

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN SENATE APRIL 23, 2014

SENATE BILL

No. 1174

Introduced by Senator Lara

~~(Coauthor: Senator Block)~~ *(Coauthors: Senators Block, Hancock,
and Monning)*

(Coauthors: Assembly Members Gonzalez and Skinner)

February 20, 2014

An act to amend Sections 300, 305, 306, 310, 320, and 335 of, and to repeal Section 311 of, the Education Code, relating to English language education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as amended, 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.

This bill would amend and repeal various provisions of Proposition 227. The bill would, among other things, delete the sheltered English immersion requirement and waiver provisions, and would instead

authorize school districts and county offices of education to determine the best language instruction methods and language acquisition programs to implement by consulting experts in the ~~field~~, *field and* parents, and engaging local communities. The bill would authorize parents *or legal guardians* to choose ~~the education model~~ *a language acquisition program* that best suits their child, as provided.

(2) 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~~ *willfully* 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 delete that provision.

(3) Proposition 227 provides that its provisions may be amended by a statute to further its purpose passed by a $\frac{2}{3}$ vote of each house of the Legislature and signed by the Governor.

This bill would delete the requirement that the amendment further the purpose of Proposition 227, and would revise the vote threshold to a majority vote in each house of the Legislature.

(4) *This bill would make these provisions operative on July 1, 2017.*

~~(4)~~

(5) 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 the November 2016 statewide general 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. This measure shall be known, and may be cited,
- 2 as the "California Ed.G.E. Initiative" or "California Education for
- 3 a Global Economy Initiative."
- 4 SEC. 2. Section 300 of the Education Code is amended to read:
- 5 300. The people of California find and declare as follows:

1 (a) Whereas, The English language is the national public
2 language of the United States of America and of the State of
3 California, is spoken by the vast majority of California residents,
4 and is also the leading world language for science and technology,
5 thereby being an important language of economic opportunity;
6 and

7 (b) Whereas, All parents are eager to have their children master
8 the English language and obtain a high-quality education, thereby
9 preparing them to fully participate in the American Dream of
10 economic and social advancement; and

11 (c) Whereas, California is home to thousands of multinational
12 businesses that must communicate daily with associates around
13 the world; and

14 (d) Whereas, California employers across all sectors, both public
15 and private, are actively recruiting multilingual employees because
16 of their ability to forge stronger bonds with customers, clients, and
17 business partners; and

18 (e) Whereas, Multilingual skills are necessary for our ~~nation's~~
19 *country's* national security and essential to conducting diplomacy
20 and international programs; and

21 (f) Whereas, California has a natural reserve of the world's
22 largest languages, including English, Mandarin, and Spanish, which
23 are critical to the state's economic trade and diplomatic efforts;
24 and

25 (g) Whereas, California has the unique opportunity to provide
26 all parents with the choice to have their children educated to high
27 standards in English and one or more additional languages,
28 including Native American languages, thereby increasing pupils'
29 access to higher education and careers of their choice; and

30 (h) Whereas, The government and the public schools of
31 California have a moral obligation and a constitutional duty to
32 provide all of California's children, regardless of their ethnicity
33 or national origin, with the skills necessary to become productive
34 members of our society, and of these skills, literacy in the English
35 language is among the most important; and

36 (i) Whereas, The California Legislature approved, and the
37 Governor signed, a historic school funding reform that restructured
38 public education funding in a more equitable manner, directs
39 increased resources to improve English language acquisition, and
40 provides local control to ~~schools districts~~ *school districts, county*

1 *offices of education*, and schools on how to spend funding through
 2 the local control funding formula and local control and
 3 accountability plans; and

4 (j) Whereas, Parents now have the opportunity to participate in
 5 building innovative new programs that will offer pupils greater
 6 opportunities to acquire 21st century skills, such as
 7 multilingualism; and

8 (k) Whereas, All parents will have a choice and voice to demand
 9 the best education for their children, including access to language
 10 programs that will improve their children's preparation for college
 11 and careers, and allow them to be more competitive in a global
 12 economy; and

13 (l) Whereas, Existing law places constraints on teachers and
 14 schools, which have deprived many pupils of opportunities to
 15 develop multilingual skills; and

16 (m) Whereas, A large body of research has demonstrated the
 17 ~~cognitive benefits~~ *cognitive, economic*, and long-term academic
 18 ~~benefits in language and in dual- and tri-immersion language~~
 19 ~~programs.~~ *of multilingualism and multiliteracy.*

20 (n) Therefore, It is resolved that: amendments to, and the repeal
 21 of, certain provisions of this chapter *at the November 2016*
 22 *statewide general election* will advance the goal of voters to ensure
 23 that all children in California public schools shall receive the
 24 highest quality education, ~~including English language instruction~~
 25 *master the English language*, and access ~~to~~ high-quality,
 26 innovative, and research-based language programs that provide
 27 the California Ed.G.E. (California Education for a Global
 28 Economy).

