speaking children served by the  
2 state and federal programs. Do you have a copy of those  
3 results? And can that information be provided to this  
4 committee?

5 A I'm not completely clear as whether that was a  
6 department request or a federal request, could you help me  
7 with that? I know that U.S. Office of Civil Rights has  
8 requested data from 156 school districts in California.

9 Q (By Ms. Godoy) Maybe I should clarify, this is  
10 the data that was requested by the department to be sub-  
11 mitted by the districts on May 21st of this year, it was  
12 clarification --

13 A Okay, fine.

14 Let me back up and arrive at this so that it's  
15 clear. We have been requested by the analysts office and  
16 others for some time now to provide more specific data in  
17 a number of areas regarding non or limited English-speaking  
18 students.

19 Questions like how many of these youngsters are being  
20 served in bilingual programs with Title I money, EDY money,  
21 ECE money, how many bilingual teachers are there, how  
22 many monolingual teachers are teaching in this and we have  
23 no mechanism to gather that kind of data.

24 And with a state as large as California and the  
25 virtually thousands of people involved, we couldn't gather



1       that data through our normal data-gathering instruments,  
2       which are several. So we decided that we needed to  
3       identify specifically what kind of data was required, and  
4       do a one-time survey and that, we put together that instru-  
5       ment to send out to all the districts to gather that data  
6       and I understand and when I checked on that this morning,  
7       sort of anticipating that question, was that there are  
8       several boxes of data that have been submitted and we have  
9       hired some graduate assistants that are preparing this  
10      data, keypunching it so that we can be running it through  
11      the computer and anticipate it will be a month yet before  
12      we get a complete printout on that data.

13             It will be significant, I think, and important  
14      data for us to have.

15       Q       Well, can the committee have that?

16       A       Certainly. We'll just put it on the record that a  
17      copy will be submitted to your committee as soon as it's  
18      available.

19       Q       (By the Chair) I'm a little confused, I would assume  
20      that you would begin gathering this data as the programs  
21      continue, is it a practice not to gather data unless you  
22      are specifically asked for information?

23       A       No, no, that's not it, except that we have good  
24      data regarding 2284 in terms of bilingual programs, and  
25      that's the normal procedure of gathering the data relating

1 to a specific program. However, it's only been in the  
2 last three years that more and more, as our, I think Dr.  
3 Webster's testimony outlined the procedures that we  
4 followed with instructions and regulations and application  
5 forms, that are moving districts to be specific on how  
6 they're meeting the needs of non or limited English-speaking  
7 youngsters with other funding sources.

8 And those other funding sources in our A127 appli-  
9 cations prior to this had not requested that kind of data.

10 Q And therefore they had not collected this data in  
11 order to help themselves evaluate their programs?

12 A We had not collected that data for all programs,  
13 only for those that were specifically related to funding  
14 for bilingual education.

15 THE CHAIR: Are there any questions?

16 Q (By Mr. Griffin) Yes, Dr. Del Buono, looking at  
17 the information we have here on you that you taught high  
18 school on Taiwan. Were you teaching --

19 A No, I'm sorry, that's Mr. Wang.

20 Q Oh, Mr. Wang, I'm sorry.

21 A I switched with him.

22 Q You switched, all right. I was just wondering the  
23 difference between teaching Taiwanese children.

24 A I think you'll have to wait until Peter Wang gets  
25 here to answer that question.

1 MR. GRIFFIN: Thank you.

2 A I'll be listening to the answer, though. It might  
3 be an important one too.

4 THE CHAIR: Nothing else?

5 Thank you very much, then, Dr. Del Buono.

6 Dr. Martinez?

7 Again, then, for the record, Dr. Martinez, your  
8 name, please, and your position?

9

10

11

DR. JOSE MARTINEZ

12 A (By Dr. Martinez) Jose Martinez, Consultant from  
13 the Office of Program Evaluation Research, State Department  
14 of Education, State of California.

15 THE CHAIR: Thank you.

16 Mr. Yoshioka?

17 Q (By Mr. Yoshioka) Yes.

18 Dr. Martinez, what are your major responsibilities  
19 within the Office of Program Evaluation and Review?

20 A I have several responsibilities but my major one is  
21 the evaluation of AB2284 or the Bilingual Education Act  
22 of 1972.

23 Added to those responsibilities, also the evalua-  
24 tion of bilingual evaluation programs under other categories.

25 Q And how many other staff members are assigned to work

1 on this program with you?

2 A I have at present one assistant, and one-third of  
3 a secretary.

4 Q When was the department's first survey to identify  
5 limited and non-English-speaking children?

6 A In the year 1972, when the Bilingual Education Act  
7 came into existence.

8 Q And how was this survey conducted?

9 A That survey was conducted by districts, a letter  
10 was submitted to the districts from Superintendent Riles  
11 with the language dominance index form, that districts  
12 were supposed to use. And indicating to districts that  
13 if they did not use that form, if they had collected data  
14 previous to the reception of that form, that they were to  
15 indicate to the state department of education the pro-  
16 cedures that they used to arrive at that information.

17 Q (By the Chair) Were there any other surveys before  
18 your 1972?

19 A I do not know, there possibly were, I just came to  
20 the department that year.

21 Q (By Mr. Yoshioka) How many children were identified  
22 in that survey?

23 A Actually there were, through the survey we have  
24 identified 202,000. Of course we have also estimated the  
25 survey is actually short counted and we estimate that there

*Census  
proceed.*

*Census  
results*

1 are approximately 225,000 non and limited English students  
2 in the State of California.

3 Q Did the department provide a testing of the instru-  
4 ment?

5 A To my knowledge, there was no field testing of the  
6 instrument at all.

7 Q Has the department devised any other testing instru-  
8 ment?

9 A For that particular mode, no. In other words, to  
10 assess the language dominance of students, no.

11 Q What, if any, procedure presently exists to cross  
12 check data submitted by the districts?

X-  
district  
data

13 A The procedure that I'm finding that could be  
14 effected is actually the evaluation framework we've pro-  
15 vided to districts that are receiving funds from 2284,  
16 where in reality they're finding that difficult to assess  
17 the achievement in reading and language development for  
18 what they had construed as limited English-speaking students.

19 In essence, then, part of that declaration that  
20 they had students or population of limited English-speaking  
21 facility has actually become non-English in nature.

22 Q Have variances in the individual school district  
23 data been identified?

✓

24 A Yes, sir, they have.

25 Q I was wondering what types that might be?

1       A.     Well, as of now, a cursory review of the information  
2     that came for -- from the language dominance survey for  
3     '74-'75, we have some variances, okay? They are not  
4     either, I can't tell you whether they're positive or an  
5     increase or decrease in the number but there are variances  
6     in the number submitted with reference to each one of the  
7     languages that we have identified.

8       Q.     Now, have the results from this thing been compiled  
9     and --

10      A.     No, those are -- those are in the department in  
11     the office of program reevaluation and research and they  
12     are also getting ready to be keypunched and condensed.

13      Q.     What time frame would you have, then, on that?

14      A.     I really have no idea at all, I hope that within a  
15     month or month and a half, again, for all of that in-  
16     formation, because it is all pertinent to the questions  
17     that will be answered from that survey that you alluded  
18     to a while ago.

19      Q.     (By the Chair) Will you provide our staff with a  
20     copy of that report as soon as it's --

21      A.     Yes, very definitely.

22      Q.     Thank you.

23      Q.     (By Mr. Yoshioka) I understand that districts are  
24     required to submit evaluation data to the department on  
25     AB2284 bilingual programs for the first time in fiscal year

1 '74-'75. Did you encounter problems in obtaining complete  
2 evaluation form from the districts?

3 A Yes, we had a few problems. Actually one of the  
4 problems emanated, I guess, from the lack of understanding  
5 of the concept, the complexity of the concept of bilingual  
6 education.

7 Remember that the federal government had a bilingual  
8 education program for seven years, for six years prior  
9 to that. But there was absolutely no feedback that had ✓  
10 been given to districts, so districts did not know  
11 whether they were actually seeing the mandates of that  
12 concept or not.

13 The first real feedback the district got in the  
14 State of California was from the evaluation document or data  
15 submitted to us in the year '74-'75. As a result of that  
16 information, we have understood the concept of bilingual  
17 education and we have taken the steps to remedy some of  
18 the malices that existed from that -- from the indication  
19 generated from that information.

