

AMENDED IN SENATE APRIL 9, 2015

**SENATE BILL**

**No. 409**

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**Introduced by Senator De León**

February 25, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 409, as amended, De León. English learners: reclassification.

(1) 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 the 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 requires the governing board of each school district to adopt a local control and accountability plan and requires a local control and accountability plan to include, among other things, a description of the annual goals to be achieved for each state priority, as specified, for all pupils and certain subgroups of pupils.*

This bill would instead require the department, by January 1, 2017, to contract with an outside research organization to perform the above-mentioned review and ~~analysis~~. *analysis, and would include in that review and analysis the criteria, policies, and practices that the specified school districts use to meet the state priorities identified in the local control and accountability plans provision. The bill would*

*instead require the department to recommend to the Legislature any policy 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 and how implementation of the state priorities identified in the local control and accountability plans provision support that transition. The bill would require the department to examine, as part of this review and analysis, the extent to which school districts are following the regulations for implementation of the local control and accountability plans, and information on English learner achievement as described in local control and accountability plans.*

(2) Existing law required the department, by January 1, 2014, to issue a report on its findings, research, analysis, recommendations, and best 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 related English language development standards.

This bill would change the issue date of this report to January 1, 2017, ~~and~~ would change the issue date of the updated report to January 1, ~~2018~~, *2018, and would require the department to identify in that report any pupil outcome measures related to meeting the state priorities in the local control and accountability plans provision, as related to the education of English learners.*

This bill would also make nonsubstantive changes to these provisions.

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, 2017, the department shall contract  
 4 with an outside research organization to review and analyze the  
 5 criteria, policies, and practices that a sampling of school districts  
 6 that represent the geographic, socioeconomic, and demographic  
 7 diversity of school districts in the state use to reclassify English  
 8 ~~learners~~, *learners and to meet the eight state priorities, as related*  
 9 *to the education of English learners, specified in Section 52060,*  
 10 ~~and recommend to the Legislature and state board any guideline,~~

1 ~~regulatory, or statutory~~ *any policy* changes that the department  
2 determines are necessary to identify when English learners are  
3 prepared for the successful transition to classrooms and curricula  
4 that require English ~~proficiency~~. *proficiency and how*  
5 *implementation of the eight state priorities specified in Section*  
6 *52060 support this transition.*

7 (b) For purposes of completing the review and analysis required  
8 pursuant to subdivision (a), the department shall consult with  
9 parents of English learners, experts with demonstrated experience  
10 in developing and administering assessments for English learners,  
11 classroom or resource teachers, or both, school district  
12 administrators with expertise in curriculum, instruction, assessment,  
13 and accountability, and researchers possessing expertise in the  
14 education of English learners.

15 (c) The group of experts described in subdivision (b) shall  
16 develop a study design that may include a sampling methodology  
17 for purposes of selecting the school districts that will be part of  
18 the review and analysis to identify best practices pursuant to  
19 subdivision (a).

20 (d) For purposes of completing the review and analysis required  
21 pursuant to subdivision (a), the department shall examine and  
22 report on the following:

23 (1) The practices and standards used by a sampling of school  
24 districts that represent the geographic, socioeconomic, and  
25 demographic diversity of school districts in the state to meet the  
26 four reclassification criteria specified in subdivision (f) of Section  
27 313.

28 (2) The extent to which school districts are following the  
29 guidelines established by the state ~~board~~. *board and the regulations*  
30 *for implementation of the local control and accountability plans*  
31 *developed pursuant to Article 4.5 (commencing with Section 52060)*  
32 *of Chapter 6.1 of Part 28 of Division 4 of Title 2.*

33 (3) The range of reclassification criteria developed by school  
34 districts.

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

37 (1) English language proficiency and academic performance  
38 data.

39 (2) The relationship of the reclassification criteria to  
40 reclassification rates.

1 (3) The academic performance of pupils after reclassification  
2 as English proficient.

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

5 (5) Information on English learner achievement as described in  
6 the local control and accountability plans developed by school  
7 districts pursuant to Article 4.5 (commencing with Section 52060)  
8 of Chapter 6.1 of Part 28 of Division 4 of Title 2.

9 (f) In its report, the department also shall identify any other  
10 pupil outcome measures that indicate an English learner is prepared  
11 to successfully transition to a classroom and curricula that require  
12 English ~~proficiency~~ *proficiency, including, but not limited to, any*  
13 *pupil outcome measures related to meeting the eight state*  
14 *priorities, as related to the education of English learners, specified*  
15 *in Section 52060.*

16 (g) By January 1, 2017, the department shall issue a report that  
17 includes the department's findings, research, analysis,  
18 recommendations, and best practices pursuant to subdivisions (a),  
19 (d), (e), and (f).

20 (h) By January 1, 2018, the department shall issue an updated  
21 report that reflects any changes in analysis and recommendations  
22 as a result of the adoption by the state board of the common core  
23 standards pursuant to Section 60605.8 and the English language  
24 development standards adopted pursuant to former Section  
25 60811.3, as that section read on June 30, ~~2013~~ *2013, or Section*  
26 *60811.4.*

27 (i) This section shall be implemented only if state or federal  
28 funds are appropriated as necessary to fully fund this purpose or  
29 if private funds are made available as necessary to fully fund this  
30 purpose.