I. Call to Order

A. Pledge of Allegiance

B. Roll Call

President Elaine Gantz Berman called the meeting to order at 3:35 p.m. Ms. Gantz Berman introduced herself and Superintendent Dr. Jerry Wartgow and asked the other Board members to introduce themselves and the district they represented as follows: Mr. Kevin Patterson, District 4, Northeast Denver; Mr. Les Woodward, At Large; Rev. Lucia Guzman, District 5; Mrs. Sue Edwards; and Mrs. Michelle Moss, Southwest Denver. Mr. James Mejía arrived at 3:44 p.m.

II. New Business

A. Presentations Related to the Proposed English Language Immersion Constitutional Amendment

Ms. Gantz Berman explained that this was a special work session meeting for the Board. She said they would not decide today on their position regarding the Proposed English Language Immersion Amendment, but that they would consider taking a position on it tomorrow during the Regular Board Meeting. This meeting was designed to accomplish three things: first, to hear from an independent attorney whom the Board asked to provide a legal analysis of key details within the Amendment; second, to hear from the proponents and opponents of the proposed initiative; and third, to hear from community members. There were 51 speakers signed up to speak, and while it might be difficult to do, she said the Board would adjourn no later than 6:30. She said that comments would be limited to two minutes each. She asked all guests to maintain polite decorum, even though the topic evoked considerable emotion and passion.

She said that the Board decided two weeks ago to ask for an independent review of the ballot language from outside legal council, from an individual not connected to the district. She said they would hear a brief presentation from that attorney.

Mr. Woodward said that he was pleased to introduce Richard Westfall of Hale, Hackstaff, Tymkovich, who had looked at some of the questions that they asked him regarding the way in which the proposed amendment would or could be interpreted. The questions were specifically related to the waiver provisions in the amendment, because the Board was unclear as to how those might be interpreted and how they
might impact the district. A copy of his opinion is appended to the official minutes of this meeting as Appendix 02-15, II-A.

Mr. Westfall said that his law firm first looked at how the Colorado Supreme Court had interpreted other measures to try to determine how the court would look at this measure. Generally, he said, the court would look to the plain language of the measure and then try to interpret any ambiguities of the provisions. He said they examined two very specific areas. First was the section that dealt with waivers—under what grounds those waivers were to be granted and how would a parent or guardian know when to seek a waiver and how the school would know if it should grant a waiver. The second area they looked at, he said, was the enforcement or sanction sections. In that section there were specific provisions that provided causes of action for parents to sue both the school district and individual school officials for taking certain kinds of action. Then they looked at the language in the enforcement section that gave parents and guardians the right to sue to come up with some analysis of what that would look like from the school’s perspective in whether or not it should grant a waiver.

Looking at the specific waiver section, Mr. Westfall said there were three areas where there were grounds for seeking a waiver. One was for someone who was not an English learner, although the criteria for determining non-English learners were ambiguous. The second ground for seeking a waiver was if someone were 10 years of age or older and had “an informed belief of the school principal and educational staff that an alternate course of educational study would be better suited.” He said they believed it would be difficult to determine what would be an adequate “alternate course of educational study,” and also difficult to determine what would be an “informed belief.” The burden would be very high for the school district to satisfy the requirement of an alternate course of study. The third waiver, he said, was the special needs waiver, which had a number of procedural requirements to establish special needs. Again, the school district’s burden to meet the ambiguous requirements would be very high.

Turning to the second area that they looked at, he said they believed that there were three major expressed areas and one potential area of legal exposure set forth. First was that the parent or legal guardian would have legal standing to sue for the enforcement of any of the provisions of that section. That would provide a cause of action for any violation that could be argued under this long constitutional measure. Second would be that a school official could be held personally liable if one could establish that there were a willful and repeated violation of certain provisions of the measure. The consequences of that were very severe, and that would be a very controversial issue if the measure were enacted, he said. The third area of expressed liability was the provision that provided liability if a special needs waiver was granted. The expressed provision of that was that the statute of limitations was 10 years, so that would be quite a bit of time when the school district would be subject to liability for incorrectly issuing a special needs waiver. He said the fourth area was that if the parent or guardian concluded that the waivers were granted in error and subsequently injured the education of their child. The way that the standard for showing a violation was written was subjective. If the parent said they thought their child was injured, that would arguably be all that they
would need to show in a court of law. He said he was not aware of any other situation where someone had civil liability where the standard was simply if the plaintiff believed so. Usually there was an objective standard that the court used to make that determination. So they believed the language created significant ambiguity that would require some tough work by the courts to interpret how that would work out.

Mr. Woodward said that his understanding of Mr. Westfall’s remarks was that there were several provisions in the proposed amendment where there was serious ambiguity as to interpretation and that there were substantial liabilities that could derive from any erroneous conclusions reached from those ambiguous provisions. Mr. Westfall said that was a fair summary of their conclusion.

Ms. Gantz Berman explained that they would ask the proponents and opponents five questions that were given to them ahead of time. She said they would first ask the proponents, either Mr. Ron Unz or Ms. Rita Montero, to respond to each question; then opponents, Mr. Garcia or Mr. Britz, would do the same. She asked the following:

“Under what circumstances can parents/guardians choose to have their children instructed in a native language or dual language program?”

Proponents: Ms. Montero responded that if a parent chose, they could trigger the waiver process by letting the teacher or school administrator know that they would rather have their child in one of those two options. Then it would be the duty of the school district to evaluate the request, determine whether that request fell under one of three categories—the child already knew enough English and should be granted the waiver, the child was an older child and it would be less difficult for that student to be instructed in their native language, or a child had particular or special needs beyond a child’s lack of English proficiency. If the school decided that a child fell under one of those three categories, then there was an evaluation process, and the school had to provide a 250-word document supporting their decision that the child would be better suited in one of the alternative options. They also had to indicate what practices they would be using and why those practices would be better than English Language Immersion, she said.

Dr. Wartgow asked if Ms. Montero could give him an example of a situation that would qualify a student for option number three. What might be a cause of special needs waiver for a 9-year-old child who does not speak English, he asked?