20 Q Is there --

21 Q (By the Chair) Vernon, excuse me, what such steps  
22 have you taken?

23 A For example, we have provided a much more structured  
24 framework for data collection that will actually give the  
25 district some kind of an indication as to what the bilingual

1 education program should be expected or what they should  
2 expect to encounter or to produce to provide students for  
3 in a bilingual education program.

4 Q What are you doing to improve the district  
5 evaluations?

6 A To improve the district evaluations we have had  
7 regional service meetings, okay. In six regions where we  
8 have had some in-service with prospective evaluators of  
9 AB2284 as well as project directors. We have gone over  
10 the format, reporting format and we've actually indicated  
11 to them or supplied information as to what instruments are  
12 available for them to use, and how best to report that  
13 information to us.

14 Q Will new forms be used?

15 A Definitely, I anticipate that though we have what  
16 I construe a good form, what I see as a good form, reporting  
17 form for bilingual education, I anticipate that we will  
18 be getting some longitudinal data for '74-'75 -- '74 --  
19 '75-'76, so we'd know exactly what the effects of the  
20 program treatment have been in terms of language acquisi-  
21 tion for bilingual participants.

22 Q And this form will then distinguish between bilingual  
23 programs and ESL?

24 A It most certainly does because we ask the districts  
25 to report the effects of the treatment in both languages,



1       okay? Native as well as English proficiency.

2       Q     And have you field tested this yet?

3       A     The format or the document is really not necessarily  
4       to be field tested, it is only a format, where the  
5       information is recorded and reported to the state according  
6       to the mandates of the document itself.

7       Q     The department conducted a second survey on the  
8       number of limited English-speaking children in each con-  
9       solidated application program, early this year. Are you  
10      responsible for this data?

11      A     I think you are alluding to the same survey that  
12      was asked of Dr. Del Buono a while ago. Yes, I was re-  
13      sponsible for the formulation of that survey. And the  
14      information is now being tabulated, it's being studied to  
15      see what districts have failed to respond to that, and  
16      contacts are made with districts that we have no information  
17      from as yet.

18      Q     And how about areas of cooperation between yourself  
19      and the bilingual-bicultural task force?

20      A     I have found no difficulty at all.

21      Q     And do you work with the Department of Health,  
22      Education and Welfare, of the Office of Civil Rights?

23      A     Whenever assistance is asked, and I have the in-  
24      formation, I will render, I generally render that information  
25      to them.

1 THE CHAIR: Are there any more questions?  
2 Staff?

3 Q (By Ms. Godoy) Yes, I have two questions. One,  
4 you compiled the evaluation data submitted by the dis-  
5 tricts and I understand that the bilingual-bicultural  
6 task force also conducts on-site reviews of 2284 programs.  
7 Do you ever coordinate those findings into one report or  
8 one compilation?

9 A We have not made a written report of that. However,  
10 when I visited districts or talk to districts, I also find  
11 some discrepancies and those discrepancies are submitted  
12 verbally to the member of the task force that was responsible  
13 for that particular project.

14 Q We have also heard or we have on file, that adminis-  
15 trative staff in the office of HEW, OCR here in region nine,  
16 conduct surveys as you do, annually, and that many times  
17 this information is duplicative. Is there any cooperation,  
18 or has there been any attempt by the state department and  
19 OCR to eliminate some of this duplicative information?

HEW  
OCR  
Coord'n

20 A I'm glad you asked that, no, you haven't, but there  
21 will be because I'm tired of responding or answering or  
22 taking the brunt for HEW.

23 Q (By Ms. James) When you say will be, have you  
24 initiated any discussions?

25 A No, whenever we finish discussing the survey we're

1 going to initiate some action because the letters that  
2 come in terms of disgruntled people, come to us and I have  
3 to answer. You know, HEW comes and conducts a survey and  
4 then they leave.

5 THE CHAIR: Dr. Rodriguez?

6 Q (By Dr. Rodriguez) One last point, I wanted to  
7 know, in your opinion, can teachers really assimilate bi-  
8 cultural culturality through university course work?

9 A Well, when you say assimilate, in terms of biculturality  
10 we have degrees of assimilation. We have from the starting  
11 level, becoming aware of the differences in culture, to  
12 the higher level of characterization of that culture, and  
13 assimilation in terms of characterization is difficult  
14 to arrive at, via a textbook, okay, or via a reception  
15 technique.

16 You have to be associated with and live in another  
17 culture to be able to characterize the culture itself,  
18 to manifest and to behave like the ethnic that has  
19 actually been born and reared in that culture.

20 Q In other words, no?

21 A Well, an awareness. Remember we said degrees. We  
22 said degrees. When we say assimilation we're talking about  
23 degrees. Awareness? Yes. Response? Yes.

24 Actually, if you have a scale of one to ten we'd say  
25 yes on a five, a rating of five, point five, okay?

1 THE CHAIR: Thank you very much, Dr. Martinez.

2 Now, the man who started our whole second section  
3 off, Dr. Webster.

4 I guess we don't really need your name for the  
5 record.

6

7

8

DR. WILLIAM E. WEBSTER

9 A (By Dr. Webster) I'd like to make a couple of  
10 comments, you know, not a great big speech this time, but  
11 a lot of your questions seem to zero in on the whole area  
12 of compliance. And I think that that's a very, as I heard  
13 the questions, there are different ways, different kinds of  
14 programs that this deals with.

15 In other words, 2284 is a competitive program that  
16 people apply for. So you see, one of the things we look  
17 at when they start applying are they in compliance with  
18 the regulations. And I just checked with Dr. Martinez, of  
19 the 142 or 43 districts that applied in the first place,  
20 only 70 were admitted. So you see, this was a kind of  
21 a before-the-fact compliance check, and then, of course,  
22 as he's indicated, he's gone back and checked.

23 The same thing with ECE. We get a lot of this,  
24 you know, did you withhold funds and all that sort of thing,  
25 largely in the expansion process.

1           Last year, for example, for instance we had some  
2 of the major districts in California that were not ex-  
3 panded in ECE. Both for compliance and both for lack of  
4 quality. And for not doing the job. An example of that  
5 is San Francisco Unified School District was not expanded  
6 last year. It then became our responsibility to go back  
7 and work with them and say here's where you did or didn't  
8 do what you were supposed to do.

9           And therefore, we went back and worked with San  
10 Francisco, so this year there was substantive improvement  
11 of the management and the delivery of services in that  
12 district. In addition to this, as you know, as we've  
13 indicated, the consolidated application comes in each  
14 year. And there are right now several districts that the  
15 application, the process is we review the applications,  
16 the documentation, see to it that it's in conformity to  
17 the various regulations and we have some, I think 30 or  
18 -- I don't know because it changes daily, but we had about  
19 65 districts that we did not bring to the state board in  
20 at our June meeting because they just, their application  
21 was not in a form that we could accept it.

22           And then, from time to time, what the state board  
23 does is if any of you live in the Bay Area may have heard  
24 about Oakland. And last year the state board had some con-  
25 tingently passed them until January and we probably spent

1     a.1,000 person-hours and many, many person-days working  
2     with the Oakland School Districts to help them get into  
3     compliance.

4             And then the matter of compliance can be, when you  
5     said how many instances of noncompliance do we have. We  
6     won't necessarily tally them if it's a very minor non-  
7     compliance issue. It might be a very minor regulation  
8     that's been drawn to our attention, it may be that in one  
9     class, there may be too many or not enough project  
10    youngsters in the class and we can say, gee, that's, and  
11    change it, or it may be a very serious noncompliance, such  
12    as the noninvolvement of the parents in the process as  
13    we have in a couple of districts right now, and until we're  
14    assured that in fact the parents are involved in the  
15    process, then we withhold the application.

16            So, noncompliance, in terms of the kinds of program  
17    we're dealing with, whether it's an entitlement program,  
18    a competitive program or an expansion program, are all  
19    very different. And then we have all the way from a very  
20    minor noncompliance to a very serious issue that we deal  
21    with in districts.

22            And again, you see, we're talking about in terms  
23    of the kinds of dollars we're dealing with, about 300  
24    million dollars of categorical funds, of which four million  
25    this year is 2284 and if the governor signs it, we hope to

1 get eight million next year.

2 And if we withhold those funds, we withhold them  
3 and ~~Wilson~~ Riles, and we share with him a very strong  
4 feeling, we withhold the funds from the kids who need the  
5 program the most.

