

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 970

Introduced by Assembly Member Alejo

February 22, 2013

An act to ~~amend Section 52177 of~~ *add Section 314* to the Education Code, relating to ~~bilingual education~~ *English language education*.

LEGISLATIVE COUNSEL'S DIGEST

AB 970, as amended, Alejo. ~~Bilingual education.~~ *Pupils: limited English proficiency.*

Existing law requires each school district, county office of education, and charter school, as provided, that has one or more pupils who are English learners to assess the English language development of each pupil in order to determine the level of proficiency.

This bill would require the Superintendent of Public Instruction to perform certain tasks relating to pupils of limited English proficiency, including ensuring that all schools and school districts provide each pupil of limited English proficiency with an educational opportunity that is equal to the opportunities available to English-speaking pupils.

~~The Chacon-Moscone Bilingual-Bicultural Education Act of 1976 requires the Superintendent of Public Instruction to ensure certain aspects of bilingual education, including that sufficient bilingual personnel are available within the State Department of Education, as provided, using funds appropriated for these purposes. Under existing law, these provisions became inoperative on June 30, 1987.~~

~~This bill would make nonsubstantive changes to this law.~~

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 314 is added to the Education Code,*
2 *immediately following Section 313.5, to read:*

3 314. *With respect to pupils of limited English proficiency, the*
4 *Superintendent shall perform certain tasks, including, but not*
5 *limited to, all of the following:*

6 (a) *Ensuring that all schools and school districts provide each*
7 *pupil of limited English proficiency with an educational opportunity*
8 *that is equal to educational opportunities available to*
9 *English-speaking pupils.*

10 (b) *Administering, reviewing, monitoring, and evaluating the*
11 *use of state or federal funds allocated to school districts that have*
12 *been wholly or partially allocated on the basis of the educational*
13 *needs of the pupils who are limited English proficient to ensure*
14 *that use of the funds are consistent with state and federal mandates*
15 *and sound educational policy.*

16 (c) *Monitoring pupil performance and intervening when school*
17 *districts do not meet state, district, or school plans as required by,*
18 *or submitted in compliance with, state or federal law.*

19 (d) *Ensuring that all school districts where pupils of limited*
20 *English proficiency are enrolled are reviewed through an onsite*
21 *technical assistance, monitoring, and enforcement process at least*
22 *once every three years.*

23 ~~SECTION 1. Section 52177 of the Education Code is amended~~
24 ~~to read:~~

25 ~~52177. Out of funds appropriated for these purposes, the~~
26 ~~superintendent shall administer this article. The responsibilities of~~
27 ~~the superintendent in administering this article shall include, but~~
28 ~~are not limited to, ensuring all of the following:~~

29 ~~(a) Sufficient bilingual personnel are available within the~~
30 ~~department with familiarity, competency, and proficiency in~~
31 ~~bilingual-crosscultural instruction to meet the needs of this article~~
32 ~~and to administer, review, monitor, and evaluate the use of state~~
33 ~~or federal categorical aid funds allocated to local districts that have~~
34 ~~been wholly or partially allocated on the basis of the educational~~
35 ~~needs of pupils of limited-English proficiency.~~

36 ~~(b) Department personnel responsible for the administration,~~
37 ~~review, monitoring, or evaluation of programs operating pursuant~~
38 ~~to this article have been sufficiently trained to carry out the intent~~

1 of this article to meet the needs of the pupil of limited-English
2 proficiency.

3 (e) There is within the department an administrative unit
4 responsible for bilingual-bicultural educational programs and
5 policies through which the superintendent shall carry out his or
6 her functions pursuant to this article.

7 (d) Districts are providing each pupil of limited-English
8 proficiency with an educational opportunity equal to that available
9 to English-speaking pupils, making appropriate use of local and
10 state general funds to provide bilingual-crosscultural teachers and
11 other required services, and an annual report is made to the
12 Legislature regarding the extent to which this article has been
13 implemented by school districts throughout the state. All districts
14 in which pupils of limited-English proficiency are enrolled shall
15 be reviewed through an onsite technical assistance, monitoring,
16 and enforcement process at least once every three years.

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CORRECTIONS:
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