

Assembly Bill No. 2117

CHAPTER 561

An act to add Chapter 5 (commencing with Section 420) to Part 1 of the Education Code, relating to English language learners.

[Approved by Governor September 28, 2006. Filed with
Secretary of State September 28, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2117, Coto. English language learners: pilot project.

Existing law establishes the English Language Acquisition Program for pupils in grades 4 to 8, inclusive, and requires the Superintendent of Public Instruction to allocate \$100 per school year to each participating local educational agency for each pupil enrolled in any of those grades who is identified as eligible to participate in the program.

This bill would require the State Department of Education to establish and administer a competitive grant pilot project to be conducted during the 2007–08 to 2009–10, inclusive, school years to identify existing best practices regarding topics including, but not limited to, curriculum, instruction, and staff development for teaching English language learners and promoting English language acquisition and development. The bill would prohibit the use of more than 5% of the total funding for the program for administrative, data collection, evaluation, or reporting activities. The bill would authorize a local educational agency, as defined, to apply on behalf of the eligible school or schools to the department for a grant of \$200 per English language learner for each year of the pilot project. The bill would require the department to require each local educational agency that is selected to receive a grant to match the funds provided in the grant, as specified.

The bill would require the Superintendent to establish a 13 to 20 member advisory committee, as specified. The bill would require the department, with advice from the advisory committee and in consultation with the Office of the Secretary for Education, to establish criteria for evaluating applications and selecting applicant school districts to receive grants. The bill also would require the Superintendent, to the extent practicable, to utilize the advisory committee for the purposes for which an advisory committee would otherwise be required to be utilized pursuant to a specified provision, if that provision is added as specified. The bill would require the department to contract with an independent research organization to perform an evaluation of the pilot project, which would be funded from separate funding, as specified. The bill would require a report summarizing the findings of the evaluation be submitted to the Superintendent, the Governor, and the Legislature by November 1, 2011.

The bill would require the Superintendent to review the report and submit an additional report to the Legislature and the Governor that makes recommendations as specified.

The bill would specify that \$20,000,000 appropriated to the Superintendent in another act for local assistance costs of a multiyear research pilot project to identify best practices for improving the academic achievement and English language development of English language learners pursuant to legislation enacted during the 2005–06 Regular Session of the Legislature be used to implement the pilot project.

The bill would allocate \$100,000 of specified federal funds for the use of the department for purposes of its administration of the project.

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

SECTION 1. Chapter 5 (commencing with Section 420) is added to Part 1 of the Education Code, to read:

CHAPTER 5. ENGLISH LANGUAGE LEARNER ACQUISITION AND
DEVELOPMENT PILOT PROGRAM

420. (a) The department shall establish and administer a three-year competitive grant pilot project of 25,000 or more English language learners to be conducted during the 2007–08 to 2009–10, inclusive, school years after the issuance of Requests for Proposals (RFP). The goal of the pilot project is to identify existing best practices regarding topics, including, but not limited to, curriculum, instruction, and staff development for teaching English language learners and promoting English language and academic English acquisition and development. The intent of the pilot project is not to compare the effectiveness of instructional methods for English language learners, but rather to identify practices that demonstrate success for English language learners in achieving English proficiency, regardless of instructional setting.

(b) Funding for the program shall be used to support or expand successful existing programs that serve the academic needs of English language learners to learn standards-aligned academic content and acquire proficiency in the English language. No more than 5 percent of the total funding for the program may be used by a local educational agency for administrative, data collection, evaluation, or reporting activities.

(c) A local educational agency may apply on behalf of the eligible school or schools to the department for a grant of two hundred dollars (\$200) per English language learner per year for the period commencing with the 2007–08 school year and ending on August 31, 2010.

(d) Funding grant applications shall consider the past success of the local educational agency in meeting the needs of English language learners, shall limit the number of pupils in any one local educational agency to no more than 10 percent of the total pupils funded, shall ensure

that funded schools represent an appropriate balance among urban, suburban, and rural schools, shall ensure that funded schools represent a geographic balance throughout California, and shall conform reasonably to a set of instructional principles laid out in the RFP.

(e) As a condition of receiving funding pursuant to this chapter, a local educational agency that is selected to receive a grant shall agree to the evaluation process, data collection, and reporting requirements established by the department and developed in collaboration with a partner independent research organization and shall include in the grant application resources to be used in data collection, as described by the independent research organization evaluation process design.

(f) The department shall require each local educational agency that is selected to provide two hundred dollars (\$200) per English language learner per year as matching funds for the two hundred dollars (\$200) in state funds per English language learner allocated each year of the three years of the project.

(g) (1) The Superintendent shall establish a 13 to 20 member advisory committee to provide regular recommendations in the implementation of this project. The department shall provide staff to this committee. The committee shall be made up of individuals from the following groups, who have expertise and experience in providing instructional assistance, technical assistance, or both, to programs for English language learners: practitioners from the field, staff from the University of California and the California State University, representatives of statewide education advocacy organizations, stakeholders, and evaluation foundation partners. With advice from the advisory committee, and in consultation with the Office of the Secretary for Education, the department shall establish criteria for evaluating applications and selecting applicant school districts to receive grants, including, but not limited to, all of the following:

(A) A diverse mix of schools, including those offering structured English immersion, bilingual instruction, dual language immersion, and mainstream instruction.

(B) Enrollment of pupils of low socioeconomic status and of varying levels of academic proficiency and performance as measured by the Academic Performance Index pursuant to Article 2 (commencing with Section 52051) of Chapter 6.1 of Part 28.

(2) To the extent practicable, the Superintendent also shall utilize the advisory committee established pursuant to this subdivision for the purposes for which an advisory committee would otherwise be required to be utilized pursuant to Section 99237.5, if that section is added by Senate Bill 472 of the 2006–07 Regular Session of the Legislature.

(h) The department shall contract with an independent research organization to perform an evaluation of the pilot project based on a representative sample of 25,000 or more English language learners from participating urban, suburban, and rural schools from various geographic regions throughout the state. The evaluation design shall be created using funds other than those appropriated for purposes of this chapter. The final

analysis of the project data shall be funded through private or federal sources. It is the intent of the Legislature that the completed evaluation highlight successful programs of English language instruction that can be reasonably replicated and used as models for other schools. A report summarizing the findings of the evaluation shall be submitted to the Superintendent, the Governor, and the Legislature by November 1, 2011. The Superintendent shall review the report and submit an additional report to the Legislature and the Governor that makes recommendations based on the results of the evaluation design created by the independent research organization.

(i) It is the intent of the Legislature to enact legislation that provides flexibility to schools and school districts that receive grants and participate in the pilot project pursuant to this section with regard to restrictions imposed by state law and school district policies and regulations that may hinder the participation by those schools and school districts.

421. For purposes of this chapter, “local educational agency” means a charter school, school district, or county office of education.

SEC. 2. (a) Twenty million dollars (\$20,000,000) appropriated to the Superintendent of Public Instruction pursuant to paragraph (13) of subdivision (a) of Section 43 of Chapter 79 of the Statutes of 2006 shall be used to implement this act.

(b) The sum of one hundred thousand dollars (\$100,000) of federal funds available to the State Department of Education under Title III of the federal Elementary and Secondary Education Act during the 2006–07 fiscal year is hereby allocated for use by the department for purposes of its administration of the project established pursuant to this act.