6 There are also four billion other dollars out there  
7 that we really have little or no control over. Now, give  
8 or take a billion, in other words, Dr. Harper, that  
9 goes through the school apportionment effort, so we're  
10 very, very careful about withholding funds because what  
11 it really means is, and the bulk of our dollars or many  
12 of our dollars go for hiring aides. And community people  
13 who work in the schools and work with the kids.

14 Some of you, again, if you live in the Bay Area,  
15 we had a real discussion with the Richland School Board  
16 dealing with affirmative action. All right, we were in-  
17 formed by the Superintendent of Richland that if we had  
18 cut off the Title I funds, as of July 1st, 800 community  
19 aides would have been laid off July 2nd.

20 So, you see, it's these kinds of very fundamental  
21 community issues that we deal with and therefore we use  
22 the withholding of funds as only a last resort, and we  
23 have found that when we get down to that level that the  
24 districts tend to get into compliance and really have.

25 But it may take us six months of real negotiation and

1 indicating that in fact we will.

2 I just wanted to kind of indicate some of the com-  
3 plicated nature of noncompliance. And then, related to  
4 this, is that this is a new role for the state education  
5 agency. See, historically, we have not gone to districts  
6 and monitored them to the degree that we do.

7 I was the principal in California for six years,  
8 seven years, and at no time did a state department employee  
9 ever come into any school that I was dealing with and say  
10 anything, yes or no.

11 We have four volumes of regulations. Of what  
12 school districts are supposed to do. Every school dis-  
13 trict is supposed to teach physical education to every  
14 youngster every day, now that law has been changed. We  
15 get literally hundreds of telephone calls in a year's  
16 time that this is being violated or that is being violated.  
17 So that is why, in the enforcement of these regulations,  
18 and -- we do it with care and sensitivity, aware, fully  
19 aware that the dollars that we're dealing with go to the  
20 kids who need them the most.

21 And I think that the change in role has been very  
22 dramatic, because the thrust of local control in the  
23 state is very, very strong, local school boards feel very,  
24 very strongly about it, superintendents do.

25 I must get -- well, I can't put a number on it because



1 I may be asked to produce them, but many, many letters  
2 condemning us for infringing on local control, and they'll,  
3 carbon copies of these are sent to the governor and to  
4 ten, 15, 20 senators or assemblymen. And the real hostility  
5 that many school districts have for the kind of inter-  
6 vention that we've been manifesting in the last three or  
7 four years. So I just want to kind of put this in a con-  
8 text.

9 One of the questions you're concerned about our  
10 reorganization. And again, one of the reasons that  
11 we've reorganized is that as manager I have two big prob-  
12 lems. One I had 13 people reporting to me. And to keep  
13 track of the work load and the work plans of 13 people  
14 is enormously difficult.

15 And the other thing that we ran into was who was  
16 precisely accountable for what. And so now, by reducing  
17 the number of people that report to me to five, we're  
18 now in the process of defining who is responsible, very  
19 precisely, for which activity and which program.

20 And therefore, if there is inadequate bilingual  
21 programs in elementary schools, Glen Davis will be held  
22 responsible for this.

23 The nature and quality of this will be a joint re-  
24 sponsibility of Glen Davis and Gil Martinez, so we have  
25 the support system.

1           And again we are using the role of an associate  
2           superintendent to coordinate these because as you may  
3           well realize, that in a bureaucracy, that likes have to  
4           communicate with each other, so if Gil, as a task force  
5           commander, so to speak, is dealing with an associate  
6           superintendent with all that goes on in a bureaucracy,  
7           he doesn't, isn't communicating as an equal but by having  
8           Bill Whiteneck and Gil do this together, with the  
9           associates, it's a different ballgame.

10          Q        (By Dr. Share) Excuse me, I wonder, I've forgot  
11                   continuity and also for sake of time --

12          A        All right, there was a couple of points, all  
13                   right, but I wanted to get some of these points?

14          Q        We appreciate this but we'll also give you an  
15                   opportunity after our questions to respond.

16          A        Okay, I'm ready.

17          Q        I'll begin by asking, when was the consolidated  
18                   application for funds implemented by the department of  
19                   education?

20          A        Some of this I am -- the '73-'74 fiscal year.

21          Q        Some of these questions probably will be a bit  
22                   redundant, but --

23          A        Oh, that's okay, and some of them I may have to  
24                   call somebody here because I wasn't here at the beginning.

25          Q        Thank you. Would you briefly summarize the purpose

1 for the consolidated application?

2 A One of the historic difficulties was that we had  
3 different funding sources and people tend to connect  
4 programs to funding sources, rather than programs to  
5 youngsters. So it would be conceivable with three or four  
6 different funding sources in a building we could con-  
7 ceivably have several different programs hitting the same  
8 youngster, a Title I program dealing with reading or bi-  
9 lingual-bicultural education, an SB90 program, an ECE  
10 program or something else, so the reason we did this  
11 was to allocate all of the resources in a coordinated,  
12 comprehensive way, dealing with the youngster and that's  
13 why, Ms. Hata, one of the difficulties we've had in  
14 gathering data dealing with funding sources, when they  
15 get to the school they're put together.

16 So it's very hard to determine which funding  
17 source does exactly which job.

18 In addition to this, there was, within our own  
19 department, as several of the speakers have mentioned,  
20 we weren't talking with each other as effectively as we  
21 should, so different programs could have different direc-  
22 tions, different objectives, different staffs that may  
23 not be talking with each other.

24 So, by putting in a consolidated application it  
25 coordinated activities at the local school as well as

1 coordinating it at our own district, within the department.

2 Another disadvantage was that the central office  
3 in a large district such as Los Angeles, or San Francisco  
4 or Oakland, they would have different project directors  
5 for these funding sources who also were not talking with  
6 each other. Making different demands and different  
7 evaluation procedures at the local school level.

8 Q If I may ask, what is the department's rationale for  
9 not including the educable mentally retarded and other  
10 special education programs within the consolidated  
11 application?

12 A There are not -- excuse me, we don't --

13 Q The department's rationale for not including EMR  
14 and other special ed. programs within the consolidated  
15 application?

16 A Well, one of the reasons is that many people thought  
17 we bit off too much, more than we could chew, at the very  
18 beginning and so this again I would submit that the whole  
19 process is in an evolutionary stage.

20 And we may ultimately involve the -- some of these  
21 programs but many of these were apportionment programs as  
22 opposed to entitlement programs and they had a different,  
23 altogether different application procedure.

24 But one of the things as you -- and by your schedule  
25 you'll be hearing a good deal about it tomorrow, is the

1 special ed. master plan, and one of our efforts there is  
2 to integrate the special ed. master plan with the con-  
3 solidated application, but it was really an enormous  
4 task just to carry off the consolidated application.

5 So we just started a little bit and we hope to  
6 incrementally add other programs as it may seem feasible.

7 Q Why were AB2284 and Title VII bilingual programs  
8 not initially included in the consolidated application?

9 A Well, again, Title VII, see, we don't administer  
10 anyway, so we can't include it. See, that's not our re-  
11 sponsibility, that's in our jargon that's flow-through  
12 money, it goes directly from the federal government to  
13 local school districts. 2284 was a separate bill, a  
14 separate program, it was competitive, and it just took us  
15 really a while to figure out how to bring it into con-  
16 solidated application and it was a difficult job. We  
17 think we have it worked out now.

18 Q As a result of the Lau decision, L-a-u, has the  
19 department adopted any policies or special instructions  
20 relative to bilingual-bicultural programs in the con-  
21 solidated application?

22 A Yes, we have, and again, and I would submit just  
23 an aside here, you keep saying can we have this document,  
24 can we have the next document. We've told the staff, as  
25 they've talked with us, any document, any survey, anything

1 that we have, you know, you may have. And they've asked  
2 us many of the same questions.

3 Through the, again the consolidated application,  
4 we have, in effect, mandated that those people where they  
5 have those populations that they in fact will have a  
6 program of bilingual-bicultural education.

7 Q So you're saying the department will insure district  
8 compliance with its department policy on bilingual pro-  
9 grams?

10 A Yes.

11 Q If so, how?

12 A Well, one, again by putting -- putting it in the  
13 -- in the school level plan. By setting up criteria and  
14 then, as both Mr. Broussard and Mr. Hansen indicated,  
15 going back out to the schools to find if in fact they're  
16 doing what they said they were doing.

