

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1249

Introduced by Assembly Member Davis

February 18, 2011

An act to ~~add Section 307 to~~ amend Section 54026 of the Education Code, relating to ~~standard~~ English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as amended, Davis. Pupils: ~~standard~~ English learners.

Existing law provides various programs and services for the purposes of assisting English ~~learner~~ ~~pupils~~ learners. Existing law provides economic impact aid funding to school districts based on the number of economically disadvantaged pupils and English learners enrolled in the school district. Existing law requires the Superintendent of Public Instruction to perform specified calculations to determine the amount of economic impact aid a school district receives for a fiscal year. Existing law defines "English learners" for purposes of economic impact aid funding as (a) children who do not speak English or whose native language is not English and who are not currently able to perform ordinary classroom work in English and (b) pupils of limited English proficiency. Existing law defines "pupils of limited English proficiency" as those who do not have the clearly developed English language skills of comprehension, speaking, reading, and writing necessary to receive instruction only in English at a level substantially equivalent to pupils of the same age or grade whose primary language is English.

~~This bill would define a standard English learner as a pupil whose primary language is English, but who is performing behind the average California pupil due to his or her lack of proficiency in speaking or writing English. The bill would encourage each school district maintaining a school that has been ranked in deciles 1 to 3, inclusive, of the prior year's base Academic Performance Index, to develop a comprehensive plan with identifiable goals for the purpose of increasing the academic performance of standard English learners. The bill would require any plan developed pursuant to these provisions to contain specified components, and to be submitted to the Governor, the Superintendent, the district superintendent, members of the governing board of the school district, the Senate Committee on Education, and the Assembly Committee on Education, and to be posted on the school district's Internet Web site expand the definition of "English learner" to include pupils whose native language is English and whose mastery of the standard English language or academic English is limited due to their use of nonstandard English.~~

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 54026 of the Education Code is amended
 2 to read:

3 54026. For purposes of this article, the following definitions
 4 apply:

5 (a) "Economically disadvantaged pupils" means either of the
 6 following, whichever is applicable:

7 (1) Pupils described in Section 101 of Title I of the federal No
 8 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6333(c)(1)(A)(B)).
 9 Counts of the pupils described in this paragraph shall be the counts
 10 used in the current year apportionment calculations for purposes
 11 of Title I of the federal No Child Left Behind Act of 2001 (20
 12 U.S.C. Sec. 6301 et seq.).

13 (2) (A) Notwithstanding paragraph (1), for a small school
 14 district and for a juvenile court school operated by a county
 15 superintendent of schools, the product of the number of pupils
 16 eligible for participation in the free meals program for the prior
 17 fiscal year, as defined in subdivision (d), and the free meals
 18 adjustment factor. The free meals adjustment factor is the quotient,

1 rounded to two decimal places, resulting from dividing the
2 statewide total of economically disadvantaged pupils as defined
3 in paragraph (1) by the statewide total of pupils eligible for
4 participation in the free meals program for the prior fiscal year, as
5 defined in subdivision (d).

6 (B) Notwithstanding paragraph (1) or subparagraph (A), for
7 charter schools that are funded through the block grant funding
8 model pursuant to Article 2 (commencing with Section 47633) of
9 Chapter 6 of Part 26.8 in the 2006–07 fiscal year, the department
10 shall use counts as of October 2006 of pupils 5 to 17 years of age,
11 inclusive, who are living with families whose annual income is at
12 or below the federal poverty guideline, as collected through the
13 first principal apportionment data collection process, as defined
14 in Section 41601. Commencing in the 2007–08 fiscal year, the
15 Superintendent shall use counts as of October of the prior year of
16 pupils 5 to 17 years of age, inclusive, who are living with families
17 whose annual income is at or below the federal poverty guideline,
18 as collected through the first principal apportionment data
19 collection process, as defined in Section 41601. For purposes of
20 this subdivision, the department may use in the first year of
21 operation of a charter school that is established on or after July 1,
22 2007, the current year counts of pupils 5 to 17 years of age,
23 inclusive, who are living with families whose annual income is at
24 or below the federal poverty guideline.

25 (C) The Superintendent may expand upon an existing process
26 of collecting free or reduced price meal data in order to collect
27 from small districts, as defined in subdivision (c), counts of pupils
28 living with families whose annual income is at or below the federal
29 poverty guideline.

30 (b) (1) “English learner” means a pupil ~~described~~ *who is one*
31 *of the following:*

32 (A) *A pupil described in subdivision (a) of Section 306 or*
33 *identified.*

34 (B) *A pupil identified as a pupil of limited English proficiency,*
35 *as that term is defined in subdivision (m) of Section 52163. Counts*

36 (C) *A pupil of limited English proficiency whose native language*
37 *is English and whose mastery of the standard English language*
38 *or academic English is limited due to the pupil’s use of*
39 *nonstandard English.*

1 (2) *Counts* of the pupils described in ~~this subdivision~~
2 *subparagraphs (A) and (B) of paragraph (1)* shall be the counts
3 reported in the prior year language census.

4 (c) “Small school district” means a school district that has an
5 annual enrollment of less than 600 pupils based on prior school
6 year CBEDS data and ~~is, for the purposes of this section, is~~
7 designated a rural school by the Superintendent based on the
8 appropriate school locale codes, as used by the National Center
9 for Education Statistics of the United States Department of
10 Education.

11 (d) “Free meals” means the aggregate number of pupils meeting
12 the income eligibility guidelines established by the federal
13 government for free meals as reported for all schools for which
14 the district is the authorizing agency.

15 (e) For purposes of subparagraph (B) of paragraph (2) of
16 subdivision (a), the count of economically disadvantaged pupils
17 for a charter school that is operated pursuant to Section 47612.1
18 shall be calculated without regard to the age of the pupil. A pupil
19 who resides in program housing shall be considered a family of
20 one.

21 ~~SECTION. 1. Section 307 is added to the Education Code, to~~
22 ~~read:~~

23 ~~307. (a) For purposes of this section, a “standard English~~
24 ~~learner” means a pupil whose primary language is English, but~~
25 ~~who is performing behind the average California pupil due to his~~
26 ~~or her lack of proficiency in speaking or writing English.~~

27 ~~(b) Each school district maintaining a school that ranks in deciles~~
28 ~~1 to 3, inclusive, of the prior year’s base Academic Performance~~
29 ~~Index, is encouraged to develop a comprehensive plan with~~
30 ~~identifiable goals for the purpose of increasing the academic~~
31 ~~performance of standard English learners.~~

32 ~~(c) If a school district develops a plan pursuant to these~~
33 ~~provisions, the plan shall be developed according to the following~~
34 ~~criteria:~~

35 ~~(1) The school district shall consult parents, teachers, counselors,~~
36 ~~pupils, and other appropriate stakeholders in developing the plan.~~

37 ~~(2) The plan shall detail benchmarks, as well as performance~~
38 ~~objectives, and, in order to achieve academic success, shall provide~~
39 ~~information on how to utilize extracurricular activities, including,~~

1 but not limited to, after school programs, field trips,
2 apprenticeships, and other projects demonstrating excellence.
3 (3) The plan shall be submitted to the Governor, the
4 Superintendent, the district superintendent, members of the
5 governing board of the school district, the Senate Committee on
6 Education, and the Assembly Committee on Education. The plan
7 shall also be posted on the school district's Internet Web site.

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