29 SEC. 3. Section 305 of the Education Code is amended to read:

30 305. School districts and county offices of education may
 31 determine the best language instruction methods and language
 32 acquisition programs to implement by consulting experts in the
 33 ~~field,~~ *field* and parents, and engaging local communities. Local
 34 schools shall be encouraged to mix together in the same classroom
 35 English learners from different native-language groups but with
 36 the same degree of English fluency for targeted language
 37 instruction. Schools are also encouraged to provide opportunities
 38 for monolingual English speaking pupils to be instructed in another
 39 language to a degree sufficient to produce proficiency in that
 40 language. The non-English language should be at the discretion

1 of the parents, community, and school, depending upon the
2 linguistic resources of the school community. In accordance with
3 the local control funding formula calculated pursuant to Section
4 42238.02, as implemented by Section 42238.03, current
5 supplemental funding for low-income pupils, English learners,
6 and foster children shall be maintained, subject to possible
7 modification under Article 8 (commencing with Section 335)
8 below.

9 SEC. 4. Section 306 of the Education Code is amended to read:

10 306. The definitions of the terms used in this article and in
11 Article 1 (commencing with Section 300) are as follows:

12 (a) ~~“English learner” means a child who does not speak English~~
13 ~~or whose native language is not English and who is not currently~~
14 ~~able to perform ordinary classroom work in English, also known~~
15 ~~as a Limited English Proficiency or LEP child. pupil who is~~
16 *“limited English proficient” as that term is defined in the federal*
17 *No Child Left Behind Act of 2001 (20 U.S.C. 7801(25)).*

18 (b) *“Native speaker of English” means a pupil who has learned*
19 *and used English as his or her primary means of communication*
20 *in the home from early childhood.*

21 ~~(b)~~

22 (c) *“Dual- or tri-immersion program” means a program that*
23 *teaches a portion of the day in English and a portion of the day in*
24 *another language.*

25 SEC. 5. Section 310 of the Education Code is amended to read:

26 310. (a) ~~Parents or legal guardians may choose the education~~
27 ~~model a language acquisition program that best suits their child.~~
28 ~~Schools in which 20 30 pupils or more of a given grade level per~~
29 ~~school or 20 pupils or more in any grade request a specific~~
30 ~~language acquisition program that is designed to provide language~~
31 ~~instruction shall be required to offer such a class; otherwise, they~~
32 ~~must allow the pupils to transfer to a public school in which such~~
33 ~~a class is offered. program to the extent possible, based upon the~~
34 ~~requirements of Section 305.~~

35 (b) *If a school district implements a language acquisition*
36 *program pursuant to this section, it shall do both of the following:*

37 (1) *Comply with the kindergarten and grades 1 to 3, inclusive,*
38 *class size requirements specified in Section 42238.02.*

39 (2) *Provide, as part of the annual parent notice required*
40 *pursuant to Section 48980 or upon enrollment, the parent or legal*

1 *guardian of a minor pupil with information on the types of*
2 *language programs available to pupils enrolled in the school*
3 *district, including, but not limited to, a description of each*
4 *program.*

5 SEC. 6. Section 311 of the Education Code is repealed.

6 SEC. 7. Section 320 of the Education Code is amended to read:

7 320. As detailed in Section 5 of Article 9 of the California
8 Constitution, and Article 2 (commencing with Section 305) and
9 Article 3 (commencing with Section 310), respectively, all
10 California school children have the right to be provided with a free
11 public education and an English language public education.

12 SEC. 8. Section 335 of the Education Code is amended to read:

13 335. The provisions of this act may be amended by a statute
14 that becomes effective upon approval by the electorate or by a
15 statute passed by a majority vote of each house of the Legislature
16 and signed by the Governor.

17 SEC. 9. Sections 2 to 8, inclusive, of this act shall become
18 operative on July 1, 2017.

19 ~~SEC. 9.~~

20 SEC. 10. Sections 2 to 8, 9, inclusive, of this act amend or
21 repeal provisions of Proposition 227, an initiative statute that was
22 approved by the voters at the June 2, 1998, statewide primary
23 election, and shall become effective only when submitted to, and
24 approved by, the voters. The Secretary of State shall submit
25 Sections 1 to 8, 9, inclusive, of this act for approval by the voters
26 at the November 2016 statewide general election in accordance
27 with Section 9040 of the Elections Code.