Mr. Unz said the child in the example would have to be placed for the first 30 days of each school year in an intensive sheltered English immersion program for parents and school personnel to decide if such a program were in their best interest. If the child clearly were having problems in such a program and there was clear and convincing evidence that an alternative program existed that had a clear track record of benefiting that type of child and a strong case could be made that that particular child could benefit from that particular program, then a 250-word description of all those factors would have to be provided, and under those circumstances educational authorities could consider granting a waiver.
Dr. Wartgow asked again for an example of a child that would qualify for a special needs waiver. Mr. Unz discussed the numbers of waivers granted in California and Arizona, etc., but did not give an example. Mr. Woodward tried to clarify Dr. Wartgow’s question, and told Mr. Unz that he had not given any example of what a special needs waiver would mean. He said they were looking for an example of a child who would qualify for a special needs waiver. He said Dr. Wartgow could not think of one, but that they, the drafters of the amendment, must have had something in mind for the condition of a child that would qualify for a special needs waiver. On the assumption that the language was intended to have meaning, he said they would like Mr. Unz to help them with that meaning.

Mr. Unz did not directly reply to the question, but said that different school districts could look at their legal advice from counsel, judge the validity and effectiveness of their individual programs, and come to different conclusions in the implementation of regulations they drafted. It could be that some school districts would conclude that it was unlikely that they would encounter any such children in their district. Others might conclude that a considerable number of their limited English students would fall into that category. He said he would argue that in the case of the 70,000 limited English students in Colorado, since all of these decisions had to be made at the school district level when special exception waivers were granted, it would come down to the board or superintendent responsible examining the dossier of that particular child, to decide whether the circumstances warranted such a waiver. He didn’t expect a huge number of such waivers to be granted, but he certainly didn’t expect no waivers to be granted. Each district had to decide for itself, he said.

Ms. Gantz Berman said they would move on to the next question, and read it as follows:

“What is the liability of the district, teachers, school principals, and superintendents under the Amendment generally and specifically for those who approve parents’ choice waivers?”

Mr. Unz said that the language of the initiative said that the people suing would be awarded normal and customary attorney fees and actual and compensatory damages, but not punitive or consequential damages. That was a significant distinction, he felt.

Mr. Woodward asked why they felt it was desirable to extend the normal statute of limitations beyond anything he knew of except in criminal law, and why they felt it would be necessary to wait 10 years before a judgment could be made as to whether or not a child had been damaged by a waiver granted eight or nine years ago.

Mr. Unz pointed out that the 10-year liability applied solely to the category three waivers. Again the distinction was focused on the special exception special needs waivers, which were intended to be few and far between. He said that in California and Arizona it had been extremely difficult to persuade immigrant parents who were very nervous and frightened, and often times not even legal residents, to file the appropriate
law suits against the people who were violating the letter and spirit of the law. So when the issue moved to Colorado, he and the people leading the effort here, decided to tighten the language and put in a longer statute of limitations on category three waivers so that some of those parents who may not be legal residents today, in five or seven years may have become legal residents and become more familiar with the system, and then they might be willing to take legal action against the school administrators who destroyed their children’s education. It helped to level the playing field, he said.

Mr. Woodward said that this despite the fact that the only basis upon which a waiver could be granted in the first place was that those same parents had requested the waiver. He asked Mr. Unz if that was correct.

Mr. Unz said that “requesting” was a subjective term. Though parents had to actually sign the waiver request, in California and Arizona there were reports of immigrant parents being cajoled or threatened with deportation by school officials into signing the waiver, and it was reasonable to level the playing field for those parents, he said.

Dr. Wartgow said it was unfortunate that the language had been tightened to punish Colorado educators for what might be characterized as bad behavior of California and Arizona people. He said Mr. Unz had been unable to give him one example of when a special needs waiver would be granted. He said what the 10-year personal liability meant to him was that if a nine-year-old child requested a waiver, and under some circumstance that no one had been able to identify, the superintendent granted that waiver, for the next 10 years a parent could decide that a child had been wronged, and they could bring a personal lawsuit against the superintendent. In that scenario, if that same nine-year-old child ten years later applied to Harvard, but didn’t get accepted, then the parent could decide to sue the superintendent because the waiver caused the child not to get into Harvard. What caused him even further concern, Dr. Wartgow said, was that there was other language that said that a superintendent could not be indemnified, insured, by the state or any other private insurer. So not only would the superintendent who granted the waiver be vulnerable and personally liable for 10 years, he could not even, under a constitutional amendment, purchase liability insurance to protect himself. That was very restrictive language that did not exist in either California or Arizona, he said.

Mr. Unz said that he would underscore one key phrase regarding the legal liability, which only applied if the individual in question was found by a court of law to have willfully and repeatedly violated this initiative. Mr. Unz said that the language regarding the personal legal liability explicitly used the phrase “willful and repeated” violations of the law. He said the other point Dr. Wartgow raised was whether it was fair for the Colorado educational authorities to be subjected to tighter restrictions because of the misconduct on the part of California and Arizona educational officials. Mr. Unz said that Colorado, and in particular the Denver schools, had a long history of issues and court orders regarding similar issues, and there seemed to be evidence of continued violations of those previous court actions on the part of DPS officials.
Mr. Mejía said Mr. Unz talked about extending the statute of limitations to make lawsuits easier for parents, and at the same time make it more difficult for parents to choose waivers. He said he wanted to be very clear if the initiative was designed to limit or eliminate waivers or to encourage lawsuits if indeed waivers were granted.

Mr. Unz said that the voters should realize that if the measure were implemented, the result would be that, with few exceptions, all children in public schools would be taught English immediately once they began school; not all children, but nearly all children.

Mr. Mejía reiterated that they were talking about limiting parental choice, and if parents did exercise their right to choose, they were encouraging lawsuits.

Ms. Montero said that initially the request for a waiver had to be triggered by a parent, but in the end the decision of whether a waiver was granted was in the school’s hands. So if there were a lack of parent choice, that would be because the school district decided that they didn’t want to grant the parent’s choice. Additionally, she said, this school district was presently under a federal court order that had been violated time and time again, and due to those violations, DPS had not yet implemented its English Language Acquisition (ELA) program to the extent that they were supposed to.

**What is the impact on the district’s dual language Montessori program?**

Ms. Gantz Berman asked Mr. Unz and Ms. Montero if the new dual language Montessori in Northwest Denver could continue to operate as it did currently.

Ms. Montero responded that the dual language Montessori could continue to operate. The initiative would have no effect on those kids who were proficient English learners. They could stay in that program if they would like, she said, however, if there was a child who was a Spanish speaker and not proficient in English, that child would be subject to the initiative. They could apply for a waiver and ask to be educated through dual language, if that was what they choose, she said.

In other words, Ms. Gantz Berman said, the English language learners at the dual language Montessori program, who all would be under the age of 10, would have to request a waiver under the special needs category. And since the authors of the amendment had not been able to give them one example of when a waiver could be granted, she said, the dual language program in Northwest Denver would be virtually eliminated.

