

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 409

Introduced by Assembly Member Alejo

February 14, 2011

~~An act to amend Section 30.5 of the Education Code, relating to bilingual education.~~ *An act to add Section 60640.1 to the Education Code, relating to pupil assessment.*

LEGISLATIVE COUNSEL'S DIGEST

AB 409, as amended, Alejo. ~~Bilingual education.~~ *Pupil assessment: dual language immersion programs.*

Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent of Public Instruction to design and implement a statewide pupil assessment program and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program.

Existing law authorizes a school district, at its option, to administer to pupils with limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, a second achievement test in their primary language.

This bill would authorize the State Department of Education to make these primary language assessments available to school districts and charter schools to assess their nonlimited-English-proficient pupils who are enrolled in a dual language immersion program and would require a school district or charter school that chooses to administer

a primary language assessment pursuant to this authority to do so at its own expense.

~~Existing law establishes English as the basic language of instruction in all schools. Existing law defines bilingual education as a system of instruction which builds upon the language skills of a pupil whose primary language is neither English nor derived from English.~~

~~This bill would make technical, nonsubstantive changes to those provisions relating to bilingual education.~~

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

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

1 SECTION 1. Section 60640.1 is added to the Education Code,
2 to read:

3 60640.1. The department may make a primary language
4 assessment developed pursuant to subparagraph (A) of paragraph
5 (3) of subdivision (f) of Section 60640 available to school districts
6 and charter schools to assess their nonlimited-English-proficient
7 pupils, as defined in Section 60643, who are enrolled in a dual
8 language immersion program that includes the primary language
9 of the assessment. A school district or charter school that chooses
10 to administer a primary language assessment pursuant to this
11 section shall do so at its own expense.

12 SECTION 1. ~~Section 30.5 of the Education Code is amended~~
13 ~~to read:~~

14 30.5. ~~(a) Notwithstanding any other provision of law, bilingual~~
15 ~~education means a system of instruction that builds upon the~~
16 ~~language skills of a pupil whose primary language is neither~~
17 ~~English nor derived from English. For purposes of this section:~~

18 (1) ~~“Primary language” means a language, other than English~~
19 ~~or a language derived from English, which is the language the~~
20 ~~pupil first learned.~~

21 (2) ~~“Derived from English” means a dialect, idiom, or language~~
22 ~~derived from English. Both of the following shall be construed as~~
23 ~~being derived from English:~~

24 (A) ~~A dialect, idiom, or language that has linguistic roots~~
25 ~~connected to English.~~

26 (B) ~~A dialect, idiom, or language that has a syntax distinct from~~
27 ~~English, and can be traced linguistically as derived from English.~~

1 ~~(b) A school district shall not utilize, as part of a bilingual~~
2 ~~education program, state funds or resources for the purpose of~~
3 ~~recognition of, or instruction in, a dialect, idiom, or language~~
4 ~~derived from English.~~

O