

Senate Bill No. 1174

CHAPTER 753

An act to amend Sections 300, 305, 306, 310, 320, and 335 of, and to repeal Section 311 of, the Education Code, relating to English language education.

[Approved by Governor September 28, 2014. Filed with
Secretary of State September 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, Lara. English language education.

(1) Existing law, as added by Proposition 227, a measure approved by the voters at the June 2, 1998, statewide primary election, requires, among other things, that all children in California public schools be taught English by being taught in English. Proposition 227 specifies that English learner pupils, as defined, be educated through sheltered English immersion, as defined, during a temporary transition period not normally intended to exceed one year. Proposition 227 further provides that its requirements relating to sheltered English immersion instruction may be waived with the prior written consent of a pupil's parent or legal guardian, as specified. Proposition 227 also encourages family members and others to provide personal English language tutoring to English learner pupils.

This bill would amend and repeal various provisions of Proposition 227. The bill would, among other things, delete the sheltered English immersion requirement and waiver provisions, and would instead provide that school districts and county offices of education shall, at a minimum, provide English learners with a structured English immersion program, as specified. The bill would authorize parents or legal guardians of pupils enrolled in the school to choose a language acquisition program that best suits their child, as provided.

(2) Existing law requires, on or before July 1, 2014, the governing board of each school district and each county board of education to adopt a local control and accountability plan and requires the governing board of each school district and each county board of education to update its plan on or before July 1 of each year. As part of the process for developing the local control and accountability plan, existing law requires the superintendent of the school district or the county superintendent of schools to both present the plan or annual update to the plan to a parent advisory committee and an English learner parent advisory committee for review and comment, and to respond, in writing, to comments received from the committees. Existing law also requires the superintendent of the school district and the county superintendent of schools to notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures

proposed to be included in the local control and accountability plan or annual update to the plan.

This bill would, as part of the parent and community engagement process required for the development of a local control and accountability plan, require school districts and county offices of education to solicit input on, and provide to pupils, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as defined.

(3) Proposition 227 also specifies that a pupil's parent or legal guardian has standing to sue for enforcement of its provisions and, if successful, to receive normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Proposition 227 further provides that school board members, other elected officials, and public school teachers or administrators who willfully and repeatedly refuse to implement its provisions may be held personally liable for fees and actual damages by a pupil's parent or legal guardian.

This bill would delete those provisions.

(4) Proposition 227 provides that its provisions may be amended by a statute to further its purpose passed by a $\frac{2}{3}$ vote of each house of the Legislature and signed by the Governor.

This bill would delete the requirement that the amendment further the purpose of Proposition 227, and would revise the vote threshold to a majority vote in each house of the Legislature.

(5) This bill would make these provisions operative on July 1, 2017.

(6) The California Constitution authorizes the Legislature to amend or repeal an initiative statute by another statute that becomes effective when approved by the electors.

This bill would provide that it would become effective only upon approval of the voters, and would require the Secretary of State to submit this measure to the voters for approval at the November 2016 statewide general election.

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

SECTION 1. This measure shall be known, and may be cited, as the "California Ed.G.E. Initiative" or "California Education for a Global Economy Initiative."

SEC. 2. Section 300 of the Education Code is amended to read:

300. The people of California find and declare as follows:

(a) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science and technology, thereby being an important language of economic opportunity; and

(b) Whereas, All parents are eager to have their children master the English language and obtain a high-quality education, thereby preparing

them to fully participate in the American Dream of economic and social advancement; and

(c) Whereas, California is home to thousands of multinational businesses that must communicate daily with associates around the world; and

(d) Whereas, California employers across all sectors, both public and private, are actively recruiting multilingual employees because of their ability to forge stronger bonds with customers, clients, and business partners; and

(e) Whereas, Multilingual skills are necessary for our country's national security and essential to conducting diplomacy and international programs; and

(f) Whereas, California has a natural reserve of the world's largest languages, including English, Mandarin, and Spanish, which are critical to the state's economic trade and diplomatic efforts; and

(g) Whereas, California has the unique opportunity to provide all parents with the choice to have their children educated to high standards in English and one or more additional languages, including Native American languages, thereby increasing pupils' access to higher education and careers of their choice; and

(h) Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origin, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and

(i) Whereas, The California Legislature approved, and the Governor signed, a historic school funding reform that restructured public education funding in a more equitable manner, directs increased resources to improve English language acquisition, and provides local control to school districts, county offices of education, and schools on how to spend funding through the local control funding formula and local control and accountability plans; and

(j) Whereas, Parents now have the opportunity to participate in building innovative new programs that will offer pupils greater opportunities to acquire 21st century skills, such as multilingualism; and

(k) Whereas, All parents will have a choice and voice to demand the best education for their children, including access to language programs that will improve their children's preparation for college and careers, and allow them to be more competitive in a global economy; and

(l) Whereas, Existing law places constraints on teachers and schools, which have deprived many pupils of opportunities to develop multilingual skills; and

(m) Whereas, A large body of research has demonstrated the cognitive, economic, and long-term academic benefits of multilingualism and multiliteracy.