Ms. Montero said no, a child could be granted a waiver if there were many children presently in the program who should not be there as English language learners, yet they had a level of proficiency where they should be in the mainstream, and remained categorized as an English language learner. Those children could apply for a waiver, based on the fact that they were proficient in English. There were many of them, she said.
Rev. Guzman said that the dual language Montessori program that was adopted several years ago had proved to be one of the most successful schools in the district. It was the first school in Northwest Denver that had absolutely no mobility. The kids and their families did not want to leave, she said. The school was designed to have a certain amount of Spanish-speaking only and a certain amount of English-speaking only children, therefore, it didn’t seem at all logical that there would be any need for the idea of a waiver to be part of that, because that school was unique. Parents chose that school for their child, and there were almost 200 other families who wanted their children to go to that school. The amendment, whether proponents wanted to admit it or not, would negatively affect one of the most successful academic opportunities in the country for Spanish-speaking Hispanic children to be educated properly and adequately and equitably, she said.

Ms. Montero said she didn’t think it had been proven yet that that school was at the level of academic achievement where parents would want their kids to continue there. There had been no test scores shown to prove its efficiency or efficacy in academic achievement, but if it were a model that eventually proved to be doing a superb job of educating kids, then she would see no reason why a waiver should not be granted or why they would fear some sort of legal ramifications as a result of placing a child in that program. If they granted a waiver into the ELA program, their all Spanish-language acquisition program, however, then they would be in serious trouble, because that program already had been proven to be a failure, she said.

Dr. Wartgow said that there were some issues of fact, but he didn’t want to get into a debate. He said that with respect to the dual language program, the Board asked an honest question and they needed an honest answer. What they were trying to determine under the choice in section 3, he said, was if that were one of the examples that they had been looking for, that a Spanish-speaking five-year-old could be granted a waiver under this provision to go to that school.

Ms. Montero said that she would say yes, if they could prove that the option into which they placed the child was one that would provide the child with an adequate education.

Mr. Woodward said that answer ignored the language that required that the need of an individual child be assessed. It had nothing to do with the program to grant the waiver. The need had to be established first, he said, and they really wished they could have some example of any circumstance that would meet that description of a need. Given the absence of that, he said he could only conclude that the intent was to make it clear that there would be no parent choice permitted within Colorado.

Ms. Montero said that would hinge on what they as a Board of Education determined to be a special need. What they decided was special need and what someone in Jefferson County decided was special need might be entirely different. But in the end, the results of where they placed that child would be determined by the ability of that program to give that child an adequate education. And, she said, that would be what she would say would trigger a parent’s belief that they had to file suit against a particular district,
because they had given that child a substandard education. The two of them went hand in hand, where they established the need and then they determined where they placed the child. If the child were placed in an inadequate program that in the end would fail the child, that was an important aspect that couldn’t be ignored, she said.

Ms. Moss said that in her mind it was not even the school district or the parent that got to make the determination about what the special need was. Ultimately it would be the courts that decided whether there was indeed a special need, and if it was not, or if there was damage to the child, they could ultimately be sued for that. She said she thought that was the concern, not that Denver or Jeff Co might have different special needs, but who would make that determination ultimately. And she said she thought ultimately it would be the courts.

Mr. Unz said that Mrs. Moss was correct in that. But the key phrase was “willfully and repeatedly violating the law.” Their legal liability would hinge on the fact that a court of law would find, based on a pattern of behavior, that any or all of them were willfully and repeatedly violating the law, he said.

Mrs. Moss said that would ultimately result in the elimination of programs like the dual-language Montessori, because allowing 150 kids in a program would look a lot like willful and repeated. That would eliminate the parent’s choice to put their child in a program that they thought was effective, and that was the problem, she said.

Ms. Montero said that she had heard people say that the dual-language Montessori was the best thing ever, so if in the end that program showed phenomenal results and the level of academic achievement was phenomenal, then DPS has no reason to worry. Because it would take only one child’s parent to say it was not phenomenal for Jerry Wartgow to be sued, and he would be personally liable, Mrs. Moss said.

Ms. Gantz Berman thanked Mr. Unz and Ms. Montero for their input, and asked Mr. Jorge Garcia of English Plus and Mr. John Britz, opponents of the initiative, to be as expedient as possible. Ms. Gantz Berman asked the following:

Under what circumstances can parents/guardians choose to have their children instructed in a native language or dual language program?

Opponents: Mr. Garcia said that the independent attorney, Mr. Westfall, gave them a clear indication that the amendment was very ambiguous in that respect. He said that he believed their question was answered by the proponents’ silence when they were asked to give just one example of waivers provided under section 3. Justice Carlos provided part of the answer when he spoke for a unanimous supreme court and said that it would virtually eliminate all other options. He also said in the same opinion that the amendment was circuitous, because on one hand it purported to grant waivers, while on the other hand it virtually eliminated all other possibilities, Mr. Garcia said. The amendment imposed such severe penalties and consequences for those who were charged with
issuing the waivers that, in their opinion, under no circumstances would a sane person grant a waiver. He said he could even quote Ms. Montero who yesterday said that school boards and officials would be crazy to give out a waiver.

From your perspective, what is the liability of the district, teachers, school principals, and superintendents under the Amendment generally and specifically for those who approve parents’ choice waivers?

Mr. Garcia said the attorneys that they have had look at the amendment agreed with Mr. Westfall. “Willful and repeated” might result in somebody getting fired, but granting a waiver in error, and the subsequent determination that there was educational harm, would result in a 10-year statute of limitations. He said there was no denying that it was personal liability, there was no denying that it impacted insurance law in the State of Colorado because there was no third party indemnification, there was no denying that the reason for having that type of liability was to eliminate the choice of parents by punishing those persons who ultimately have to sign the waiver forms.

Mr. Britz said that the initiative was basically the full-employment act for any attorney in the State of Colorado in terms of representing school officials.

What is the impact on the district’s dual language Montessori program?

Mr. Garcia said that the under-10-years-of-age waiver didn’t apply. The waiver for English speakers would not apply. Existing programs would be totally eliminated.

Mr. Britz said that an additional point on the dual language Montessori program was that the component within the ballot issue itself that an individual school at an individual grade level had to have 20 or more children per that grade level to apply for waivers. If the class size in a Montessori school was 25, and there were eight or nine children that were English speaking and the rest were Spanish speaking, they could not receive a waiver even if they had applied for one, because there weren’t 20 or more kids per grade level at that school that had applied for a waiver. So under the ballot issue they couldn’t apply that program, he said.

Could you provide some scenarios for “special needs” students under which a waiver could be granted?