17 Q Well, if field reviews are to be conducted, how will  
18 they differ from, say the present field reviews from the  
19 PRI unit and Early Childhood Education?

20 A I think they'll be largely the same. I think one  
21 of the things we're trying to do is we don't have enough  
22 people to monitor 5,000 schools in California. A, we  
23 don't want a bureaucracy that big, B, we're not going to  
24 get one, so one of the things we're in the process of doing  
25 now is developing a relationship with the county officers.

1 Mr. Broussard indicated that we had about 100-and-  
2 some-odd people involved in the PRI activity last year.

3 A substantial -- they were people, not FTE's.

4 And so a substantial number of those people were from the  
5 county office. We're now in the process of trying to  
6 develop a working relationship with school districts to  
7 also assist us with the monitoring and review activity.

8 Now, we've done that, some contractually. Glen  
9 Davis and the Early Childhood ~~Educators~~ has.....~~has~~.....  
10 contracted with many local school district people to help  
11 us do this. We hope to expand this and I think really,  
12 Mr. Share, it will be a question of sharpening our pro-  
13 cedures, as we know more about what a good bilingual  
14 program is.

15 And one of the things we're trying to do is, as we  
16 get the different evaluations, whether it be on Miller-  
17 Unruh, on ECE, one of the things we found last year, that  
18 the more precise the objectives in an ECE plan were, the  
19 more precise the activities were to address those objectives,  
20 schools did better.

21 So, one of the things we will be doing in our in-  
22 service training program for our own staff is to identify  
23 what our precise objective and precise activity is while  
24 at the same time helping school districts to do this. So  
25 I would say we think we have a pretty good overall process,

1        what we see is refinement and in our jargon, fine tuning,  
2        and improving the process.

3        Q        Concerns have been raised about the inadequacies of  
4        the review form presently used for outside reviews of  
5        bilingual programs. What does the department propose?

6        A        Well, gee, when you say concerns, I'd like whoever  
7        had the concerns to come in and say this is what's wrong  
8        with it.

9        Q        To your knowledge, these concerns have not been  
10       identified to you?

11       A        Not precisely. One of the things that we've done  
12       with the -- with our documents is we had about, and  
13       Vern is gone but as I remember the numbers and it was in  
14       his report, and also Glen, we had many hundreds of people  
15       in California review all of our documents, CRLA, everybody,  
16       and the thing is that what one group really thinks is  
17       great, another group thinks is an abominable imposition  
18       by the state department of education. So we have to get  
19       something in between that is -- is in effect going to do  
20       the job.

21       Q        What enforcement mechanisms exist within the state  
22       department of education for A, consolidated application  
23       programs, and B, special education programs?

24       A        Well, I don't know what you really mean by enforcement.

25       Q        Well, let me perhaps generalize this a little bit



1 for you. How do you see the role of your department in  
2 terms of following through on the mandate of the people of  
3 the state for good education in terms of special ed. and  
4 your consolidated application programs we've talked about?

5 A I think several ways, I mean I think that's a more  
6 general question. I think we have a very important leader-  
7 ship in the role. When our people go into the different  
8 districts, and point out noncompliance, very often  
9 people just didn't know what they were supposed to be  
10 doing. It was a new principal, possibly, a new district  
11 advisory committee chairman, and he really didn't under-  
12 stand it, so one of the things that we've found ourselves  
13 doing is an enormous amount of in-service training through  
14 our regional service teams.

15 And this is one of the responsibilities that will  
16 be developed through our elementary and secondary teams  
17 next year. This is certainly one. There is just nothing,  
18 however, that beats the on-site visitation and so one of  
19 the -- the next important element is going to the schools  
20 and identifying where the difficulties and where the  
21 problems are.

22 Now, historically, in any bureaucracy, we tended  
23 to deal with other bureaucrats. In other words, with the  
24 principal and the superintendent. We now have mandated and  
25 I might add that California was the first state to mandate,

1 local school advisory committees at every school. Also  
2 district advisory committees, so when we talk about diffi-  
3 culties in noncompliance, it's talked about with parents in  
4 the community at large, in addition to the professionals.

5 We found an enormous amount of pressure within  
6 communities to deal with these issues. Ultimately, our  
7 enforcement comes down again to the withholding of funds.

8 Q This seems to be the kind of ultimate from what --

9 A Yes, and it's really from what I said for philosophical  
10 and moral reasons, it's one we withhold to the very indi-  
11 vidual because, as many say and I indicated earlier, there  
12 are some school districts who say we aren't interested in  
13 those youngsters, we won't take your federal dollars.

14 We have one school district has to fight us in  
15 terms of affirmative action, say we would rather lose the  
16 dollars than develop affirmative action program.

17 Q So, if I may, without paraphrasing for you, then,  
18 the state has literally no police power to mandate adequate  
19 education for all children in this state?

20 A That's -- police power, very limited police power  
21 as such.

22 Q So, you're primarily an advisory group?

23 A Well, a great deal of moral assuasion, because  
24 again it's a very, very difficult issue to have it appear  
25 in the local television and local press that in fact the

1 local school district is out of compliance with the law.

2 Q (By Mr. Rogers) May I ask just one question,  
3 please, for just one quick second?

4 A Yes.

5 Q How long does a particular school district have  
6 to be in noncompliance or how often do they have to --  
7 do you have to go back and constantly review their pro-  
8 cedures before you use the ultimate weapon, is what I'm  
9 trying to find out.

10 A It depends, again, Mr. Rogers, on the magnitude of  
11 what the issue is, and so I can't give a -- a precise,  
12 clear answer to that. And what we have found with the  
13 districts when we say, look, this is how it is, and we're  
14 going to be forced to do this and make this recommendation  
15 to the board, that they -- they are getting into compliance.

16 Now, one thing that we do do is then we eventually  
17 can take them to court or work in conjunction with the  
18 federal government and say that you have gone as far as  
19 you can, and this is it. And we, again, it may be a year,  
20 it may be six months, it may be longer.

21 Q Okay. I guess the reason I asked that question,  
22 since there was so very few --

23 A Right.

24 Q -- times you've utilized this ultimate weapon, that  
25 you might be able to give us pretty generally an idea about

1       how long it took these one or two programs or one or two  
2       school districts?

3       A       Well, one district this year was, we found a sub-  
4       stantive noncompliance a year ago this time. Working with  
5       the district intensely for this year, they are now in  
6       compliance.

7       Q       (By Dr. Share) This again, perhaps, this may be  
8       still based, the question, how many have you worked with  
9       for a period of time that are still in noncompliance?  
10      Does it get back again to the kind of teeth you have in  
11      your department where you can perhaps more, how can I put  
12      it, dynamically, forcefully, try to mandate the rights of  
13      education for some of these children in school districts  
14      that are not wishing to comply?

15             Do you keep any kind of records of those that are  
16      not complying?

17      A       Yes, of course we do. Yes, we do.

18      Q       As we understood earlier this morning, there is a  
19      large number of noncompliance.

20      A       Well, you know, we hear this a great deal, Mr. Share.  
21      That there's a great massive noncompliance. When our teams  
22      go out, we find that this just isn't the case. That there  
23      is not massive noncompliance.

24             You see, that's -- and what -- you see, one of the  
25      difficulties is that we have policy recommendations, we have

1 guidelines, but where we -- where the difficulty with the  
2 noncompliance counts, is when it comes to the law and  
3 regulations. You see. And that's where we have to deal  
4 with it. And many people will say, it's against the law  
5 for a school district employee to be a member of a district  
6 advisory committee. And this has been raised a couple of  
7 times. As we got into this, this did not -- this was not  
8 the case.

9 There are many things that are in the guidelines and  
10 that are old laws that have been changed that people seem  
11 to see as massive noncompliance.

12 There's a tremendous amount of interpretation of the  
13 law, very often what we say is noncompliance the district  
14 will say is compliance. So we have to be extremely careful  
15 and be absolutely sure that we are right.

16 Q (By Dr. Rodriguez) Excuse me, is there any system  
17 or any plan now to install a system of grading degrees  
18 of noncompliance by your system?

