

ASSEMBLY BILL

No. 1767

Introduced by Assembly Member Norby

February 17, 2012

An act to amend Section 313 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1767, as introduced, Norby. Pupils: English learners: reclassification.

Existing law requires each school district that has one or more pupils who are English learners, and to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine their level of proficiency. Existing law requires annual assessments to continue until a pupil is redesignated as English proficient and requires the assessment to utilize primarily the English language development test identified or developed by the Superintendent of Public Instruction pursuant to specified provisions.

The Leroy Greene California Assessment of Academic Achievement Act requires school districts, charter schools, and county offices of education to administer to each of their pupils in grades 2 to 11, inclusive, certain achievement tests, including the standards-based achievement tests that are part of the Standardized Testing and Reporting (STAR) Program.

This bill would require that a pupil be redesignated as English proficient if the pupil attains the proficient level of performance on the English language arts STAR test. The bill would also correct some cross-references.

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

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

1 SECTION 1. Section 313 of the Education Code is amended
2 to read:

3 313. (a) Each school district that has one or more pupils who
4 are English learners and, to the extent required by federal law,
5 each county office of education and each charter school shall assess
6 the English language development of each pupil in order to
7 determine the level of proficiency for purposes of this chapter.

8 (b) The department, with the approval of the state board, shall
9 establish procedures for conducting the assessment required
10 pursuant to subdivision (a) and for the reclassification of a pupil
11 from English learner to English proficient.

12 (c) Commencing with the 2000–01 school year until subdivision
13 (d) is implemented, the assessment shall be conducted upon initial
14 enrollment, and annually, thereafter, during a period of time
15 determined by the Superintendent and the state board. The annual
16 assessments shall continue until the pupil is redesignated as English
17 proficient. The assessment shall primarily utilize the English
18 language development test identified or developed by the
19 Superintendent pursuant to Chapter 7 (commencing with Section
20 60810) of Part 33 of Division 4 of Title 2. *A pupil shall be*
21 *redesignated as English proficient if the pupil attains the proficient*
22 *level of performance on the English language arts test administered*
23 *pursuant to Article 4 (commencing with Section 60640) of Chapter*
24 *5 of Part 33 of Division 4 of Title 2.*

25 (d) (1) This subdivision shall not be implemented unless and
26 until the department receives written documentation from the
27 United States Department of Education that federal law permits
28 the implementation of the changes set forth in this subdivision or
29 until the 2013–14 school year, whichever occurs later.

30 (2) The assessment shall be conducted annually during a period
31 that commences on the day upon which 55 percent of the
32 instructional year is completed through July 1 of that calendar
33 year. Annual assessments shall continue until the pupil is
34 redesignated as English proficient. The annual assessment shall
35 primarily utilize the English language development test identified

1 or developed by the Superintendent pursuant to Chapter 7
2 (commencing with Section 60810) of Part 33 of Division 4 of Title
3 2.

4 (3) The assessment shall be conducted upon the initial
5 enrollment of a pupil in order to provide information to be used
6 to determine if the pupil is an English learner.

7 (A) If the initial enrollment of a pupil occurs on a date outside
8 of the testing period identified pursuant to paragraph-~~(1)~~ (2), the
9 prior year's annual assessment for the grade in which the pupil is
10 enrolling shall be used for this purpose.

11 (B) If the initial enrollment of a pupil occurs on a date within
12 the testing period identified pursuant to paragraph-~~(1)~~ (2), the initial
13 assessment of the pupil shall be conducted as part of the annual
14 assessment conducted pursuant to paragraph-~~(1)~~ (2).

15 (4) Notwithstanding paragraph-~~(1)~~ (2), a school district shall
16 assess the English language development of a pupil pursuant to
17 this section no more than one time per school year.

18 (e) The assessments conducted pursuant to subdivision (d) shall
19 be conducted in a manner consistent with federal statutes and
20 regulations.

21 (f) The reclassification procedures developed by the department
22 shall utilize multiple criteria in determining whether to reclassify
23 a pupil as proficient in English, including, but not limited to, all
24 of the following:

25 (1) Assessment of language proficiency using an objective
26 assessment instrument, including, but not limited to, the English
27 language development test that is developed or acquired pursuant
28 to Section 60810.

29 (2) Teacher evaluation, including, but not limited to, a review
30 of the pupil's curriculum mastery.

31 (3) Parental opinion and consultation.

32 (4) Comparison of the performance of the pupil in basic skills
33 against an empirically established range of performance in basic
34 skills based upon the performance of English proficient pupils of
35 the same age, that demonstrates whether the pupil is sufficiently
36 proficient in English to participate effectively in a curriculum
37 designed for pupils of the same age whose native language is
38 English.

39 (g) This section does not preclude a school district or county
40 office of education from testing English learners more than once

- 1 in a school year if the school district or county office of education
- 2 chooses to do so.

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