Mr. Garcia said, “No.” Mr. Britz said that the California issue was much broader in defining special needs. That issue talked about a special needs child as having physical, psychological, emotional, or educational needs. The Colorado issue was very specific in that it named only psychological or physical needs. As they read it, he said, they wondered about a child who was dyslexic—not a physical or psychological problem. That would be an educational problem, and they thought a dyslexic child might not be able to receive a waiver under the special needs scenario.
A staff member clarified that Special Education was an exception to Amendment 31, and a dyslexic child would perhaps be exempt under that exception.

Ms. Gantz Berman said that before they concluded that part of the formal meeting, she would ask for Board members’ comments and that she would begin by giving her reaction to what she had heard so far.

Ms. Gantz Berman said that the Board of Education had had some preliminary discussion about their position on Amendment 31. She said they were leaning toward opposing the Amendment, but they definitely wanted to hear the evening’s presentations before forming a firm opinion. She said she did not get any satisfactory answer from either Mr. Unz or Ms. Montero about any circumstance in which a child under the age of 10 years would be granted a waiver. She said of the 16,000 English language learners in DPS, over 10,000 of them were under the age of 10, or 60%. That meant that 60% of English language learners would not be eligible for a waiver, and their parents could not exercise choice. She said DPS prided itself on being a choice district. Close to 30% of DPS students do not go to a neighborhood school and chose a school outside of their neighborhood. She said they had been a strong supporter of charter schools and promoted choice whenever they could. She said Amendment 31 went against their belief that parents have a right to choose. The Board had consulted three in-house attorneys, their own Board member who was an attorney, and an independent attorney to give them legal advice, thinking that maybe someone would tell them something different, but they had not—nor had nine members of the Colorado Supreme Court. Everyone had been unanimous that they could not conceive of a situation with the special needs categories of children under the age of 10 where they would recommend to the Board that they should grant a waiver. Based on the answers that she had heard so far, she said it would be very difficult to support the initiative.

III. Public Comments

Ms. Gantz Berman said that since there were 51 people scheduled to speak, she was going to be really tough on holding speakers to two minutes in order to keep the meeting moving.

Bill del la Cruz, president of the Boulder Valley School Board, a board member of the Colorado Association of School Boards, and chair of the Hispanic School Board Coalition for the State of Colorado, said that over the past five years he had spoken to thousands of people about education, and no one that he had spoken to had ever implied that teaching English to students was not an important and imperative part of the process of educating. He said that was important for people to understand. He said that they had a successful dual immersion bilingual program in Boulder Valley Schools, and they had the data to prove it. He said their legal staff advised that if the initiative were to pass they would have to dismantle their bilingual programs or be in violation of the law. It would cost an additional million dollars to restructure the programs the way that the initiative sets forth. Another point was that Colorado was a local control state, he said. The Colorado Constitution was designed in a way that local community members elected school boards to make decisions
based on the best interests of their students. The initiative would go right into the Constitution and eliminate that local control. It would eliminate choice.

**Elma Ruiz**, parent and literacy coordinator for DPS, said that when she first came to Denver, Jose Perez, asked her what her personal beliefs were regarding bilingual education. He was asking, she said, if she was willing to suspend her personal beliefs to support whatever implementation or program initiative DPS had. She said the English Language Immersion program had no educational research to support it. She said she was open to accept, support, and implement any program that was grounded in educational research. She said she commended the Board for bringing this issue to the center, because it was the right issue. Now the Board needed to come up with the right solution.

**Diana Geisler**, teacher leader for DPS Reading Recovery, said her expertise for the last 25 years had been teaching young bilingual children to read and accelerate their language development. She said she knew how to do it and how to teach teachers to do it. An alarming piece of the initiative was the assumption that most children would learn enough English to function effectively in a school after only one year in an English Immersion program. The initiative prohibited even doing more in English using English As A Second Language techniques after that one year. She cited data and disappointing results from a study of a group of children who were in California since their initiative in a program much like proponents wanted Colorado children to have. She said they needed more than one year of help for Denver’s kids.

**Gully Stanford**, parent of two DPS students and representative for the First Congressional District on the State Board of Education, said he appeared as co-chair of English Plus, a group that had been set up to oppose passage of Amendment 31. He said they opposed the amendment for reasons that had been discussed at great length. But he said he would like to put in the record for the DPS Board that English Plus was also about swift and efficient English language acquisition. They believed that English language should be acquired with parental choice and a partnership with parents and school districts that would allow them the full range of programs to which they were entitled. He said they believed that the initiative would tighten the choices of parents to the extent that they would choke the circulation of parental choice. He said English Plus hoped that DPS would stand up for choice and for parents. This was a major issue, but the wrong solution, he said.

**Ramon del Castillo**, representing the Latino Education Coalition, said that he agreed with what everyone said, and that the parental choice and punitive damages issues alone were reason to vote against it. He said he hoped that the Board would use guided research and not public opinion to make their decision. He urged them to take a public stand against English Immersion for the children.

**Lorenzo Trujillo**, co-counsel for the opponents, English Plus, asked the Board to oppose the initiative. He said the full court itself called it circuitous, deceptive, and misleading, and it had multiple problematic aspects. The process was a sham, the punitive nature was draconian, the impact on local control was dramatic, and parental choice was removed. That was contra-Colorado law and the historic will of the people, he said. The unintended
consequences of the initiative were so much greater than those that were understood or those that were presented under the guise of “its just anti-bilingual.” It was anti-educational. He asked the Board to vote against it and said that the initiative was reprehensible and represented the worst of all evils.

Priscilla Gutierrez, director of the Rocky Mountain Deaf School, moved from California to Colorado four years ago so that her diverse-needs son could be educated here. She said she chose Colorado because of an education system that was light years ahead of California, for the sake of her son, and for her own professional sanity. And now, four years later, they were being forced to consider adopting California’s narrow, one-size-fits-all version of education. She said her hope in addressing the Board was for their decision to be an informed one. She said there were only two questions to ask. One, do they believe that children could become fully literate in a second language in a single year? Second, do they believe that limiting options for diverse populations would lead to academic success? Her answer, she said, was a resounding “no.”

John Wren, Republican district captain, said it was his intention to speak in favor of the initiative, and he still thought that immersion should be given greater attention, but as he heard the discussion today, it became clear that the real issue was a suddenly rich guy coming in and dictating what should be done. He said he was glad the Board had this hearing, and this kind of debate was a great service to the community.