19 A No, there isn't.

20 Q Do you think that that would be valuable?

21 A I don't know. You know, I have to think about it.  
22 And I guess what -- in addition to noncompliance, one of  
23 the things that we're very interested in is quality of  
24 program also. And are the kids learning? And is their  
25 program developing? And is the educational environment of

1 the school district improving? So, in addition to non-  
2 compliance, is significant but we're equally interested in  
3 program quality, in the level of parent participation,  
4 because you see many districts, in fact, do have parent  
5 participation, and they are in compliance.

6 And we don't have a leg to stand on. But in  
7 terms of substantive parent input into the educational  
8 process, it's not there and they can say yes, we are in  
9 compliance.

10 Q (By Dr. Share) It seems to me for better under-  
11 standing, we on the commission look at noncompliance as  
12 a barometer and agree with you that we're talking about  
13 quality education for all children, but it's a barometer  
14 that you have a handle on, and this is why we're getting  
15 into it the way we are.

16 A Okay.

17 Q Let me also ask, would you explain the cooperation  
18 between the state department of education and Department  
19 of Health, Education and Welfare, and Office for Civil  
20 Rights, in relationship to, say conducting field reviews  
21 and also collecting data from districts?

22 A Now, we haven't worked, with the Department of  
23 Health, Education and Welfare, we work almost exclusively  
24 with the U.S. Office of Education. I mean we have a very  
25 good working relationship with the U.S. Office of Education,

1 both in Washington, D.C., and in San Francisco. The Office  
2 of Civil Rights, as such, I have not worked with them to  
3 any large extent and that would have to be some of the  
4 other people in our organization may well have, but we  
5 work with the Title I people, with the vocational education  
6 people, we work very well with John Molina and his staff  
7 in their bilingual unit in Washington, D.C., and Aguirre and  
8 his people.

9 Q What about the department of health?

10 A Our own state department of health?

11 Q Yes.

12 A Through -- Mr. Whiteneck may be able to deal with  
13 that one because through our child care and preschool  
14 programs we have a working relationship there.

15 We have a good working, as you know, we have some,  
16 the new -- we refer to it as the Willie Brown Bill, the pre-  
17 school health analysis that is being developed in conjunction  
18 with the county health offices and with the department of  
19 health, we've been working with them there.

20 Q Can I understand from your response on that, that  
21 this is in relation to doing, say such things as field  
22 reviews, there is a cooperative venture rather than a  
23 duplication?

24 A Well, Bill Whiteneck would have to touch base with  
25 the department of health on that one. The U.S. office doesn't

1 do much in the way of field reviews. Theirs largely  
2 deals with audit complaints and that sort of thing.

3 But as an on-going process, they don't do continuing  
4 field reviews.

5 Q This will probably come up again tomorrow when we  
6 get into the EMR, but I was thinking of such things as  
7 the regional centers in the state and their interest in  
8 the MR area also, with the development of education,  
9 but like I say, we'll get back to it tomorrow.

10 We understand that there will be a department re-  
11 organization effective July 1, '75. What were some of  
12 the problems created for bilingual programs under the  
13 present structure which the department expects to eliminate  
14 under the new organization and also the special education  
15 programs?

16 A All right. I think -- I just have to get back a  
17 little bit in history on that one, Mr. Share. I can't be  
18 very brief. When ~~Wilson~~ Riles came into office several  
19 years ago, one of the things that the department had was  
20 bureau and division structure with a lot of people not  
21 talking with each other. Not a great deal of flexibility  
22 to reorganize to deal with problems.

23 And one of the things he wanted to introduce was  
24 flexibility, accessibility, responsiveness, so we could  
25 move and -- you know, and with everybody talking with each



1 other. As he draws to our attention, he was director, the  
2 first director of compensatory education. And had limited  
3 impact with the rest of the organization. He felt this was  
4 a real lack. So he instituted the matrix. And the idea in  
5 introducing the matrix was that we would be talking to-  
6 gether, working together, really task force-team management.

7 So this was initiated. In the meanwhile, a series  
8 of very important bills impacting the department were  
9 passed. ECE, SB90 and 2284. And then ultimately, AB4040,  
10 which implemented the special ed. master plan. These  
11 things happened so quickly that they instituted different  
12 organizations to deal with those problems individually,  
13 and therefore the integration and coordination of these  
14 efforts did not take place.

15 One of the major problems has been identified  
16 and the legislative analyst identified it, we hadn't inte-  
17 grated in a really effective way, our bilingual-bicultural  
18 efforts with the rest of the programs and this has been  
19 something that we've been conscious of and trying to deal  
20 with. And their thrust was to get 2284, up, and to coin  
21 a phrase, and running, and therefore they kind of did that  
22 and this is in no sense critical of what happened, that  
23 was the responsibility that they had.

24 We get limited administrative money, I mean many  
25 people think that we're a swollen bureaucracy with too many

1 people and all that sort of thing, but we've had a very  
2 serious difficulty in the last few years in that 70%, 70  
3 to 80% of department administration dollars come from  
4 the federal government. You see, we only have about 20 and  
5 you can get the exact numbers, 20 to 30% is administered  
6 with state dollars.

7 Well, what has happened to us is as inflation has  
8 increased, we've gotten the same amount of administration  
9 dollars from the federal government, and it's meant that  
10 to coin it we've had to eat the inflation by abolishing  
11 positions.

12 So last year we did not -- so when people leave  
13 we just don't hire replacements for them very often. So,  
14 one of the major problems with the -- with our bilingual  
15 effort is that we didn't wire it in to the degree that we  
16 should have and also special education and also I might  
17 add, vocational education, with the age span program be-  
18 cause we weren't sure who had what authority and what the  
19 relationships were.

20 So, as a result of the reorganization, it's very  
21 clear that the age span managers have a very definite re-  
22 sponsibility for the program quality, for field services,  
23 and as a matter of fact, we've called it the office of  
24 planning and field services. And it's their responsibility  
25 now to work with Mr. Whiteneck and Mr. Martinez to almost,

1 in effect, contract for the bilingual-bicultural services  
2 to see that they are delivered to those schools.

3 And one of the things that we think is very, very  
4 important in our responsibility, is to see to it that  
5 it's not just the four million dollars of 2284 dollars or  
6 hopefully the eight million of 2284 dollars next year  
7 but that a substantial portion of the 300 million dollars  
8 of other categorical funds are clearly aimed at bilingual-  
9 bicultural programs.

10 Q Let me ask you, what has been done specifically to  
11 strengthen the interrelationships of related units within  
12 the departments?

13 A Well, this, through the development of individual  
14 work plans within our organization, that clearly state  
15 that one of their objectives is to deliver services through  
16 the service delivery system. And also in the work plans  
17 of the elementary age span manager and secondary age span  
18 manager that he clearly indicates that he is delivering  
19 services to these youngsters and that he clearly indicates  
20 how this is being done.

21 Q How does he clearly indicate? This is my question.

22 A All right, by that we will use so many man days to  
23 do this, in other words, our objective this year is, and  
24 I don't have the work plans in front of me, is to upgrade  
25 and deliver services to educationally disadvantaged youth

1 schools, we have 2,200-and-some-odd of these in the secondary  
2 and some 2,000. And indicate by narrative and by resource  
3 allocation that this is in fact being done.

4 Q I keep thinking why's. How do you determine this?  
5 The resource allocation and --

6 A Oh, it's -- by discussion, dialogue, it's very  
7 difficult. You know, I mean it's a negotiation process.  
8 In other words, we -- see, one of our difficulties is that,  
9 say in bilingual-bicultural we have the six members of the  
10 task force. Well, we're going to have ~~to~~very carefully  
11 divide their resources between elementary, secondary, plus  
12 their very specific responsibilities with 2284 and then  
13 in their work plan that will be their written work plan,  
14 will emerge kind of a scenario for their year's activities.

15 Then it's one of my responsibilities as the  
16 program deputy to review with each manager and then with  
17 the managers all together, Glen Davis, do you feel that  
18 you've adequate services to deliver bilingual services?  
19 No, I need more, I need less and then for Gil to say, well,  
20 we can't give you any more, but we will give you training  
21 programs or something else to make up the personnel  
22 deficit that we have.

23 And we have -- what we're really in the process of  
24 doing, Mr. Share, is that for each of our 320 employees,  
25 we will have a 220-person year work plan for him. So that

1 we will know almost, that's what we base our year on, 220,  
2 that includes vacation and sick leave and all that jazz,  
3 so that we will know just almost within a year exactly  
4 what kind of services this individual will be rendering  
5 in California.

