

AMENDED IN SENATE JANUARY 4, 2000  
AMENDED IN SENATE SEPTEMBER 8, 1999  
AMENDED IN SENATE AUGUST 25, 1999  
AMENDED IN SENATE AUGUST 16, 1999  
AMENDED IN SENATE JULY 12, 1999  
AMENDED IN SENATE JUNE 30, 1999  
AMENDED IN ASSEMBLY MAY 28, 1999  
AMENDED IN ASSEMBLY APRIL 27, 1999  
AMENDED IN ASSEMBLY APRIL 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1197**

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**Introduced by Assembly Member Firebaugh  
(Coauthors: Assembly Members Honda, Kuehl, and  
Romero)  
(Coauthor: Senator Vasconcellos)**

February 26, 1999

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An act to ~~add and repeal Article 14 (commencing with Section 44410) to Chapter 2 of Part 25 of the Education Code, relating to teacher training; amend Section 89706 of, and to add Section 76140.1 to, the Education Code, relating to public postsecondary education.~~

## LEGISLATIVE COUNSEL'S DIGEST

AB 1197, as amended, Firebaugh. ~~Teacher training; California Teacher Training Grant Program Public postsecondary education: residency.~~

*Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law authorizes community college districts to admit, and charge a tuition fee for, nonresident students in accordance with specified criteria.*

*Existing law establishes the California State University, and authorizes the operation of its various campuses under the administration of the Trustees of the California State University. Existing law authorizes the trustees, on the basis of demonstrated financial need and scholastic achievement, to waive entirely, or reduce below the minimum rate, the tuition fee of a nonresident student, as defined.*

*Existing law prescribes residency requirements for students at public institutions of postsecondary education, including, among others, the campuses of the California Community Colleges and the California State University. With respect to alien students, existing law specifies that an alien, including an unmarried minor alien, may establish his or her residence unless precluded by the federal Immigration and Nationality Act from establishing domicile in the United States.*

*This bill would require that a person, including an alien precluded from establishing California residency because of federal law, who has attended high school in California for 3 or more years, who has graduated from a California high school, who continues his or her education at a California institution of higher education within one year of high school graduation or on or before January 1, 2001, and who presents documentation that he or she is lawfully in the United States, or, if he or she is an alien precluded from establishing California residency because of federal law, presents documentation that he or she has initiated a petition or*



*application for lawful immigration status, or that a petition or application has been initiated on his or her behalf, be exempted, under specified circumstances, from paying nonresident tuition at the California Community Colleges and the California State University. The bill would request the Regents of the University of California to also exempt these persons from paying nonresident tuition. The bill would also make various technical and nonsubstantive changes to the provisions relating to residency with respect to attendance at campuses of the California Community Colleges and the California State University.*

~~Under existing law, there are various programs designed to promote teacher training, including, the Paraprofessional Teacher Training Program, the Alternative Certification Program, the California Center for Teaching Careers, the Assumption Program of Loans for Educators, the Cal T Grant Program for teacher candidates, and the California Mathematics Initiative.~~

~~This bill would enact the California Teacher Training Grant program for the purpose of assisting the state in meeting the demand for fully-credentialed teachers who specialize in teaching pupils in kindergarten and grades 1 to 8, inclusive, of limited English proficiency by providing financial assistance to local school districts for the purpose of promoting teacher training to serve pupils of limited English proficiency. The State Department of Education would be required to administer the program, which would award a block grant to school districts that meet certain conditions. The bill would require school districts who wish to receive a block grant to apply to the department on or before February 1, 2000, and would require the State Department of Education to make determinations regarding which school districts will receive a block grant by June 1, 2000. Each school district that receives a block grant would be authorized to award up to 500 grants, each in the amount of \$2,500, from the block grant received from the department, along with a matching grant of \$2,500 provided by school district funds, for a total amount of \$5,000 for each eligible grant recipient.~~

~~The bill would prescribe the conditions for grant eligibility under the program, and would require a grant recipient to~~



~~enter into a contract with the awarding school district, wherein the recipient agrees to meet certain conditions, including, among others, that an applicant must agree to pursue a course of study leading to a full teaching credential. The bill would require school districts that receive a block grant for this purpose to collect data and report on various aspects of the program, including, among others, the overall performance of grant recipients. The provisions of the bill would remain in effect until January 1, 2003.~~

~~The bill would provide that certain funds appropriated to the State Department of Education in the Budget Act of 1999 may be allocated by the department for purposes of the bill.~~

