

Assembly Bill No. 491

Passed the Assembly August 31, 2016

Chief Clerk of the Assembly

Passed the Senate August 24, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 313.2 of, and to add Section 313.3 to, the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 491, Gonzalez. English learners: identification: notice.

Existing law requires each school district to make a determination of the primary language of a pupil when the pupil enrolls in the school district and requires each parent or guardian of a pupil enrolled in a public school to receive notice of an assessment of a pupil's English proficiency no later than 30 days after the start of the school year that includes, among other things, the reason for the pupil's classification as an English learner.

This bill would require the notice of assessment of a child's English proficiency to include specified additional information, including whether a child is a long-term English learner or is an English learner at risk of becoming a long-term English learner. The bill would require a school district to provide a notification letter to a pupil's parent or guardian at the time a home language survey is provided that explains the purpose of the home language survey and the procedures for identification and reclassification of English learners. The bill would require the State Department of Education to make a sample notification letter available to public schools.

Because the bill would impose additional requirements on local educational agencies, the bill would impose a state-mandated local program.

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.

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

SECTION 1. Section 313.2 of the Education Code is amended to read:

313.2. (a) The department shall annually ascertain the number of pupils in each school district and school, including a school that is within the jurisdiction of a county office of education and a charter school, who are, or are at risk of becoming, long-term English learners, as those terms are defined in Section 313.1.

(b) The department shall annually provide the information described in subdivision (a) to school districts and schools and post on the department's Internet Web site the number of long-term English learners and English learners at risk of becoming long-term English learners in the state.

(c) In addition to the information specified in subdivision (b) of Section 440, the notice of assessment of a child's English proficiency shall also contain all of the following information:

(1) Whether the child is a long-term English learner or English learner at risk of becoming a long-term English learner, as those terms are defined in Section 313.1.

(2) The manner in which the program for English language development instruction will meet the educational strengths and needs of long-term English learners or English learners at risk of becoming long-term English learners.

(3) The manner in which the program for English language development instruction will help long-term English learners or English learners at risk of becoming long-term English learners develop English proficiency and meet age-appropriate academic standards.

SEC. 2. Section 313.3 is added to the Education Code, to read:

313.3. (a) The department shall make available to public schools a sample notification letter that shall be provided with the home language survey used to determine the primary language of the pupil at the time of enrollment in accordance with Section 52164.1. The notification letter shall explain the purpose of the home language survey and the procedures for identification and reclassification of English learners.

(b) The notification letter shall include, but is not limited to, all of the following statements:

“If a language other than English is noted on your child’s home language survey, the law requires us to test your child’s English language proficiency.”

“You may dispute the school district’s determination of your child’s primary language and ask the school district to redetermine your child’s primary language.”

“Once your child’s English language proficiency is tested and your child is identified as an English learner, changing the home language survey will not change your child’s identification as an English learner.”

(c) A school district shall provide the notification letter to the parent or guardian of a pupil at the time the home language survey is provided.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2016

Governor