

Introduced by Senator LaraFebruary 20, 2014

An act to repeal Chapter 3 (commencing with Section 300) of Part 1 of Division 1 of Title 1 of the Education Code, relating to English language education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as introduced, Lara. English language education.

(1) Existing law, as added by Proposition 227, a measure approved by the voters at the June 2, 1998, statewide primary election, requires, among other things, that all children in California public schools be taught English by being taught in English. Proposition 227 specifies that English learner pupils, as defined, be educated through sheltered English immersion, as defined, during a temporary transition period not normally intended to exceed one year. Proposition 227 further provides that its requirements relating to sheltered English immersion instruction may be waived with the prior written consent of a pupil's parent or legal guardian, as specified. Proposition 227 also encourages family members and others to provide personal English language tutoring to English learner pupils.

Proposition 227 also specifies that a pupil's parent or legal guardian has standing to sue for enforcement of its provisions and, if successful, to receive normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Proposition 227 further provides that school board members, other elected officials, and public school teachers or administrators who wilfully and repeatedly refuse to implement its provisions may be held personally liable for fees and actual damages by a pupil's parent or legal guardian.

This bill would repeal Proposition 227.

(2) The California Constitution authorizes the Legislature to amend or repeal an initiative statute by another statute that becomes effective when approved by the electors.

This bill would provide that it would become effective only upon approval of the voters, and would require the Secretary of State to submit this measure to the voters for approval at a statewide election.

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

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

- 1 SECTION 1. Chapter 3 (commencing with Section 300) of
- 2 Part 1 of Division 1 of Title 1 of the Education Code is repealed.
- 3 SEC. 2. Section 1 of this act repeals Proposition 227, an
- 4 initiative statute that was approved by the voters at the June 2,
- 5 1998, statewide primary election, and shall become effective only
- 6 when submitted to, and approved by, the voters. The Secretary of
- 7 State shall submit Section 1 of this act for approval by the voters
- 8 at a statewide election in accordance with Section 9040 of the
- 9 Elections Code.