

House Resolution

No. 43

Introduced by Assembly Member Davis

August 30, 2012

House Resolution No. 43—Relative to standard English learners.

1 WHEREAS, Standard English learners are pupils of limited
2 English proficiency whose primary language, though classified as
3 English, is comprised of phonological, grammatical, and pragmatic
4 linguistic features that do not match the standard English structure;
5 and

6 WHEREAS, Standard English learners come from home
7 environments where the absence of standard English impacts their
8 acquisition of standard English before school enrollment; and

9 WHEREAS, Standard English learners are a multicultural and
10 multilinguistic population. There are two million standard English
11 learners in the California school system and they include American
12 Indians, Mexican Americans, African Americans, Hawaiians, and
13 others; and

14 WHEREAS, Forty-two percent of all standard English learners
15 are achieving at basic, below basic, and far below basic levels of
16 proficiency in English language arts on the California Standards
17 Test. Their low-academic performance places many of them at the
18 bottom of the achievement gap; and

19 WHEREAS, The existing body of work done by expert
20 researchers and organizations has defined standard English learners
21 and described their specific language needs; and

22 WHEREAS, Standard English learners are a group with unique
23 linguistic and instructional needs who must be provided culturally
24 and linguistically responsive material; and

1 WHEREAS, Schools with achievement gaps need the ability to
2 adopt research based, culturally and linguistically responsive
3 interventions to close the achievement gap while increasing overall
4 pupil achievement and ensuring the success of all pupils, especially
5 those who are farthest behind; and

6 WHEREAS, There are available language assessments for
7 standard English learners that are explicitly aligned to the
8 California common core academic content standards; and

9 WHEREAS, On January 21, 1974, in the case of *Lau v. Nichols*
10 (414 U.S. 563), the United States Supreme Court ruled in favor of
11 Chinese American students finding that the lack of linguistically
12 appropriate accommodations effectively denied the students equal
13 educational opportunities on the basis of their ethnicity. The
14 students claimed that they were not receiving special help in school
15 due to their inability to speak English, help that they argued they
16 were entitled to under Title VI of the Civil Rights Act of 1964
17 because of its ban on educational discrimination on the basis of
18 national origin. The United States Supreme Court ruled in favor
19 of the students, thereby expanding rights of students nationwide
20 with limited English proficiency. The United States Supreme Court
21 stated that these students should be treated with equality among
22 the schools; and

23 WHEREAS, On July 12, 1979, the United States District Court
24 for the Eastern District of Michigan ruled in the case of *Martin*
25 *Luther King Jr. Elementary School Children v. Ann Arbor School*
26 *District Board* (473 F.Supp. 1371), which was brought on behalf
27 of limited English proficient African American students claiming
28 that the school district denied students equal protection of the law
29 because applicable Michigan regulations did not recognize social,
30 economic, and cultural factors differing those pupils from others.
31 The district court agreed that the school district violated federal
32 statute because it failed to take into account the home language of
33 the children in the provision of education instruction. The district
34 court ordered the school district to find a way to identify African
35 American students of limited English proficiency in the schools
36 and to use that knowledge in teaching those students how to read
37 standard English; and

38 WHEREAS, Proficiency in standard English is a key factor in
39 academic progress and eventual matriculation through high school.
40 A lack of proficiency in standard English is a key cause of future

1 academic failure and as early as third grade can be a driving force
2 in a student falling behind academically. A lack of standard English
3 proficiency is therefore a key factor in the state's high school
4 dropout rate; now, therefore, be it

5 *Resolved by the Assembly of the State of California, That the*
6 *Assembly encourages policymakers to provide the resources for*
7 *educators to develop an assessment mechanism to precisely identify*
8 *standard English learners and provide specific language instruction*
9 *and professional development to improve standard English*
10 *proficiency and the overall academic achievement of standard*
11 *English learners; and be it further*

12 *Resolved, That the Chief Clerk of the Assembly transmit copies*
13 *of this resolution to the Governor, the Superintendent of Public*
14 *Instruction, and to the author for appropriate distribution.*

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