6 Q Staying with the department reorganization as of  
7 July 1st this year, what will be the function of the bi-  
8 lingual-bicultural task force and how does this differ  
9 from the present situation?

10 A Well, again it's not going to be a dramatic, you  
11 know, on June 30th we've been doing this, now on July 1st  
12 we'll be, you know, we're going to be doing something dra-  
13 matically different.

14 I think one of the major things that we've learned  
15 last year was the fact that we did not institute far  
16 enough in advance, well organized training programs for  
17 people who should know more about bilingual-bicultural  
18 stuff.

19 I certainly think they'll be definitely much more  
20 into the training and development of the rest of our staff  
21 next year. The refinement of the criteria for what is a  
22 good bilingual-bicultural program, I think is a good deal  
23 of their time will be developed here. And so it's not just  
24 a dramatic difference, but it's as Mr. Martinez indicated,  
25 many of the kind of things they will be doing next year, they

1 have been doing, but in a more formalized, more accountable,  
2 more organized way than they have done in the past.

3 Q I'guess I'll have to ask, how will consolidated  
4 application bilingual programs be reviewed after the re-  
5 organization and will any new review procedures be re-  
6 quired for these bilingual programs?

7 A I think it will be just as I said to you, that it  
8 will be largely the same kind of review procedures that  
9 we have had in the past, again with the refinement of the  
10 document, probably in a very strong attempt to get more  
11 qualified bilingual-bicultural people working with us.

12 We have these people in the district, we have to  
13 make a more determined effort to get these people working  
14 with us.

15 Q Another request, if we may, could you provide us  
16 with, the committee that is, with a copy of the department's  
17 affirmative action plan?

18 A I think -- sure, and I think I have it right here.

19 Q If you have it now that's great, if you don't have  
20 it immediately, we'd still appreciate receiving it later.

21 A No, by golly, here it is.

22 Q Excellent.

23 What is the number of minorities and women working  
24 for the state department of education?

25 A Oh-oh. All I have is percentages on that one.

1           Wait a minute. All right, we have a total of 604  
2 professionals. Of that total, this year, 20% are minority  
3 and 25% women. 5% minority women and 20% non-minority  
4 women. We can -- I have some notes on this, we can clean  
5 it up and send it along to you.

6           Q.   How many of these will be in the position of unit  
7 manager after the reorganization?

8           A.   Okay. We have one assistant superintendent who is  
9 a minority female.

10          Q.   What recruitment efforts have been made by the  
11 department?

12          A.   Both formally and informally, across the state, and  
13 one of the difficulties that we have, particularly at the  
14 higher levels in the organization, and not many people  
15 believe this, we don't pay very well. And so, really,  
16 qualified women at the upper part of the organization, we've  
17 tried, in several, as a matter of fact, as far as I'm con-  
18 cerned, for my position, Wilson tried to recruit a woman  
19 for my position but where they were in Los Angeles and  
20 San Diego, they didn't want to move up here to take a pay  
21 cut.

22               We've tried to recruit at the middle levels of the  
23 organization and one of the things we're trying now, of  
24 course, to do, is to bring women in at the lower end of the  
25 organization in order to promote them and one of the diffi-

1 culties with that is that historically women haven't had  
2 the kinds of credentials because they didn't think it was  
3 worthwhile getting them. But recently, we've promoted,  
4 as school principals and that sort of thing, they didn't --

5 Q (By the Chair) They didn't think it was worthwhile  
6 getting them --

7 A Right.

8 Q -- in your opinion?

9 A No, no. That was one of the reasons. So we don't  
10 have as large a pool of credentialed, I'm not saying  
11 qualified now, of credentialed people to take some of  
12 these jobs.

13 And so one of the things we're trying to do within  
14 our own department is to bring in women at the middle level  
15 of the organization and help them get the credentials so  
16 they can be promoted.

17 Q (By Dr. Share) Has the state department of education  
18 received complaints about bilingual education and place-  
19 ment of minorities in EMR or educable mentally retarded  
20 classes from the local level?

21 A I think -- I'm not prepared, Mr. Share, to answer  
22 that question. I think that that is part of the testimony  
23 tomorrow morning. Our special ed., special ed. people  
24 will be here.

25 Q What are the procedures for investigate complaints?



1       A     I, personally, have not received them, the procedure  
2       would be to investigate them and find out and go back  
3       into the districts and work with the county offices and  
4       see if procedures have been followed and a very compre-  
5       hensive review of these kind of complaints that takes  
6       place and this is within, again I think I could have been  
7       better prepared for that question, but within the regu-  
8       lations there's a real appeal procedure and admissions  
9       committees and it's a very complex process to see to it that  
10      this does not happen.

11           In other words, that minority youngsters are not,  
12      for a variety of reasons, placed in educationally mentally  
13      retarded classes when they don't belong there.

14      Q     To your knowledge, Mr. Webster, does the department  
15      ever refer complaints to the federal government, specifically  
16      the Office for Civil Rights?

17      A     To my knowledge, I don't think that we have. We've  
18      been jointly involved with some school districts in the  
19      state. In this area. And we have withheld funding at  
20      their recommendation and request.

21      Q     Should you perhaps obtain further information by  
22      tomorrow, if they are referred, perhaps you could also  
23      tell us of any followup, that may be taken at a federal  
24      level then?

25      A     I don't -- I don't understand.

1 Q My question is, your answer was no, my suggestion is  
2 should you find out, since you're indicating that you're  
3 not that sure, if it's a yes, we would be interested in also  
4 knowing any followup, taken at the federal level, if there  
5 are referrals made to the federal government.

6 Let me get back to one other question which I think  
7 you did answer but wanted it to, for at least for me, to  
8 be spelled out a little more specifically, and the ques-  
9 tion, I guess I would phrase is, what percentage of your  
10 staff are paid by federal dollars?

11 A About 70 to 80%.

12 Q Seventy to 80?

13 A Right.

14 Q As you may have heard, from some of the testimony  
15 this morning from Mr. Chacon, he had a number of concerns,  
16 and I would appreciate if you would like to respond to some  
17 of these concerns at this time instead of the education  
18 area here.

19 And I'll try to be very brief on a few of these.

20 I think it would help us greatly.

21 One of the concerns he raised was the inadequate  
22 identification of non-English-speaking students by the  
23 department. Is this something you would have agreement  
24 with or disagreement with?

25 A Well, I'd like Jose, since he's dealing with that,

1 we think that we're getting, were doing this more effec-  
2 tively, and --

3 A (By Dr. Martinez) Would you like an answer?

4 A Yes, Jose, can you give me a hand on that one?

5 A (By Dr. Martinez) Yes, in attempting to define or  
6 to determine the degree of proficiency in language, okay,  
7 language as a concept, it's very, very comprehensive when we  
8 divide language, we have two modes, expressive and receptive.

9 And once you start developing or toying around with  
10 the instrument or with an instrument to define the degree  
11 of proficiency in any kind of a language you have to  
12 assess the individual's oral proficiency, the individual's  
13 listening proficiency, his verbal proficiency orally, and  
14 his ability to write and read.

15 All right. To develop that kind of an instrument  
16 and to assess the proficiency of a student would require  
17 an individualized process that, in our estimation, with  
18 the instruments that we have, takes anywhere from an hour  
19 and 30 to two hours per child.

20 We have that kind of an instrument available, but the  
21 districts and schools seem to lack the luxury to go  
22 through 225 or 250 students which would require somewhere  
23 around 4,050 hours, 450,000 hours, to assess a -- all the  
24 prospective, limited, non-English-speaking students for a year.

25 Q (By Dr. Share) This instrument we'd be interested

1 in knowing the name, for one thing --

2 A We have several of them, as a matter of fact, with  
3 the aid of the organization, California Association of, for  
4 Bilingual Education, we came upon the review of all the  
5 instruments that are available to assess language pro-  
6 ficiency of non and limited English-speaking students and  
7 we have that information available, if you want to.

8 Q Is there a name to this, by the way?

9 A Well, we have several, we have one, I can give you  
10 one that extends all the way to the 12th grade, okay?  
11 We have what we call the basic inventory of natural  
12 language development.

13 Q This is a battery then, you're --

14 A No, this is one, one instrument, okay, that attempts  
15 to assess the language proficiency in all those four  
16 areas that I spoke about.

