

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 491**

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**Introduced by Assembly Member Gonzalez**

February 23, 2015

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

### LEGISLATIVE COUNSEL’S DIGEST

AB 491, as amended, Gonzalez. English learners: proficiency assessment: reclassification.

Existing law required the State Department of Education, 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 of Education 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. Existing law required the department to issue, by January 1, 2014, a report that includes specified findings, research, analysis, recommendations, and best ~~practices~~. *practices, and requires 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 the English language development standards.*

This bill would *change the issue date of this initial report to January 1, 2019, and would delete the updated report requirement. The bill would* additionally require the department, by July 1, ~~2016~~, 2022, to recommend, and the state board to adopt, the department's recommendations and best practices pursuant to the department's recommendations in the report referenced above.

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. Section 313.5 of the Education Code is amended  
2 to read:  
3 313.5. (a) By January 1, 2014, the department shall review  
4 and analyze the criteria, policies, and practices that a sampling of  
5 school districts that represent the geographic, socioeconomic, and  
6 demographic diversity of school districts in the state use to  
7 reclassify English learners, and recommend to the Legislature and  
8 state board any guideline, regulatory, or statutory changes that the  
9 department determines are necessary to identify when English  
10 learners are prepared for the successful transition to classrooms  
11 and curricula that require English proficiency.  
12 (b) For purposes of completing the review and analysis required  
13 pursuant to subdivision (a), the department shall consult with  
14 parents of English learners, experts with demonstrated experience  
15 in developing and administering assessments for English learners,  
16 classroom or resource teachers, or both, school district  
17 administrators with expertise in curriculum, instruction, assessment,  
18 and accountability, and researchers possessing expertise in the  
19 education of English learners.  
20 (c) The group of experts described in subdivision (b) shall  
21 develop a study design that may include a sampling methodology  
22 for purposes of selecting the school districts that will be part of  
23 the review and analysis to identify best practices pursuant to  
24 subdivision (a).  
25 (d) For purposes of completing the review and analysis required  
26 pursuant to subdivision (a), the department shall examine and  
27 report on the following:

1 (1) The practices and standards used by a sampling of school  
2 districts that represent the geographic, socioeconomic, and  
3 demographic diversity of school districts in the state to meet the  
4 four reclassification criteria specified in subdivision (f) of Section  
5 313.

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

8 (3) The range of reclassification criteria developed by school  
9 districts.

10 (e) As part of the examination required pursuant to subdivision  
11 (d), the department shall analyze the following:

12 (1) English language proficiency and academic performance  
13 data.

14 (2) The relationship of the reclassification criteria to  
15 reclassification rates.

16 (3) The academic performance of pupils after reclassification  
17 as English proficient.

18 (4) The relationship of the reclassification criteria to the  
19 academic performance of pupils after reclassification.

20 (f) In its report, the department also shall identify any other  
21 pupil outcome measures that indicate an English learner is prepared  
22 to successfully transition to a classroom and curricula that require  
23 English proficiency.

24 (g) By January 1, ~~2014~~, 2019, the department shall issue a report  
25 that includes the department's findings, research, analysis,  
26 recommendations, and best practices pursuant to subdivisions (a),  
27 (d), (e), and (f).

28 (h) By July 1, ~~2016~~, 2022 the department shall recommend, and  
29 the state board shall adopt, the department's recommendations and  
30 best practices pursuant to subdivisions (a), (d), (e), and (f), as  
31 reported pursuant to subdivision (g).

32 ~~(i) By January 1, 2017, the department shall issue an updated~~  
33 ~~report that reflects any changes in analysis and recommendations~~  
34 ~~as a result of the adoption by the state board of the common core~~  
35 ~~standards pursuant to Section 60605.8 and the English language~~  
36 ~~development standards adopted pursuant to former Section~~  
37 ~~60811.3, as that section read on June 30, 2013, or Section 60811.4.~~

38 ~~(j)~~

39 (i) This section shall be implemented only if state or federal  
40 funds are appropriated as necessary to fully fund this purpose or

- 1 if private funds are made available as necessary to fully fund this
- 2 purpose.

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