(n) Therefore, It is resolved that: amendments to, and the repeal of, certain provisions of this chapter at the November 2016 statewide general election will advance the goal of voters to ensure that all children in California public

schools shall receive the highest quality education, master the English language, and access high-quality, innovative, and research-based language programs that provide the California Ed.G.E. (California Education for a Global Economy).

SEC. 3. Section 305 of the Education Code is amended to read:

305. (a) (1) As part of the parent and community engagement process required for the development of a local control and accountability plan pursuant to Article 4.5 (commencing with Section 52060) of Chapter 6.1 of Part 28 of Division 4 of Title 2, school districts and county offices of education shall solicit input on, and shall provide to pupils, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as defined in Section 306. This requirement is intended to ensure that all pupils, including English learners and native speakers of English, have access to the core academic content standards, including the English language development standards, as applicable, and become proficient in English pursuant to the state priorities identified in paragraph (2) of subdivision (d) of Section 52060 and of Section 52066.

(2) School districts and county offices of education shall, at a minimum, provide English learners with a structured English immersion program, as specified in Section 306, for purposes of ensuring that English learners have access to the core academic content standards, including the English language development standards, and become proficient in English pursuant to the state priorities identified in paragraph (2) of subdivision (d) of Section 52060 and of Section 52066.

(b) When a school district or a county office of education establishes a language acquisition program pursuant to this section, the school district or county office of education shall consult with the proper school personnel, including, but not limited to, administrators and certificated teachers with the appropriate authorizations and experience.

(c) School districts and county offices of education are also encouraged to provide opportunities to pupils who are native speakers of English to be instructed in another language to a degree sufficient to produce proficiency in that language. The non-English language should be at the discretion of the parents, community, and school, depending upon the linguistic and financial resources of the school community and other local considerations.

(d) A language acquisition program established pursuant to this section shall comply with the requirements of Section 310.

SEC. 4. Section 306 of the Education Code is amended to read:

306. The definitions of the terms used in this article and in Article 1 (commencing with Section 300) are as follows:

(a) “English learner” means a pupil who is “limited English proficient” as that term is defined in the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7801(25)).

(b) “Native speaker of English” means a pupil who has learned and used English in his or her home from early childhood and English has been his or her primary means of concept formation and communication.

(c) “Language acquisition programs” refers to educational programs designed to ensure English acquisition as rapidly and as effectively as possible, and that provide instruction to pupils on the state-adopted academic content standards, including the English language development standards. The language acquisition programs provided to pupils shall be informed by research and shall lead to grade level proficiency and academic achievement in both English and another language. Language acquisition programs may include, but are not limited to, all of the following:

(1) Dual-language immersion programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

(2) Transitional or developmental programs for English learners that provide instruction to pupils that utilizes English and a pupil’s native language for literacy and academic instruction and enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, in order to meet state-adopted academic content standards.

(3) Structured English immersion programs for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English.

SEC. 5. Section 310 of the Education Code is amended to read:

310. (a) Parents or legal guardians of pupils enrolled in the school may choose a language acquisition program that best suits their child pursuant to this section. Schools in which the parents or legal guardians of 30 pupils or more per school or the parents or legal guardians of 20 pupils or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible, based upon the requirements of Section 305.

(b) If a school district implements a language acquisition program pursuant to this section, it shall do both of the following:

(1) Comply with the kindergarten and grades 1 to 3, inclusive, class size requirements specified in Section 42238.02.

(2) Provide, as part of the annual parent notice required pursuant to Section 48980 or upon enrollment, the parent or legal guardian of a minor pupil with information on the types of language programs available to pupils enrolled in the school district, including, but not limited to, a description of each program.

SEC. 6. Section 311 of the Education Code is repealed.

SEC. 7. Section 320 of the Education Code is amended to read:

320. As detailed in Section 5 of Article 9 of the California Constitution, and Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), respectively, all California school children have the right to be provided with a free public education and an English language public education.

SEC. 8. Section 335 of the Education Code is amended to read:

335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute passed by a majority vote of each house of the Legislature and signed by the Governor.

SEC. 9. Sections 2 to 8, inclusive, of this act shall become operative on July 1, 2017.

SEC. 10. Sections 2 to 9, inclusive, of this act amend or repeal provisions of Proposition 227, an initiative statute that was approved by the voters at the June 2, 1998, statewide primary election, and shall become effective only when submitted to, and approved by, the voters. The Secretary of State shall submit Sections 1 to 9, inclusive, of this act for approval by the voters at the November 2016 statewide general election in accordance with Section 9040 of the Elections Code.