Alvertis Simmons, executive director of the organizing committee of the Million Man March in Denver, said he was not there to push anyone’s agenda—it was not about politics, it was about the kids. He said that some of the things he had heard disturbed him. What DPS had done in the past had not worked, he said, and they had to try something different. So he said that he and his organization stood in favor of Amendment 31. He said they didn’t care about rich folks coming into their community if their money was doing something for their kids. Every kid was important, he said, and they couldn’t afford to leave out any kid, Black or Brown. What they want for white kids, they want for Hispanic and Black kids, he said. He asked if they knew that graduation rates for Black and Brown kids had decreased, not increased, in the last five years. He said they must do something about that. Their kids could learn if they gave them an opportunity to learn, quit down grading their kids, he said, and let their kids be first and not last.

Mr. Mejía asked Mr. Simmons if he represented a lot of parents and families. Mr. Simmons said, “absolutely.” So if some of those parents decided that it was in their best interests to determine the educational direction of their children, Mr. Mejia asked Mr. Simmons, would he deny them that? He asked Mr. Simmons if he told him that this initiative denied them that, would he still be a proponent of the initiative?

Mr. Simmons said he was looking at it from the standpoint of getting their kids an education. He said they’ve got to do something different.

Mr. Mejia asked Mr. Simmons if that was his decision or the parent’s decision.
Mr. Simmons said it was the decision of those who cared about their kids. They knew what was best for their kids, he said, and if Mr. Unz would help their minority kids get an education, then he would stand with him on that issue.

Mr. Mejía told Mr. Simmons that was the right issue, but the wrong initiative.

Sheila Shannon said that she worked with and in DPS for the last 15 years. She personally knew all the hard work that the Board and the community put into the development of the English Language Acquisition (ELA) program that was approved by Judge Matsch and satisfied the federal court order. From the findings of the research that was done, they concluded that a 3-year program was best for English language learners in DPS. Rita Montero was even on the School Board at that time and a part of the development of the ELA plan. When the plan was approved by Judge Matsch, and she said she was in the courtroom that day, Ms. Montero touted the plan as a model for the rest of the country. Now she and Ron Unz were asking the Board to replace the ELA plan with a one-year immersion program. She said they already knew from their research on the ELA program that a one-year immersion program was absolutely wrong for the English language learners in DPS and the rest of Colorado. Nothing else made sense other than for the Board to pass a resolution against this amendment, she said.

Patrick Ridgeway, said that he was a parent at Sandoval School. Four years ago when the parents conceived their new school, they had many choices, and they chose dual immersion because they looked at programs all around the country, and they saw that it worked. It created a multi-lingual future for their children in an age of globalization. He said he would urge the Board to strongly and vigorously oppose Mr. Unz’s Amendment 31.

Cathy Escamilla, associate professor of education at CU in Boulder, said she was representing herself, but added that she was a past president of the National Association for Bilingual Education and a parent of two children who benefited from dual language programs. If Amendment 31 passed, she said she, as an English-speaking parent, might still have the option to keep her children in the dual language program. Unfortunately, her neighbors who speak only Spanish would not have that same option. Somehow that didn’t seem equitable, she said. She wanted to go on record saying that she believed that all people in the United States needed to be proficient in English. Having said that, she said this amendment was not the vehicle to achieve that. She said it was about stripping away parent rights, the imposition of additional unfunded mandates on children and school districts in Colorado, and an attempt to intimidate teachers and school officials into implementing a one-size-fits-all approach to second language learners. Immersion is one thing; coercion is quite another, she said, and urged the Board to oppose the amendment.

Joanne Roll said that she would speak in favor of Amendment 31. She said she had been very lucky to have been represented in District 5 by two very articulate women, and said she would quote one. In a North Denver Tribune article July 18, 2002, School Board member Lucia Guzman, who won the District 5 seat from Rita Montero in 1999, was quoted as saying she would not be opposed to an English immersion curriculum if ELA ultimately proved to be untenable. Montero, she said, could very well be right about the
merits of English immersion, but ELA had not been sufficiently guided and needed to be in place for a few more years before a decision as to its efficacy could be made. They need to fund the program and make sure that they had adequately credentialed people running the program, she said, and then if those kids hadn’t transitioned from that program within those three years, then something needed to be done. Ms. Roll said that Rev. Guzman had framed a very important issue: how much time would be spent with a program that had not produced the desired results? In terms of that issue, Ms. Roll said she would ask: “If not now, when? If not you, who?” She said she appreciated their concern about waivers and the decisions they would be making, but she wondered what they were saying to parents now who were signing permission slips for the ELA program. She said she had information where they stated that teachers who instructed English language learners were specifically trained in second language acquisition methods. The court monitor’s report said that over a third of them were not yet credentialed, and she wondered if they told parents that.

Dr. Wartgow said that he would be first to say that the ELA program was not where it needed to be in terms of implementation. But by no means had it been put on the back burner. He said they had made significant progress, as evidenced by the monitor’s reports during the past year. He agreed that they had a long way to go, but he believed that they were getting there. He said he would like Dr. Eckerling to respond to Ms. Roll’s last comment to make sure that the facts were correct.

Dr. Wayne Eckerling, Assistant Superintendent of Research, Planning and Special Programs, said that there was parental choice in DPS. They had more than 1,700 parents who made a choice not to participate in the services available in their school, and they had 2,400 who chose English only options. Since the court initiative, he said, they had increased the number of fully qualified teachers who taught in supported English or English language development by 154%. One issue the district faced, and would also face under Amendment 31, was the growing number of English language learners, which made it very difficult to keep up with the number of qualified teachers needed. He said that if a person looked at recent published data, the picture of purported failure simply wasn’t there.

Ms. Roll asked when a parent signed the permission slip to choose an option, if that child went into a class where the teacher was not fully certified, would that parent be told?

Dr. Eckerling said the parent would be told beginning next year because those are part of the No Child Left Behind guidelines. Currently, if a parent asks they are told.

Board member James Mejia said that since the meeting had been scheduled to end at 5:30, he had made another commitment and had to leave, but he wanted to make a few comments first. He said it had become clear to him that the amendment limited parental choice even more than he had previously interpreted; it in fact eliminated choice. It also had become clear to him that the intent of the initiative was to take away the ability of local school districts to make decisions, and they would instead be held to a constitutional amendment. He said he believed that the initiative was ill conceived, mean spirited, and it put at risk the education of all children in the state. As a proponent of
parental choice and local control, he said he was against the initiative. He said that opportunity and choice are American ideals, and this initiative was Unz-American.

Ricardo Martinez said he spoke to urge the Board to take a stand against Amendment 31. He said that under the guise of English for the children, proponents were running their own political agenda fueled by their own animosity against DPS and the State of Colorado. That movement had been getting more and more oppressive and repressive, he said.