17 We have others that have been developed to assess  
18 language proficiency up to the second grade, bilingual  
19 syntax measure, which is available commercially.

20 Q Might I interject and ask you a question along  
21 this line?

22 A (By Dr. Martinez) Please.

23 Q This instrument that you use, this diagnostic tool  
24 it's also prescriptive, which allows a teacher to put  
25 together an education program for this given youngster?

1       A     No, that is not a prescriptive thing because it's  
2 not based on the hierarchy of language development, it's  
3 only based on the development or developmental stage itself  
4 in the ability of a student to express himself and to  
5 receive communication, either orally or written.

6       Q     So this is just a beginning step?

7       A     This is a beginning step and we're saying that  
8 we don't have that, even in English.

9             And we have operated a school system in the  
10 United States for over two -- well, since 1700. And we  
11 don't have an adequate instrument to assess language develop-  
12 ment in the English language yet. So it will be pre-  
13 sumptuous, actually, to say that we have an adequate  
14 instrument or that the instruments we have to assess that  
15 in a foreign language are adequate also.

16       Q     So, what we're really hearing again, is that there  
17 continues to be a chronic lack, not any -- well, it's a  
18 acute but chronic also, but of an objective, whether it's  
19 Spanish, Japanese, etcetera, achievement type of instrument?

20       A     We're talking about two different things, okay?  
21 We're talking about language development and we're  
22 talking about achievement here, they're two different things,  
23 two different instruments.

24             What I was talking about or referring to was the  
25 functional development in both expressive and receptive

1 language of the child. When we talk about achievement,  
2 that's something else.

3 When we talk about achievement we are talking about  
4 something that a student has assimilated as a result of  
5 being processed through a given curriculum.

6 Q I don't quite see the difference. But that's part  
7 of my ignorance, perhaps. Aren't they both a kind of  
8 achievement, diagnostic ~~tool~~ that we put in the hands of  
9 teachers to provide a more appropriate ~~and~~ adequate program  
10 as the case may be?

11 A They could very well be, okay? But remember that  
12 in terms of the assessment of -- of language dominance  
13 when we're talking about language dominance or assessment  
14 of non and limited English-speaking for purposes of place-  
15 ment, we're talking about the quality or the kind of  
16 functional development that a student brings with him to  
17 school, for placement purposes. Okay?

18 Achievement is that instrument that is used to assess  
19 the student after he has been processed through a given  
20 prescribed curriculum.

21 Q So, getting back to the original question, are we  
22 incorrect in assuming that there is an inadequate identifi-  
23 cation of non-English-speaking students at this time in  
24 our state?

25 A Yes, there is.

1 Q (By Dr. Rodriguez) I have two questions for Mr.  
2 Webster.

3 First of all, is there any plan or even a possibility  
4 for making gradations of enforcement penalties to reflect  
5 the gradations of noncompliance that you discussed earlier?

6 A (By Dr. Webster) No, we don't have any plans to  
7 do that.

8 Q Do you think that that would be good?

9 A I just can't answer that question off the top of  
10 my head, Dr. Rodriguez.

11 Q And finally, has there been or will there be any  
12 audit of the program? Audit?

13 A Yes, I know what you mean, but again there is com-  
14 prehensive program review and an audit is a very special  
15 accounting term, and we do not have an audit -- an audit  
16 capacity as such in the department. This has been the  
17 responsibility of the division of finance, the department  
18 of finance, to do real audits.

19 Q So there's no plan right now to do a real audit  
20 of the --

21 A No, there is not.

22 THE CHAIR: Staff?

23 Q (By Ms. Godoy) Yes, I have a few questions. Dr.  
24 Webster, you continue to refer to major and minor violations  
25 of --

1 A A whole continuum of violations, Ms. Godoy.

2 Q Right. Now, I'd like to clarify this, are there  
3 any written guidelines within the department which dis-  
4 tinguish what a major violation is or a minor violation?

5 A No, there isn't. The regulations, you know, are  
6 there.

7 Q Is there any one person within the department who  
8 makes a determination whether a program has a major vio-  
9 lation or has committed a major violation?

10 A I think this would be analysis of many of us, it  
11 might be that an individual could say, gee, this is pretty  
12 minor, Charlie, why don't you do these two or three  
13 things, and because again it is our field people who turn  
14 up this information. When the document would come to us  
15 this would then be a decision that many of us would take  
16 a look at to determine if it was a really serious and major  
17 violation.

18 Q So, is this determination, then, subjective?

19 A As is any determination of this nature, of course.

20 Q All right.

21 Q (By the Chair) You have no objective criteria for  
22 this determination?

23 A Yes -- of course we have objective criteria, but  
24 how one interprets objective criteria becomes a subjective  
25 judgment.



1 Q (By Ms. Godoy) Objective criteria for determining  
2 what is a major or minor violation.

3 A We -- again, Ms. Godoy, I'm talking about a whole  
4 continuum of these kinds of things and so we don't say  
5 that is a major, that is a minor.

6 Q It's just whoever reviews the program, then, can  
7 make that particular determination, is that what you're  
8 telling me?

9 A Based on the already-established criteria in our --  
10 as you probably have seen, the detailed nature of the  
11 program in review improvement document, which gives them  
12 a very clear set of criteria, and again when an indi-  
13 vidual will get that, that's referred to his manager which  
14 is, in turn, referred to a variety of managers, so it  
15 isn't one person out of his hip pocket in the field  
16 making these kinds of decisions. These documents are re-  
17 viewed by many people.

18 Q Do you know which people make the determination?  
19 Within the department?

20 A Well, many of these are referred, in the old  
21 organization, with the chairmen of the particular program  
22 and review and improvement team, if he then realizes there  
23 were serious problems this would have been, been referred  
24 to Mr. Broussard and Mr. Ceja and often myself, to take a  
25 very close look at these documents.

1 Q Could a decision be made that a violation was  
2 minor before it came to you?

3 A Yes, it could be.

4 Q Could a decision be made that a violation was minor  
5 before it came to the manager?

6 A Well, I don't -- I -- this dichotomy that you've  
7 chosen to develop in a minor violation I find difficult  
8 dealing with.

9 Q Well, let's get into the bilingual programs then.

10 A Okay.

11 Q The Bilingual Education Act contains certain pro-  
12 visions which are required in order to have --

13 A Which one are you talking about now?

14 Q Okay. Some of these --

15 A Which bilingual act are you talking about?

16 A The Bilingual Education Act of 1972.

17 A Okay, 2284.

18 Q Twenty-two-eighty-four.

19 A Okay.

20 Q Some of these are provisions, require that certain  
21 accounts should be taken by the district. Has the depart-  
22 ment made any determination as to which of these pro-  
23 visions are to be considered major, if violated?

24 A I think that I'd have to know which provision you  
25 were talking about.

1 Q All right, all right.

2 A But let's say the -- the one, the major provision  
3 that we're most concerned with is the fact that the two-  
4 year waiver for having a bilingual-bicultural teacher in  
5 the classroom, we have sent out a letter that there are  
6 no more waivers available.

7 Q Well, if the district does not comply would this be  
8 considered a major or minor violation?

9 A That would be considered in, I'm using your words  
10 now, okay, because I haven't defined and I'm establishing  
11 a continuum between something very minor and something  
12 very major, so you've decided to say that black and white  
13 and I just want to make that clear.

14 Now, if the district then tells us that we are not  
15 going to conform with the hiring of bilingual-bicultural  
16 teacher for that program, we've already told them that  
17 their funds will be withdrawn.

18 Q The funds will be withdrawn?

19 A That's right and they know that.

20 Q Will funds be withdrawn if a program is an English  
21 as a second language program as opposed to a bilingua-  
22 bicultural program funded with 2284 moneys?

23 A All right, and if the district says that here's  
24 where we are and we're doing these five things, we're in  
25 the process of doing it, and if they say we're going to

1 stay with ESL and contrary to the law, then funds would  
2 be withdrawn.

3 Q But if the district says that they will make an  
4 effort to have a bilingual program in the future, then  
5 you will continue to fund them?

6 A Not just simply a nice promise, with a very  
7 definitive plan that by September 1st we will do this,  
8 this last year we've hired these people and October...  
9 we'll do this and September we'll do that and then what  
10 we'll do in these cases, is go back in October and  
11 September and check on it to make sure that they're  
12 living up with the agreements they've made with us.

