

AMENDED IN SENATE MAY 25, 2012  
AMENDED IN SENATE APRIL 19, 2012  
AMENDED IN SENATE MARCH 29, 2012

**SENATE BILL**

**No. 1108**

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**Introduced by Senator Padilla**

February 17, 2012

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An act to add Section 313.5 to the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

SB 1108, as amended, Padilla. English learners: reclassification.

~~(1) Existing~~

*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 the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

Existing law requires the Superintendent of Public Instruction to apportion funds appropriated for purposes of assessing the English language development of pupils whose primary language is a language other than English to enable school districts to use the California English language development test to identify pupils who are limited English proficient, determine the level of English language proficiency of those pupils, and to assess the progress of those pupils in acquiring the skills of listening, reading, speaking, and writing in English.

~~This bill, for the 2013–14 school year, would condition the receipt of funds appropriated for purposes of assessing the English language development of pupils whose primary language is a language other than English on a school district, county office of education, and charter school reporting, by July 1, 2013, to the department the criteria the school district, county office of education, or charter school uses to determine whether or not to reclassify a pupil as English proficient, thereby imposing a state-mandated local program.~~

~~The~~

~~This bill would require the department, by January 1, 2014, to review and analyze the criteria, policies, and practices that *a sampling of school districts that represent the geographic, socioeconomic, and demographic diversity of school districts in the state* use to reclassify English learners and recommend to the Legislature and state board any guideline, regulatory, or statutory changes that the department determines are necessary to identify when English learners are prepared for the successful transition to classrooms and curricula that require English proficiency.~~

~~The bill would require the department, by January 1, 2017, to issue an updated report that reflects any changes in analysis and recommendations as a result of the adoption by the state board of the common core standards and related English language development standards.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~The bill would make implementation of these provisions contingent on an appropriation of federal or state funds or on the availability of private funding.~~

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

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

- 1 SECTION 1. Section 313.5 is added to the Education Code,
- 2 to read:

1     ~~313.5.— (a) As a condition of the receipt of funds apportioned~~  
2 ~~for the 2013–14 school year to enable school districts, county~~  
3 ~~offices of education, and charter schools to meet the requirements~~  
4 ~~of subdivision (d) of Section 60810, a school district, a county~~  
5 ~~office of education, and a charter school shall report, by July 1,~~  
6 ~~2013, to the department the criteria the school district, county~~  
7 ~~office of education, or charter school uses to determine whether~~  
8 ~~or not to reclassify a pupil as English proficient.~~

9     ~~(b)~~

10     313.5. (a) By January 1, 2014, the department shall review  
11 and analyze the criteria, policies, and practices that *a sampling of*  
12 *school districts that represent the geographic, socioeconomic, and*  
13 *demographic diversity of school districts in the state* use to  
14 reclassify English learners, and recommend to the Legislature and  
15 state board any guideline, regulatory, or statutory changes that the  
16 department determines are necessary to identify when English  
17 learners are prepared for the successful transition to classrooms  
18 and curricula that require English proficiency.

19     ~~(e)~~

20     (b) For purposes of completing the review and analysis required  
21 pursuant to subdivision (b), the department shall consult with  
22 parents of English learners, experts with demonstrated experience  
23 in developing and administering assessments for English learners,  
24 classroom or resource teachers, or both, and school district  
25 administrators with expertise in curriculum, instruction, assessment,  
26 and accountability.

27     ~~(d)~~

28     (c) For purposes of completing the review and analysis required  
29 pursuant to subdivision (b), the department shall examine and  
30 report on the following:

31     (1) The practices and standards used by *a sampling of school*  
32 *districts that represent the geographic, socioeconomic, and*  
33 *demographic diversity of school districts in the state* to meet the  
34 four reclassification criteria specified in subdivision (f) of Section  
35 313.

36     (2) The extent to which school districts are following the  
37 guidelines established by the state board.

38     (3) The range of reclassification criteria developed by school  
39 districts.

40     ~~(e)~~

1 (d) As part of the examination required pursuant to subdivision  
2 (d), the department shall analyze the following:

3 (1) English language proficiency and academic performance  
4 data.

5 (2) The relationship of the reclassification criteria to  
6 reclassification rates.

7 (3) The academic performance of pupils after reclassification  
8 as English proficient.

9 (f)

10 (e) In its report, the department also shall identify any other  
11 pupil outcome measures that indicate an English learner is prepared  
12 to successfully transition to a classroom and curricula that require  
13 English proficiency.

14 (g)

15 (f) By January 1, 2017, the department shall issue an updated  
16 report that reflects any changes in analysis and recommendations  
17 as a result of the adoption by the state board of the common core  
18 standards pursuant to Section 60605.8 and the English language  
19 development standards adopted pursuant to Section 60811.3.

20 (g) *This section shall be implemented only if state or federal*  
21 *funds are appropriated as necessary to fully fund this purpose or*  
22 *if private funds are made available as necessary to fully fund this*  
23 *purpose.*

24 ~~SEC. 2.—If the Commission on State Mandates determines that~~  
25 ~~this act contains costs mandated by the state, reimbursement to~~  
26 ~~local agencies and school districts for those costs shall be made~~  
27 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
28 ~~4 of Title 2 of the Government Code.~~