Maria Rodriguez said she was assistant director of Colorado Progressive Coalition, a statewide civil rights group with a membership group of over 2,500 individuals. They worked on issues of social, economic and environmental justice. She said she was there on behalf of that group to urge the Board of Education to take a position against Amendment 31. She reiterated many previously cited criticisms of the amendment, but said CPC believed the most reprehensible issue was the financial drain on already strained resources.

Elvira Aguanta said that she was from the Students for Justice and that she felt that bilingual education helped students who came to the USA to have a better education. She said that ELA helped them to develop English skills so that they could be successful.

Reyna Quintel said that she also was from the Students for Justice. She said that the ELA program was great, because they learn a lot of things that regular classes would not teach them. Most of the students speak two languages, she said. They did not support Amendment 31 because they needed the ELA program for students.

Shelley Flanagan said that she was a teacher and a parent of a DPS student. Her daughter was a kindergartner at Academia Ana Marie Sandoval, she said, and in her short life, she had attended two excellent Denver Public Schools, Sandoval and Dennison Montessori. She said they have felt fortunate with the quality of education she had already received. She said she could honestly say that she was proud that her daughter was part of the Denver public school system. They live in Southeast Denver in an area with public schools that have high test scores and long waiting lists. They could have had their pick of any number of quality schools. Instead, she said, they made a choice for their child to attend Sandoval. She said they sacrificed for that choice financially by paying monthly tuition and by driving 40 miles a day to take their child to school, but for them it was worth it. She said they chose that school because they wanted their child to be bilingual and bi-literate by the time she left elementary school. Amendment 31 would take away all of those choices and opportunities. She asked the Board to help parents maintain a voice in their child’s future.

Carmen Atelano said she was a native Coloradoan who lived in West Highland area. Like many other parents at the meeting, she chose to enroll her son in Sandoval School. She said she thought Sandoval was a great choice because it made students fluent in two languages by the time they left elementary school. She said that was important as they prepared their children to function in an increasingly integrated world. Secondly, it was a neighborhood school, so children from the neighborhood had priority as spaces in classrooms became available. Though parents from throughout the district applied, the school had become so popular that almost all positions were filled from the immediate neighborhood, and
Sandoval had a waiting list of nearly 200 families, she said. And third, she said it was an economically diverse school. Students came from a wide range of socio economic backgrounds, which prepared them well for the society in which they lived. The Unz Amendment would eliminate dual language schools such as Sandoval, she said. It was anti-choice at a time when parents wanted to see more, not fewer, choices in schools. She said she would ask the Board and the voters of Colorado to reject Amendment 31 and protect parents’ right to choose models that suit the needs of their children.

Board member Kevin Patterson said he expected the meeting to end by 5:30, and he had to leave for another commitment. He said that in his study of educational reform, he had noticed three basic elements that people across the country talked about. Those tended to be the relationship between teacher and child, the element of parental choice, and the element of local control. Decisions were being brought down from the district level to the school level, to the level that was closest to the children, which was where decisions should be made. He said it would be one thing if proponents of the initiative were a little more honest about their intentions and about what they really were trying to do. People who thought that elimination of the ELA program would create a huge pot of money that they would be able to use for English speaking students were mistaken, and all the money that was already invested in the program would be wasted. He said the amendment was not fair, was not smart, and he didn’t think it was a panacea for student achievement in DPS.

Barbara Baldivia-Flores said she was a graduate of East High School and was an advocate and mentor for students in DPS for four years. She said that was how she became aware of how detrimental bilingual education was to Hispanic children. She said she remembered asking a teacher why she was teaching a small group of students in Spanish, when she personally realized that almost half of those children knew English as well as they knew Spanish. The teacher answered that they let the children decide in which language they wanted to be taught. That was astonishing to her, she said, for who wouldn’t choose what they were most familiar and comfortable with, especially their native language? Other immigrants who did not speak English when they first came into the United States were quickly acclimated into mainstream classes taught in English. Did bilingual proponents believe that Hispanics were less intelligent than other immigrants, that they could not learn English as quickly as others? Personally, she said, she saw bilingual education as a prejudicial teaching tool to keep Hispanics from being competitive for college scholarships and financial success in the job market. She asked how much longer they were going to allow the discriminatory practices against Hispanics by allowing bilingual education to continue? Each parent needed to evaluate the facts for themselves, and for the betterment of LARASA and all Colorado students, please vote for Amendment 31, she said.

Pat Flint said she was speaking on her own behalf, though she was a very happy volunteer at Castro elementary for the past five years. One of the opportunities she had, she said, was to work with second graders who wanted to learn to read in English. They were top students in Spanish reading. She said in the beginning they couldn’t converse much, so they worked with the books, but they were really ready to sail by third grade, after they had finished second grade with a teacher that was bilingual. But not all children were top
learners, she said, and some needed more time to get there. Early immigrants to this country severed their ties to their native country because of the ocean. She said Spanish children today went home to Mexico occasionally, so they maintained that tie. She said she always told them to be proud that they were bilingual because they needed both languages.

Blanca Mata spoke of her experiences with her five children and bilingual education. Her oldest daughter had so many problems because she never had the opportunity to learn math and science in her own language. Now that she was in high school, she saw her huge mistake of not putting her in bilingual classes. She was paying for it. Her second daughter was in seventh grade and was in bilingual classes for three years, and it was enough for her; she was now bilingual, could read and write in both languages, and she was doing very well. She said it was very hard to learn English as an adult, that bilingual does work, she said.

Sylvana Carlos said she was a graduate of DPS. She said that when she was a student, she and her parents sat and talked very seriously about her going to private or public high school, and she chose to go to West High School. To this day, she said she lived very satisfied with that choice as a certified bilingual school psychologist. In addition to all of the reasons that they had heard today, she said the amendment would require every teacher to be retrained and every school to be retooled. The proposed program, the structured English immersion program, had yet to be defined by the proponents, so she said she would just urge the Board to take a firm and strong stand against Amendment 31.

Margie Rebaza said that she lived in Latin America, so she did speak Spanish, although she was born in Colorado. She said she had five children, and her girls were fortunate that they received ESL because they also came up to the United States speaking Spanish. But her sons, she said, were immersed into English when they were in kindergarten and first grade. By the time they reached ninth grade, she said, they dropped out of school. If children couldn’t process in their own language, they couldn’t learn a second language, she said. So she was definitely against the proposition and hoped the Board would oppose it also.

