

Senate Bill No. 750

CHAPTER 660

An act to amend Sections 313.1 and 313.2 of the Education Code, relating to English language education.

[Approved by Governor October 8, 2015. Filed with
Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 750, Mendoza. English language education: English learners.

(1) Existing law requires each school district that has one or more pupils who are English learners, and, to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine the pupil's level of proficiency. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

Existing law defines "long-term English learner" as an English learner who is enrolled in any of grades 6 to 12, inclusive, has been enrolled in schools in the United States for more than 6 years, has remained at the same English language proficiency level for 2 or more consecutive years as determined by a specified English language development test, or any successor test, and scores far below basic or below basic on a certain English language arts standards-based achievement test, or any successor test.

This bill would revise that definition to instead mean, except as specified, an English learner who is enrolled in any of grades 6 to 12, inclusive, who has been enrolled in schools in the United States for 6 years or more, has remained at the same English language proficiency level for 2 or more consecutive prior years, or has regressed to a lower English language proficiency level, as determined by the specified English language development test, or a score determined by the Superintendent of Public Instruction on any successor test, and, for a pupil in any of grades 6 to 9, inclusive, scored far below basic or below basic on the specified English language arts standards-based achievement test, or a score determined by the Superintendent on any successor test. The bill would encourage the Superintendent to revisit the score determined for any successor test after 3 years of assessment data on the successor test.

(2) Existing law defines an "English learner at risk of becoming a long-term English learner" as an English learner who is enrolled in any of grades 5 to 11, inclusive, in schools in the United States for 4 years, scores at the intermediate level or below on the specified English language development test, or any successor test, and scores in the 4th year at the

below basic or far below basic level on a certain English language arts standards-based achievement test, or any successor test.

This bill would revise that definition to instead mean, except as specified, an English learner who is enrolled in any of grades 3 to 12, inclusive, in schools in the United States for 4 to 5 years, scored at the intermediate level or below on the specified English language development test, or a score determined by the Superintendent on any successor test, and, for a pupil in any of grades 3 to 9, inclusive, scored in the 4th or 5th year at the below basic or far below basic level on the specified English language arts standards-based achievement test, or a score determined by the Superintendent on any successor test. The bill would encourage the Superintendent to revisit the score determined for any successor test after 3 years of assessment data on the successor test.

(3) Existing law requires the department to annually ascertain and provide to school districts and schools the number of pupils in each school district and school, as specified, who are, or are at risk of becoming, long-term English learners.

This bill would also require the department to post on the department's Internet Web site the number of long-term English learners and English learners at risk of becoming long-term English learners in the state.

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

SECTION 1. Section 313.1 of the Education Code is amended to read:

313.1. For purposes of this article, the following terms have the following meanings:

(a) (1) "Long-term English learner" means an English learner to which all of the following apply:

(A) Is enrolled in any of grades 6 to 12, inclusive.

(B) Has been enrolled in schools in the United States for six years or more.

(C) Has remained at the same English language proficiency level for two or more consecutive prior years, or has regressed to a lower English language proficiency level, as determined by the English language development test identified or developed pursuant to Section 60810, or a score determined by the Superintendent on any successor test.

(D) For a pupil in any of grades 6 to 9, inclusive, has scored far below basic or below basic on the prior year's English language arts standards-based achievement test administered pursuant to Section 60640, or a score determined by the Superintendent on any successor test.

(2) A pupil for which the required testing results are not available for either subparagraph (C) or (D) of paragraph (1) shall not have that criteria applied and such pupil shall not be excluded based on that criteria.

(b) (1) "English learner at risk of becoming a long-term English learner" means an English learner to which all of the following apply:

(A) Is enrolled in any of grades 3 to 12, inclusive.

(B) Has been enrolled in schools in the United States for four to five years.

(C) Has scored at the intermediate level or below on the prior year's English language development test identified or developed pursuant to Section 60810, or a score determined by the Superintendent on any successor test.

(D) For a pupil in any of grades 3 to 9, inclusive, has scored in the fourth or fifth year at the below basic or far below basic level on the prior year's English language arts standards-based achievement test administered pursuant to Section 60640, or a score determined by the Superintendent on any successor test.

(2) A pupil for which the required testing results are not available for either subparagraph (C) or (D) of paragraph (1) shall not have that criteria applied and such pupil shall not be excluded based on that criteria.

(3) The Superintendent is encouraged to revisit a score determined for any successor test pursuant to subparagraphs (C) and (D) of paragraph (1) of subdivision (a) and subparagraphs (C) and (D) of paragraph (1) of this subdivision after three years of assessment data on the successor test.

SEC. 2. Section 313.2 of the Education Code is amended to read:

313.2. (a) The department shall annually ascertain the number of pupils in each school district and school, including a school that is within the jurisdiction of a county office of education and a charter school, who are, or are at risk of becoming, long-term English learners, as those terms are defined in Section 313.1.

(b) The department shall annually provide the information described in subdivision (a) to school districts and schools and post on the department's Internet Web site the number of long-term English learners and English learners at risk of becoming long-term English learners in the state.