

AMENDED IN SENATE APRIL 19, 2012

AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1108

Introduced by Senator Padilla

February 17, 2012

An act to ~~amend Sections 313 and 60810 of the~~ *add Section 313.5 to the Education Code*, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

SB 1108, as amended, Padilla. English learners: reclassification.

(1) Existing law requires each school district that has one or more pupils who are English learners, and to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine their level of proficiency. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

Existing law requires the Superintendent of Public Instruction to apportion funds appropriated for purposes of assessing the English language development of pupils whose primary language is a language other than English to enable school districts to use the California English language development test to identify pupils who are limited English proficient, determine the level of English language proficiency of those pupils, and to assess the progress of those pupils in acquiring the skills of listening, reading, speaking, and writing in English.

This bill, for the 2013–14 school year, would condition the receipt of funds appropriated for purposes of assessing the English language

development of pupils whose primary language is a language other than English on a school district, county office of education, and charter school reporting, by July 1, 2013, to the department the criteria the school district, county office of education, or charter school uses to determine whether or not to reclassify a pupil as English proficient, thereby imposing a state-mandated local program. ~~The bill would require the department to analyze the reported criteria, determine which criteria represent the best practices in reclassifying pupils as English proficient, and, by January 1, 2014, report to the Legislature the best practices for objectively assessing language proficiency, evaluating the academic performance of an English learner, and comparing the performance of an English learner in basic skills against a range of performance in basic skills based upon the performance of English proficient pupils of the same age to demonstrate whether the English learner is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.~~

~~The bill also would require the department, beginning with the 2015–16 school year, to determine and recommend to the state board (a) a level of English language proficiency that demonstrates whether the English proficiency of an English learner is equivalent to the English proficiency of pupils of the same age whose native language is English, (b) best practices for a teacher to evaluate and review the ability of an English learner to participate effectively in a curriculum designed for pupils of the same age whose native language is English, and (c) a level of academic performance that demonstrates an ability to participate effectively in a curriculum designed for pupils of the same age whose native language is English.~~

The bill would require the department, by January 1, 2014, to review and analyze the criteria, policies, and practices that school districts use to reclassify English learners and recommend to the Legislature and state board any guideline, regulatory, or statutory changes that the department determines are necessary to identify when English learners are prepared for the successful transition to classrooms and curricula that require English proficiency.

The bill would require the department, by January 1, 2017, to issue an updated report that reflects any changes in analysis and recommendations as a result of the adoption by the state board of the common core standards and related English language development standards.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 313.5 is added to the Education Code, to
2 read:

3 313.5. (a) As a condition of the receipt of funds apportioned
4 for the 2013–14 school year to enable school districts, county
5 offices of education, and charter schools to meet the requirements
6 of subdivision (d) of Section 60810, a school district, a county
7 office of education, and a charter school shall report, by July 1,
8 2013, to the department the criteria the school district, county
9 office of education, or charter school uses to determine whether
10 or not to reclassify a pupil as English proficient.

11 (b) By January 1, 2014, the department shall review and analyze
12 the criteria, policies, and practices that school districts use to
13 reclassify English learners, and recommend to the Legislature and
14 state board any guideline, regulatory, or statutory changes that
15 the department determines are necessary to identify when English
16 learners are prepared for the successful transition to classrooms
17 and curricula that require English proficiency.

18 (c) For purposes of completing the review and analysis required
19 pursuant to subdivision (b), the department shall consult with
20 parents of English learners, experts with demonstrated experience
21 in developing and administering assessments for English learners,
22 classroom or resource teachers, or both, and school district
23 administrators with expertise in curriculum, instruction,
24 assessment, and accountability.

25 (d) For purposes of completing the review and analysis required
26 pursuant to subdivision (b), the department shall examine and
27 report on the following:

1 (1) *The practices and standards used by school districts to meet*
2 *the four reclassification criteria specified in subdivision (f) of*
3 *Section 313.*

4 (2) *The extent to which school districts are following the*
5 *guidelines established by the state board.*

6 (3) *The range of reclassification criteria developed by school*
7 *districts.*

8 (e) *As part of the examination required pursuant to subdivision*
9 *(d), the department shall analyze the following:*

10 (1) *English language proficiency and academic performance*
11 *data.*

12 (2) *The relationship of the reclassification criteria to*
13 *reclassification rates.*

14 (3) *The academic performance of pupils after reclassification*
15 *as English proficient.*

16 (f) *In its report, the department also shall identify any other*
17 *pupil outcome measures that indicate an English learner is*
18 *prepared to successfully transition to a classroom and curricula*
19 *that require English proficiency.*

20 (g) *By January 1, 2017, the department shall issue an updated*
21 *report that reflects any changes in analysis and recommendations*
22 *as a result of the adoption by the state board of the common core*
23 *standards pursuant to Section 60605.8 and the English language*
24 *development standards adopted pursuant to Section 60811.3.*

25 SEC. 2. *If the Commission on State Mandates determines that*
26 *this act contains costs mandated by the state, reimbursement to*
27 *local agencies and school districts for those costs shall be made*
28 *pursuant to Part 7 (commencing with Section 17500) of Division*
29 *4 of Title 2 of the Government Code.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, March 29, 2012. (JR11)**