Estaban Flores said he was director of the Latino Latina Research and Policy Center at CU Denver, but said he was not speaking in that capacity. He said he was co-chair of the Latino Campaign for Education, and he wanted to bring up some issues that he thought were essential. He said they all agreed that cost, parental choice, and local control were sufficient for all of them to oppose the amendment. But still there were key issues that were missing, and one he said he called the slippery slope of racism. What was next with that kind of amendment? They knew that teachers in Arizona were told not to speak Spanish to children outside the classroom. It came down to language discrimination; to the most essential part of it, to devaluing human beings for who they were and what they spoke. He said he polled the members of the Latino Campaign regarding Amendment 31, and the opposition against it was unanimous. So they wanted to urge the Board to vote against this amendment.

Allen Rozanski said that, as a parent of a DPS student, he was very much opposed to the Unz amendment, and he asked the Board not to endorse it. He said he had lived in Colorado all of his life, and he remembered when his parents did not have a choice of where to send his brother and him to school. The proponents wanted to send the state back to those
Mike Melendez said that his biggest problem with the initiative was that it didn’t have a human face. He grew up in Texas as a migrant worker; he was indeed immersed in English, and he flunked first grade, but in second he finally caught on. What troubled him, he said, was that proponents of 31 did not worry about the impact it would have on children. What they were told in Texas was that his heritage and culture were of no consequence. What about the children who couldn’t pass in a year? Would they fall through the cracks? He said he was bilingual and refused to dumb-down for anyone. He said he was an international trade specialist who did a lot of work in South American countries, and it was a wonder to speak more than one language. He urged the Board to oppose the initiative.

Kathy Bougher said she had been an ELA and bilingual educator in DPS for 18 years and was currently the ELA coordinator at Manual. She said she grew up and went to school in California, and in 1971 she became familiar with one of the first bilingual programs in that state and had been interested and involved in it since. She said she wanted to talk about what the impact of Amendment 31 might be in a high school. There had been talk about what would happen to children over the age of 10, and that obviously included high school students. She said they needed to look at what happened to high school students if they were given only one year of English instruction—students who were expected to pass classes such as geometry, algebra, biology, government, etc., in order to graduate. In one year really tenacious students who had very strong backgrounds in their first language could acquire a certain amount of survival English and very basic literacy skills in English. The large majority of students would drop out, however, and she didn’t think that was in the best interest of the community. She urged the Board to vote against the amendment.

Board member Sue Edwards said that she had a personal dilemma because she had made a commitment to be someplace at 6:00. She apologized that she had to leave to go to the other meeting. She asked the speakers not to take that as an indication that she wasn’t interested in hearing what they had to say, nor as an indication that she didn’t believe that to be a tremendously important issue. She said that tomorrow evening they would hear what she thought about the issue, and it would not be unclear.

Allen Potter, ELA social studies teacher at Rishel Middle School, spoke about his own experience with a one-year immersion program. As a 24-year-old college graduate, he took a job in France. He said he had very little linguistic background, so he enrolled in an intensive French language program. He said he took it all very seriously and even refused to speak English with classmates or even at home. Within a year, he said, he had a pretty good grasp of French. Filled with confidence, he enrolled in a masters level history program, and in that mainstream he said he struggled, fell behind very quickly, and soon dropped out. He said to remember that he had been highly literate, extremely motivated, and immersed in French morning, noon, and night. By comparison, Rishel ELA students from Mexico had widely varied literacy skills in Spanish; many were unwilling or afraid to
speak English, and most would revert to Spanish at every chance. He said he wished it weren’t like that, but those were the facts. He said that at Rishel they took a lot of pride in exiting students and watching them excel in the mainstream. He said proponents wanted to change the state constitution to reflect a viewpoint that was not definitive. Once they took that step, they couldn’t go back, so he asked the Board to fight the amendment.

Luis Torres spoke on behalf of the Hispanic Education Advisory Council of DPS and the Department of Chicana and Chicano Studies at Metropolitan State College of Denver. Mr. Torres wanted to speak to something that was stated earlier and caught his attention, and that was the constitutional protection for students. He said the 14th Amendment of the U.S. Constitution granted equal protection to all citizens and residents of the U.S. Amendment 31 said that foreign language classes for children who were not English learners should not be affected, and he said that during Ms. Montero’s presentation, she said that it would be okay for English-speaking students to be in a dual language program, such as the Montessori, but not for Spanish-speaking students. That would be a violation of the equal protection clause, because it would allow some students to be taught in one method, but the same method would be outlawed for others. He suggested that the Board should prepare for a lawsuit against the amendment if it passed, because Hispanic students had to have the equal protection that the constitution provided.

Carlos Tamayo said he spoke on behalf of Spanish speaking parents at Sandoval School. He said that most of them were immigrants who spoke Spanish as a first language. He said they knew that they had to learn English and had to teach English to their children. To think that they could learn English in one year would be totally unrealistic, he said. He said he agreed with Mr. Porter, because he too attended a one-year immersion program, and it didn’t work. The best way for it to work was like the dual language school where they could interact with peers at the same time. The initiative didn’t take into account the rich diversity in Colorado. In the name of the Spanish-speaking parents, which represent 50% of the school population at Sandoval, he urged the Board to strongly oppose the amendment.

Susan Daly said the point that she had planned to make was very simple, and it was about choice. She said she was the parent of a seven-year old enrolled in a successful dual language immersion school. She also was an ESL teacher in the Boulder Valley Schools. She said she represented her son, the teachers at the dual language immersion program at Lafayette, and the teachers of Alicia Sanchez elementary, a neighborhood ESL school in Lafayette. She said their two schools were excellent examples of how parents could choose what kind of education they wanted for their children. Parents could send their child to Sanchez, where they would receive an English education with ESL support if needed, or to the Pioneer school where they would receive their education in both English and Spanish. The goal of both of those schools was to achieve excellence in English, she said. If amendment 31 passed, choice for parents would disappear. Waivers would be virtually impossible to obtain. Mr. Unz repeatedly said that students had been forced into bilingual programs, and that was absolutely absurd, as Colorado was an open enrollment state where parents, by law, had the ultimate decision of where their child attended school. If 31 passed, thousands of students would be segregated into English immersion classrooms that nobody of research even suggested would be successful. In fact, as cited by California Department
of Education’s official statistics, the achievement gap between native English speakers and students placed in the English immersion program had only grown wider, she said.

