

AMENDED IN SENATE AUGUST 19, 2016
AMENDED IN SENATE AUGUST 15, 2016
AMENDED IN SENATE JUNE 23, 2016
AMENDED IN SENATE MAY 31, 2016
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

Introduced by Assembly Member Gonzalez

February 23, 2015

An act to amend Section 313.2 of, and to add Section 313.3 to, the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 491, as amended, Gonzalez. English learners: identification: notice.

Existing law requires each school district to make a determination of the primary language of a pupil when the pupil enrolls in the school district and requires each parent or guardian of a pupil enrolled in a public school to receive notice of an assessment of a pupil's English proficiency no later than 30 days after the start of the school year that includes, among other things, the reason for the pupil's classification as an English learner.

This bill would require the notice of assessment of a child's English proficiency to include specified additional information, including whether a child is a long-term English learner or is an English learner at risk of becoming a long-term English learner. The bill would require a school district to provide a notification letter to a pupil's parent or guardian at the time a home language survey is provided that explains the purpose of the home language survey and the procedures for identification and reclassification of English learners. The bill would require the State Department of Education to make a sample notification letter available to public schools.

Because the bill would impose additional requirements on local educational agencies, the bill would impose a state-mandated local program.

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.

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

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

1 SECTION 1. Section 313.2 of the Education Code is amended
2 to read:
3 313.2. (a) The department shall annually ascertain the number
4 of pupils in each school district and school, including a school that
5 is within the jurisdiction of a county office of education and a
6 charter school, who are, or are at risk of becoming, long-term
7 English learners, as those terms are defined in Section 313.1.
8 (b) The department shall annually provide the information
9 described in subdivision (a) to school districts and schools and
10 post on the department's Internet Web site the number of long-term
11 English learners and English learners at risk of becoming long-term
12 English learners in the state.
13 (c) In addition to the information specified in subdivision (b)
14 of Section 440, the notice of assessment of a child's English
15 proficiency shall also contain all of the following information:

1 (1) Whether the child is a long-term English learner or English
2 learner at risk of becoming a long-term English learner, as those
3 terms are defined in Section 313.1.

4 (2) The manner in which the program for English language
5 development instruction will meet the educational strengths and
6 needs of long-term English learners or English learners at risk of
7 becoming long-term English learners.

8 (3) The manner in which the program for English language
9 development instruction will help long-term English learners or
10 English learners at risk of becoming long-term English learners
11 develop English proficiency and meet age-appropriate academic
12 standards.

13 SEC. 2. Section 313.3 is added to the Education Code, to read:

14 313.3. (a) The department shall make available to public
15 schools a sample notification letter that shall be provided with the
16 home language survey used to determine the primary language of
17 the pupil at the time of enrollment in accordance with Section
18 52164.1. The notification letter shall explain the purpose of the
19 home language survey and the procedures for identification and
20 reclassification of English learners.

21 (b) The notification letter shall include, but is not limited to, all
22 of the following statements:

23
24 “If a language other than English is noted on your child’s home
25 language survey, the law requires us to test your child’s English
26 language proficiency.”

27 “You may dispute the school district’s determination of your
28 child’s primary language and ask the school district to redetermine
29 your child’s primary language. (~~Education Code Section 52164.1.~~)”

30 “Once your child’s English language proficiency is tested and
31 your child is identified as an English learner, changing the home
32 language survey will not change your child’s identification as an
33 English learner.”

34
35 (c) A school district shall provide the notification letter to the
36 parent or guardian of a pupil at the time the home language survey
37 is provided.

38 SEC. 3. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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