13 Q How many districts can you identify as having  
14 English as a second language program?

15 A Gee, you'd have to ask Mr. Martinez that, I don't  
16 have those statistics in my head.

17 THE CHAIR: Are you done, Ramona?

18 Q (By Ms. Godoy) Just one other thing.

19 The statistics to be submitted by your department of  
20 education on minorities employed by the department, will  
21 those also be broken out by ethnicity?

22 A Yes, that's -- yes, that's already been done,  
23 that's part of it. And again I would say we have a monthly  
24 affirmative action report dealing with these same activities.

25 Q (By the Chair) And also will you submit to the staff

1 a list of the steps that you have taken to insure that  
2 the women in lower level and middle level management have  
3 an opportunity to be promoted within the system? You've  
4 said that steps are being taken to insure that?

5 A. Right. And I guess, Ms. Hata, I don't know if  
6 that's a formal step, but I'll certainly refer this ques-  
7 tion to our personnel director.

8 Q. (By Ms. James) Just two.

9 You mentioned in your statement several hours ago  
10 that the department is encouraging the use of other  
11 categorical funds to be used for bilingual-bicultural?

12 A. More than encouraging, but go on.

13 Q. That was my question.

14 You said that you were going to require school  
15 districts to use others, and I wasn't quite clear what  
16 was that requirement other than 2284?

17 A. Well, again, as you've -- if you'll remember, in  
18 the consolidated application utilizing other funds, we say  
19 that if they had more than 15% they must have a bilingual-  
20 bicultural program.

21 We have a budget page that's very detailed, and  
22 I'm sure you've seen it, then we will then identify the  
23 dollar amounts going toward bilingual-bicultural programs  
24 to see to it in fact that it's more than just lip service.

25 But the resources and people and other activities,

1 both in the program statement and the program narrative,  
2 very clearly specify the objectives and the activities  
3 as you remember I indicated earlier, we have found that  
4 very precise objectives and very precise activities enable  
5 us to determine program quality.

6 And in the needs assessment, that's a part of the  
7 consolidated, of the school level plan, very clearly says  
8 we have these youngsters, here's the deficiency, here's  
9 what we're doing to meet that deficiency and here's how  
10 -- where we hope we will be at the end of the year.

11 Q I guess what I'm saying, in the consolidated package,  
12 which now includes 2284 --

13 A Right.

14 Q -- if a district is receiving those funds, will  
15 they also be, since they already have 2284 they obviously  
16 have a bilingual program, so they're okay in terms of  
17 that?

18 A Just remember that 2284 is a very small part of  
19 the overall package.

20 Q Right. But if they already have a program they  
21 may still be encouraged to use additional funds from  
22 Title I and SB90 and --

23 A Absolutely, yes. In other words, we have four  
24 million dollars, in 2284 dollars, we have about, as I  
25 said, 300 million dollars in categorical aid.

1           There's just no way in the world that the City of  
2 Los Angeles or the City of San Diego can use 2284 to do  
3 anything of major significance meeting the needs of these  
4 youngsters.

5       Q     Is the state, in sending out these directives, have  
6 you developed various models how you can use these various  
7 categorical moneys?

8       A     Yes, we have and that's a difficult thing for us  
9 to do because one of the things that we did, the first  
10 year we made demands on districts and they said, well,  
11 we're not really sure what you want us to do, so the next  
12 year we came out with very specific criteria, so then the  
13 next year they said, well, you're laying the programs on  
14 for us.

15           We've developed some models, of bilingual-bicultural  
16 programs that we have distributed to districts to use as  
17 guides only. And not as prescriptive mandate from the  
18 state.

19       Q     Just one other thing. I wanted to follow up on  
20 something that Dr. Share had mentioned.

21           Both you and Mr. Ceja had mentioned the fact that  
22 there are districts and certainly our agency is aware of  
23 them too, out there, who would prefer not to use these  
24 funds because they don't want the feds and the state  
25 looking over their shoulder --

1 A Right.

2 Q -- and children, consequently, suffer.  
3 consider it a possible benefit to the departmer  
4 legislature should give you stronger police pow  
5 that districts that are unwilling to apply for  
6 funds, you, at the state level, constitutionall  
7 sponsible for the education of all the kids, th  
8 administer --

9 A Right. Lot of districts, however, Ms. J  
10 just want to reenforce, a lot of districts don'  
11 this as a constitutional responsibility.

12 Q I understand that, that's why I'm wonder  
13 they don't, there's a very strong feeling on t  
14 district --

15 A Right.

16 Q Would you consider a stronger legislatio  
17 police powers at the department level, would t  
18 better serve these kids?

19 A I'd have to think that one through. The  
20 other ways of dealing with it than simply incre  
21 police power of the state department of educati  
22 You know, there are lots of other agenci  
23 in this, and I would say, I'd like to think tha  
24 through to make us more of a police power.

25 Q If I didn't use the word police, if I sa



1 monitoring powers?

2 A Would it benefit the department? Probably not  
3 particularly. The department now. Would it benefit  
4 youngsters? If we received the correct administrative  
5 support, I think it could, in other words, just to in-  
6 crease our police power and not give us more people to do  
7 the job, would be an exercise in futility.

8 Q One with the other.

9 A Well, very often one goes without the other, so  
10 that's why I mentioned that.

11 We are very pleased at the monitoring that we've  
12 been doing and we think, and again with Dr. Share indicated,  
13 that with compliance will ultimately go quality. Because  
14 in other words, the laws are pretty carefully designed to  
15 induce quality programs for youngsters. However, you  
16 know, scientifically the correlation isn't necessarily  
17 always there. Because sometimes the law may be mandating  
18 or requiring something that isn't all that good.

19 In other words, there are always, any law that's  
20 passed, there are always unexpected and unanticipated  
21 consequences, so I'm just very careful about making that  
22 kind of a projection without, you know, in very scientific  
23 terms.

24 Q (By the Chair) You feel, then, that the monitoring  
25 capabilities and -- your capabilities and abilities are

1       satisfactory as of this point?

2       A     Oh, I didn't say that. I said I am pleased with  
3       what we've done thus far.

4       Q     And you --

5       A     And I hope we can do better.

6       Q     (By Mr. Griffin) Dr. Webster, could I just ask  
7       you this, if there were a district and bilingual-bicultural  
8       students, a certain segment of them, were constituted the  
9       major dropout population of that particular district,  
10      could your department then take action or consult with  
11      the district about such?

12      A     And we have --

13      Q     A causal effect?

14      A     Right, Mr. Griffin, and we certainly could and we know  
15      that there's a very close relationship between these two  
16      factors, and we would.

17      Q     So that is a part of the monitoring?

18      A     Yes. I don't think we've looked at dropouts as --  
19      however as a part of our secondary education one of the  
20      fundamental baseline data pieces of information we're  
21      gathering is a dropout rate and we hope to get some longi-  
22      tudinal information on this. We think it's very im-  
23      portant information.

24      Q     Because in some areas of the state I've heard it  
25      referred to as education genocide. I was just --

1 A Yes, it's a very --

2 Q Then in other states they're looking to California  
3 for leadership in dealing with bicultural-bilingual  
4 education.

5 A And I think this was why this is a component of our  
6 document, is to deal with this issue and develop programs  
7 to meet the needs of these youngsters, aimed specifically,  
8 ultimately, at the dropout rate.

9 THE CHAIR: Sally?

10 Q (By Ms. James) I had just a short one.

11 You mentioned earlier that OCR had asked you to  
12 withhold funds from districts. How many times have they --  
13 and you said you did it at their request. How many  
14 times have you done that? Say in the last three years?

15 A I'd have to get better data on this. Again, within  
16 my experience, once that I'm positive of and twice, be-  
17 cause I just, I didn't expect this question.

18 Q Yes, right.

19 A One right now that we're working on as of this  
20 minute, and then last year it was recommended, I'm pretty  
21 sure for another district, but I forget --

22 Q I realize you weren't expecting this.

23 To your understanding, did they make this request  
24 as a result of a Title VI compliance review?

25 A Right, yes.

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THE CHAIR: Any more questions?

If not, thank you very much, Dr. Webster.

A Thank you very much.

THE CHAIR: And the meeting will stand adjourned  
until 9:00 o'clock tomorrow morning.

(Hearing adjourned)