**Phil Hernandez** from HEAC quoted part of Section 5 of the amendment as follows: “Any individual found so liable in a court of law shall be immediately removed from office for malfeasance and shall be barred from holding any position of authority anywhere within the Colorado government or the public school system for a subsequent period of five years.” No position of authority . . . “I guess you couldn’t be a bus driver in DPS for five years,” he said. He said there were a number of violations of the state and U.S. constitutional provisions and that Amendment 31 would severely damage public education in Colorado. The amendment was anti-immigrant, anti-Latino, and anti-education. It clearly tried to impose a straitjacket that would not be easily removed, he said.

**Mel Hilgenberg** said that he said he was currently the Republican nominee for Congressional District 1, State Board of Education. He said he strongly urged the Board to support the new Colorado Citizen Emancipation Proclamation, Amendment 31, English for the Children. Only through passage of that initiative would Spanish and other non-English speaking youngsters have the same educational opportunities that were afforded earlier immigrants to the great constitutional republic, the United States of America.

Ms. Gantz Berman asked Mr. Hilgenberg if he believed in choice for parents. He responded, “Yes, I do.” She asked if he realized that the passage of Amendment 31 eliminated that choice for at least 60% of English language learners throughout the state. Mr. Hilgenberg said it was unfortunate that Ms. Berman felt that way, but he didn’t happen to agree with her. Ms. Gantz Berman said that every attorney who had looked at it came to the same conclusion, so it wasn’t a matter of agreeing or disagreeing. She further said that as he was out on the stump, he could not say he was an advocate of choice, because by supporting 31, he was by definition against choice.

**Brian Geoghegan**, parent of a daughter at Sandoval School, said that all of the speakers before him had stolen much of his thunder about opposing Amendment 31, so he would not repeat the arguments. He said he simply would like to commend the Board for their process as a whole, for really fleshing out the issue. He said he was going away from the meeting with a greater understanding of the amendment.

**Patsy Roybal** said that she represented the Colorado Statewide Parents Coalition, an organization with a mission to improve the quality of education for their kids. She said that she was sickened when she thought about the fact that the amendment would rip apart everything that they had worked for for so many years. Every parent knew that there was no one-shoe-fits-all answer in education, she said. Kids had different needs, and no one knew better than parents what kind of education would be best for their kid.

**Loralie Cole**, teacher at Mitchell School, said she would like to make one point about the cultural values involved in the amendment. She said her experience with bilingual stemmed from her Polish-speaking grandmother who went into fourth grade in an English speaking school and did very well, but consequently her parents did not learn to speak Polish or
Lithuanian, nor did she. Now she had no cultural heritage, she said, and that made her kind of sad. She asked the Board to take a stand for cultural values for the country.

**Guadalupe Herrera** said she was there as the mother of two DPS students, both of whom spoke English and Spanish. She said she had many stories she could speak about, but she would speak about going from the frying pan into the fire. She said what she was most feared from Amendment 31 was that it would take them back to the prejudices that existed when she was a child in California, and other people were allowed to decide what was right for them. She said they had fought for many years to get beyond that, and this proposition would take them back. She encouraged the Board to help them move forward by voting no.

Board member Les Woodward apologized to all of the folks who he had not yet heard, but said he had committed to a benefit for Denver School of the Arts. He said he would speak to the issue tomorrow at the voting meeting.

**Joseph Thomas-Hazell** said that there were many reasons why English language only should be taught and not bilingual education. First, he said if a child did not learn the language of the country they were living in, they limited their opportunities. Gang development thrived on people with low self esteem; terrorist groups needed the ignorant and disgruntled to carry out their plots. Spanish and other languages should be offered as electives and not as primary languages. It was cost effective to teach English so that upon graduation a child entered a level playing field and became a productive citizen. Bilingual education weakened the educational dollar. If music and art were dropped to support bilingual education, for example, that would deprive many Hispanics and others from entering multi-million dollar industries and maybe ending up in poverty instead of being productive citizens, he said.

**Polly Baca** said she represented LARASA, the Latin American Research & Service Agency as its new executive director. She said the LARASA board had voted to oppose ballot initiative 31, and they wanted to urge the School Board to enthusiastically oppose it also. She first of all endorsed what the other speakers against the proposal had mentioned, and said she would point out that the initiative would amend the constitution in a way that would be very difficult to correct, but it also went against the welfare of the children. It would hurt every child that was attempting to learn English. They all agreed, she said, that every child needed to learn English, but there were different ways of teaching that skill. It was essential, she said, that they maintain the options and choices that they currently had in order to help the children of Colorado become successful citizens.

**Elvia Lubin** said that she read in the newspaper that the Board had not yet taken a position on the initiative, so she signed up to speak to help them make that decision. She said she was a board member of the Colorado Statewide Parent Coalition and the mother of four children. The main purpose of the educational system was to prepare kids for the future, for the work force, so that they could have the best future possible, she said. Their goal, she said, should be that children who came in speaking one language should go out speaking two languages—English and the language they came in with.
Teri Christopher said she was an African American and an American of African decent. She said she mentioned that because they were here to discuss whether children should be able to continue to speak the language of their ancestors. She said her ancestors were brought to this country and were told that if they spoke their native language, they would be killed. Many people have forgotten that Black peoples’ ancestors were African and spoke African languages before they were forced to stop. She said people said that English was the native language of this country, and she begged to differ. The native language were Apache or Navajo, or in Colorado it was Cheyenne, Ute, and Arapahoe. No one advocated teaching those languages to children, she said. In fact Indian children also were told not to speak their own language. Everyone had to realize that America was not the world, it was part of the world, she said. All children can learn in their own language and in other languages. Let us teach children like we used to, she said.

Brent Kimball said he would like to dispel the myth that English was the only language needed to work in the world effectively. He said that was a lie perpetuated by people too ashamed to admit that they spoke only English. He said, “My name is Brent Kimball, and I am here to share my shame.” He said he worked in Europe for 3-1/2 years and had no experience with foreign languages from his public education. That contributed to his fear of learning one. In Europe, respect for Americans was always questioned, he said, and his failure to learn their language justified their lack of respect for him. Amendment 31 would crush a U.S. asset, that asset being the Spanish language. He said it was not a question of whether Spanish would be spoken in the U.S.; that was the future; it would be spoken. The only question was if they would do it as one community or as two communities, he said.

Ms. Gantz Berman said that concluded the public hearing that began at 3:30 with hearing from independent council, from proponents and opponents of Amendment 31, and from some 50 members of the community. She thanked the speakers for their patience, decorum and respect. She said that tomorrow the Board would look at the possibility of passing a resolution on the amendment and that all they had heard today would help them make a very informed decision.

IV. **Adjournment**

Ms. Gantz Berman adjourned the meeting at 6:50 p.m.

Susan G. Edwards, Secretary
Board of Education