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AMENDED IN ASSEMBLY MAY 27, 2016

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AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 2350**

**Introduced by Assembly Member O'Donnell**

February 18, 2016

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An act to amend Section 44253.2 of, and to add Article 5.5 (commencing with Section 60080) to Chapter 1 of Part 33 of Division 4 of Title 2 of, the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2350, as amended, O'Donnell. English learners.

Existing law requires the State Board of Education to adopt curriculum frameworks and evaluation criteria that are aligned to specified content standards for English language arts on or before July 30, 2014.

This bill would define the terms “designated English language development” and “integrated English language development” for purposes of the English Language Arts/English Development Framework adopted by the state board, as specified. The bill would specify ~~that that, except as provided,~~ a middle or high school pupil who is enrolled in an English language development course or is classified as an English learner shall not be prevented from enrolling in specified other courses required for graduation, grade promotion, or meeting specified college admission ~~standards,~~ standards. *The bill would require English language development courses designed for long-term English*

*learners to be sufficiently rigorous to confer credit in English language arts necessary for grade promotion or graduation and would require credit toward graduation to be conferred for courses designed for long-term English learners, except as specified: those courses.* By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program. ~~The bill would require the State Department of Education to contract for the development of a video series demonstrating best practices for implementing designated and integrated English language development, and to make the video series available for use by local educational agencies and charter schools. The bill would also require the department to revise its existing research-based guidance document on improving the education of English learners.~~

Existing law authorizes the Commission on Teacher Credentialing to issue an authorization to teach specially designed content instruction delivered in English, as defined, to English learner pupils.

This bill would revise the definition of “specially designed content instruction delivered in English” for purposes of specified teacher credentialing provisions.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is home to the largest population of English
- 4 learners in the country, and one in three English learners in the
- 5 United States resides in California.
- 6 (b) There are approximately 1.4 million English learners in
- 7 California public schools. About 2.7 million pupils speak a
- 8 language other than English in their homes, representing about 43
- 9 percent of the state’s public school enrollment.

1 (c) California’s English learner pupils score substantially lower  
2 on state assessments than non-English learner pupils. While there  
3 has been incremental growth in achievement among pupils in the  
4 general population, scores for English learners have largely  
5 remained static, widening the achievement gap between English  
6 learners and their peers over time.

7 (d) On the 2015 administration of the California Assessment of  
8 Student Performance, 11 percent of English learners in all grades  
9 met or exceeded standards in English language arts/literacy and  
10 11 percent in math, compared with 69 percent and 55 percent for  
11 those subjects, respectively, for pupils proficient in English.

12 (e) The English Language Arts/English Language Development  
13 Framework adopted by the State Board of Education in 2014  
14 represents an important state endorsement of the use of both  
15 designated English language development and the integration of  
16 English language development across the curriculum. This  
17 combined approach will require major changes in teaching and  
18 learning for all pupils, including English learners, and there is a  
19 need for training for, and technical assistance to, teachers and  
20 administrators on implementing these instructional reforms.

21 (f) Recent research has found that English learners are less likely  
22 than non-English learners to be enrolled in core academic subject  
23 courses and, as a result, earn fewer credits than non-English learner  
24 pupils. Research has further found that limited access to English  
25 language arts is largely due to English language development  
26 classes being used as substitutes for, rather than complements to,  
27 English language arts, and due to the enrollment of elementary  
28 and secondary English learners in intervention classes for English  
29 language arts and math that are not designed for English learners’  
30 language and academic needs.

31 (g) Graduation rates for English learners are lower than for the  
32 general population and for other subgroups of pupils. According  
33 to the State Department of Education, the overall 2013–14  
34 four-year cohort graduation rate was 81 percent, while the rate for  
35 English learners was 65 percent, the lowest of any subgroup besides  
36 pupils in special education. The dropout rate for English learners,  
37 at 21 percent, was the highest of any subgroup.

38 (h) English language development classes aligned to the state  
39 English Language Development standards are designed to give

1 access to core academic subjects while developing English  
2 proficiency, and are part of the academic core for English learners.

3 (i) There are many options for addressing the issues of access  
4 and course offerings for English Learners in middle and high  
5 school.

6 SEC. 2. Section 44253.2 of the Education Code is amended to  
7 read:

8 44253.2. For purposes of this chapter, the following terms shall  
9 have the following meanings, unless the context otherwise requires:

10 (a) “Instruction for English language development” means  
11 instruction designed specifically for English learner pupils to  
12 develop their listening, speaking, reading, and writing skills in  
13 English.

14 (b) “Specially designed content instruction delivered in English”  
15 or “specially designed academic instruction in English” means  
16 instruction in a subject area, delivered in English, that is specially  
17 designed to meet the needs of English learner pupils, and the focus  
18 of which is on instruction of the state academic content standards  
19 and on increasing the comprehensibility of academic content in  
20 courses normally provided to fluent-English-proficient and  
21 English-only pupils.

22 (c) “Content instruction delivered in the primary language”  
23 means instruction in a subject area delivered in the primary  
24 language of the pupil.

25 (d) “Instruction for primary language development” means  
26 instruction designed to develop a pupil’s listening, speaking,  
27 reading, and writing skills in the primary language of the pupil.

