

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2785**

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**Introduced by Assembly Member O'Donnell**

February 19, 2016

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*An act to amend Sections 430, 435, and 444 of, and to add Section 447 to, the Education Code, relating to ~~teachers~~. English language acquisition.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2785, as amended, O'Donnell. ~~Teachers~~.—*English language acquisition: the federal Every Student Succeeds Act.*

*Existing law declares the intent of the Legislature to amend provisions of the Education Code related to ensuring that all pupils have reasonable access to educational opportunities that are necessary in order for the pupils to achieve at high levels in English and in the other core curriculum areas of instruction to the extent that the federal No Child Left Behind Act of 2001 is amended.*

*This bill would require the Department of Education to review these Education Code provisions for conformity with the federal Every Student Succeeds Act, which amended the No Child Left Behind Act of 2001, and to report any necessary conforming changes to the Legislature.*

*This bill would also update obsolete references to the federal No Child Left Behind Act of 2001.*

~~Existing law requires the governing board of a school district to fix and prescribe the duties to be performed by all persons in public school service in the school district.~~

~~This bill would state the intent of the Legislature to enact legislation relating to teachers.~~

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

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

1     *SECTION 1. Section 430 of the Education Code is amended*  
2 *to read:*

3     430. (a) This chapter shall be known, and may be cited, as the  
4 English Learner and Immigrant Pupil Federal Conformity Act.

5     (b) The purpose of this chapter is to ensure that instructional  
6 services are provided to pupils with limited English proficiency  
7 in conformity with federal requirements that are designed to ensure  
8 that all pupils have reasonable access to educational opportunities  
9 that are necessary in order for the pupils to achieve at high levels  
10 in English and in the other core curriculum areas of instruction.

11     (c) This chapter is intended to be declaratory of Title III of the  
12 federal ~~No Child Left Behind Act of 2001~~ *Every Student Succeeds*  
13 *Act* (20 U.S.C. Sec. 6301 et seq.) and is intended to assist local  
14 educational agencies in understanding the requirements and funding  
15 formulas to provide allowable services. It is the intent of the  
16 Legislature that, to the extent federal law is amended, this chapter  
17 will be amended to conform to those changes.

18     (d) The requirements of this chapter apply only to local  
19 educational agencies that receive federal funds pursuant to Title  
20 III of the federal ~~No Child Left Behind Act of 2001~~. *Every Student*  
21 *Succeeds Act*.

22     *SEC. 2. Section 435 of the Education Code is amended to read:*

23     435. For purposes of this chapter, the following terms have the  
24 following meanings:

25     (a) “English learner” or “pupil of limited English proficiency”  
26 means a pupil who was not born in the United States or whose  
27 native language is a language other than English or who comes  
28 from an environment where a language other than English is  
29 dominant; and whose difficulties in speaking, reading, writing, or  
30 understanding the English language may be sufficient to deny the  
31 individual the ability to meet the state’s proficient level of  
32 achievement on state assessments, the ability to successfully  
33 achieve in classrooms where the language of instruction is English,  
34 or the opportunity to participate fully in society.

1 (b) “Immigrant pupil” means a pupil who was born in a country  
2 other than the United States and who has attended a kindergarten  
3 class or any of grades 1 to 12, inclusive, in a school in the United  
4 States for three or fewer years.

5 (c) “Federal ~~No Child Left Behind Act of 2001~~” *Every Student*  
6 *Succeeds Act*” means Public Law Number ~~107-110~~ 114-95 (20  
7 U.S.C. Sec. ~~6801, 6301~~, et seq.).

8 *SEC. 3. Section 444 of the Education Code is amended to read:*

9 444. In accordance with Section 6826 (c) of Title 20 of the  
10 United States Code, a local educational agency that receives a  
11 federal subgrant pursuant to Sections 6801 and following of Title  
12 20 of the United States Code shall include in its plan a certification  
13 that all teachers in any language instruction education program for  
14 limited-English-proficient pupils that is, or will be, funded under  
15 Part A of Title III of the federal ~~No Child Left Behind Act of 2001~~  
16 *Every Student Succeeds Act* are fluent in English and any other  
17 language used for instruction, including having written and oral  
18 communication skills.

19 *SEC. 4. Section 447 is added to the Education Code, to read:*

20 447. *On or before January 1, 2018, the department shall review*  
21 *this chapter for conformity with the federal Every Student Succeeds*  
22 *Act, and shall report any necessary conforming changes to the*  
23 *Legislature pursuant to Section 9795 of the Government Code.*

24 ~~SECTION 1. It is the intent of the Legislature to enact~~  
25 ~~legislation relating to teachers.~~