28 (e) “Culture and cultural diversity” means an understanding of  
29 human relations, including the following:

- 30 (1) The nature and content of culture.
- 31 (2) ~~Cross-cultural~~ *Cross-cultural* contact and interactions.
- 32 (3) Cultural diversity in the United States and California.
- 33 (4) Approaches to providing instruction responsive to the  
34 diversity of the pupil population.
- 35 (5) Recognizing and responding to behavior related to bias based  
36 on the characteristics listed in Section 220.
- 37 (6) Techniques for the peaceful resolution of conflict.

38 SEC. 3. Article 5.5 (commencing with Section 60080) is added  
39 to Chapter 1 of Part 33 of Division 4 of Title 2 of the Education  
40 Code, to read:

Article 5.5. English Learners

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2  
3 60080. (a) The English Language Arts/English Language  
4 Development Framework adopted by the state board pursuant to  
5 Section 60207 states that English learners at all English proficiency  
6 levels and at all ages require a comprehensive program of English  
7 language development that includes both integrated English  
8 language development and specialized attention to their particular  
9 language learning needs, otherwise known as designated English  
10 language development, as part of their daily curriculum.

11 (b) The following definitions shall apply to the English  
12 Language Arts/English Language Development Framework  
13 referenced in subdivision (a):

14 (1) “Designated English language development” means  
15 instruction designed for English learners according to their level  
16 of English proficiency to overcome language barriers in a  
17 reasonable amount of time, during a protected time in the regular  
18 schoolday, in which teachers use the California English Language  
19 Development Standards as the focal standards in ways that build  
20 into and from content instruction in order to develop the critical  
21 language that English learners need for content learning in English.

22 (2) “Integrated English language development” means  
23 instruction in which all teachers with English learners in their  
24 classrooms, regardless of the course content, use the California  
25 English Language Development Standards in tandem with the  
26 California state standards.

27 60081. (a) A middle or high school pupil who is enrolled in  
28 an English language development course or who is classified as  
29 an English learner shall not be prevented from doing either of the  
30 following:

31 (1) Enrolling in core curriculum courses in English language  
32 arts or any other course required for graduation, grade promotion,  
33 or meeting the a-g subject requirements for admission to the  
34 University of California or the California State University.

35 (2) Taking a full course load in core subjects required for  
36 graduation, grade promotion, or meeting the a-g subject  
37 requirements for admission to the University of California or the  
38 California State University.

39 (b) (1) Subdivision (a) shall not apply to a pupil participating  
40 in ~~an articulated newcomer program~~ *a program designed to meet*

1 *the academic and transitional needs of newly arrived immigrants*  
2 unless the pupil meets the local educational agency's exit criteria  
3 for transition into a general education program. For purposes of  
4 this section, "articulated newcomer program" means a separate,  
5 sometimes self-contained program that meets all of the following  
6 criteria:

7 (1) ~~The program is designed to meet the academic and~~  
8 ~~transitional needs of newly arrived immigrants.~~

9 (2) ~~Instruction is aligned with state academic content standards~~  
10 ~~in content areas for which standards are adopted.~~

11 (3) ~~Instruction for learning English is aligned with English~~  
12 ~~language development standards.~~

13 (4) ~~When possible, instruction in the core subjects of~~  
14 ~~mathematics, science, and history-social science are offered in the~~  
15 ~~pupil's primary language.~~

16 (2) *The department may provide guidance on the implementation*  
17 *of this subdivision.*

18 60082. If a local educational agency offers an English language  
19 development course designed for long-term English learners, the  
20 course shall ~~confer credits~~ *be sufficiently rigorous to confer credit*  
21 *and shall confer credit* in English language arts necessary to meet  
22 grade promotion or graduation requirements. It is the intent of the  
23 Legislature that local educational agencies submit those courses  
24 to the University of California and California State University for  
25 approval to meet the ~~a-g subject requirements for admission.~~  
26 *subject matter requirements for purposes of recognition for college*  
27 *admission pursuant to Section 66205.5.*

28 60083. (a) ~~The department shall contract for the development~~  
29 ~~of a series of videos demonstrating best practices for implementing~~  
30 ~~designated and integrated English language development in~~  
31 ~~transitional kindergarten to grade 12, inclusive, and shall make~~  
32 ~~the series available on the department's Internet Web site. In order~~  
33 ~~to provide a companion resource to the video series, the department~~  
34 ~~shall revise its existing research-based guidance document on~~  
35 ~~improving the education of English learners. This document may~~  
36 ~~include guidance on the implementation of Sections 60081 and~~  
37 ~~60082.~~

38 (b) ~~In developing the video series and research document, the~~  
39 ~~department shall compile program models that address the~~  
40 ~~implementation of designated and integrated instruction during~~

1 ~~the schoolday that allows pupils to access English language~~  
2 ~~development and academic content. The department shall include~~  
3 ~~information on how to implement these models.~~

4 ~~(e) In developing the video series and research document, the~~  
5 ~~department shall convene a group of experts and request public~~  
6 ~~input.~~

7 ~~(d) By the beginning of the 2019-20 school year, the video~~  
8 ~~series and research document shall be completed and made~~  
9 ~~available for voluntary use by local educational agencies and~~  
10 ~~charter schools.~~

11 ~~(e) Implementation of this section is contingent upon funding~~  
12 ~~being provided for this purpose in the annual Budget Act or another~~  
13 ~~statute.~~

14 SEC. 4. If the Commission on State Mandates determines that  
15 this act contains costs mandated by the state, reimbursement to  
16 local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.