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.— Article 14 (commencing with Section~~  
2     ~~SECTION 1. Section 76140.1 is added to the~~  
3     ~~Education Code, to read:~~  
4     ~~76140.1. Notwithstanding any other provision of law:~~  
5     ~~(a) (1) Any person, including an alien precluded~~  
6     ~~from establishing California residency by reason of~~  
7     ~~subdivision (h) of Section 68062, who meets all of the~~  
8     ~~requirements set forth in paragraph (2) is exempt from~~  
9     ~~nonresident tuition:~~  
10    ~~(2) (A) High school attendance in California for three~~  
11    ~~or more years.~~  
12    ~~(B) Graduation from a California high school.~~  
13    ~~(C) Continuation of his or her education at a California~~  
14    ~~institution of higher education within one year of high~~  
15    ~~school graduation or on or before January 1, 2001.~~  
16    ~~(D) Presentation of documentation that the person is~~  
17    ~~lawfully in the United States, or in the case of an alien~~  
18    ~~precluded from establishing California residency by~~  
19    ~~reason of subdivision (h) of Section 68062, presentation of~~  
20    ~~documentation that a petition or application for lawful~~  
21    ~~immigration status has been initiated, either by the~~  
22    ~~person seeking the exemption from nonresident tuition~~



1 or by another person on behalf of the person seeking the  
2 exemption.

3 (b) For the purposes of this section:

4 (1) "A petition or application for lawful immigration  
5 status" includes a petition or application in relation to  
6 which the person is a derivative beneficiary.

7 (2) Documentation that a petition or application for  
8 lawful immigration status has been initiated may include  
9 either or both of the following:

10 (A) A photocopy of the petition or application.

11 (B) A letter or other document from the Immigration  
12 and Naturalization Service or from another appropriate  
13 government agency, or an affidavit from an attorney,  
14 indicating that the person is in the process of petitioning  
15 or applying for lawful immigration status.

16 (c) A student who is exempt from nonresident tuition  
17 pursuant to this section may be reported by a community  
18 college district as a full-time equivalent student for  
19 apportionment purposes.

20 SEC. 2. Section 89706 of the Education Code is  
21 amended to read:

22 89706. (a) The trustees may, on the basis of  
23 demonstrated financial need and scholastic achievement,  
24 waive entirely, or reduce below the rate, or the minimum  
25 rate, fixed by Section 89705, the tuition fee of a  
26 nonresident student, as defined in Section 68018, who is  
27 a citizen and resident of a foreign country, who is an  
28 undergraduate student of exceptional scholastic ability  
29 and prior scholastic achievement, and who is enrolled in  
30 a course of study of no less than 10 semester units.

31 ~~The~~

32 (b) The number of reductions and waivers granted by  
33 the trustees under this section shall at no time exceed 7<sup>1</sup>/<sub>2</sub>  
34 percent of the nonresident undergraduate students who  
35 are citizens and residents of a foreign country, then  
36 enrolled in the California State University.

37 (c) (1) Notwithstanding any other provision of law,  
38 any person, including an alien precluded from  
39 establishing California residency by reason of subdivision

40 (h) of Section 68062, who meets all of the requirements



1 set forth in paragraph (2) is exempt from nonresident  
2 tuition:

3 (2) (A) High school attendance in California for three  
4 or more years.

5 (B) Graduation from a California high school.

6 (C) Continuation of his or her education at a California  
7 institution of higher education within one year of high  
8 school graduation or on or before January 1, 2001.

9 (D) Presentation of documentation that the person is  
10 lawfully in the United States, or in the case of an alien  
11 precluded from establishing California residency by  
12 reason of subdivision (h) of Section 68062, presentation of  
13 documentation that a petition or application for lawful  
14 immigration status has been initiated, either by the  
15 person seeking the exemption from nonresident tuition  
16 or by another person on behalf of the person seeking the  
17 exemption.

18 (3) For the purposes of this subdivision:

19 (A) "A petition or application for lawful immigration  
20 status" includes a petition or application in relation to  
21 which the person is a derivative beneficiary.

22 (B) Documentation that a petition or application for  
23 lawful immigration status has been initiated may include  
24 either or both of the following:

25 (i) A photocopy of the petition or application.

26 (ii) A letter or other document from the Immigration  
27 and Naturalization Service or from another appropriate  
28 government agency, or an affidavit from an attorney,  
29 indicating that the person is in the process of petitioning  
30 or applying for lawful immigration status.

31 SEC. 3. (a) The Legislature hereby requests the  
32 Regents of the University of California to take action to  
33 exempt from nonresident tuition any person, including  
34 an alien precluded from establishing California residency  
35 by reason of subdivision (h) of Section 68062 of the  
36 Education Code, who has attended high school in  
37 California for three or more years, who has graduated  
38 from a California high school, who continues his or her  
39 education at a California institution of higher education  
40 within one year of high school graduation or on or before



1 January 1, 2001, and who presents documentation that he  
2 or she is lawfully in the United States, or in the case of an  
3 alien precluded from establishing California residency by  
4 reason of subdivision (h) of Section 68062, presents  
5 documentation that he or she has initiated a petition or  
6 application for lawful immigration status, or that a  
7 petition or application for lawful immigration status has  
8 been initiated on his or her behalf.

9 (b) For the purposes of this section:

10 (1) "A petition or application for lawful immigration  
11 status" includes a petition or application in relation to  
12 which the person is a derivative beneficiary.

13 (2) Documentation that a petition or application for  
14 lawful immigration status has been initiated may include  
15 either or both of the following:

16 (A) A photocopy of the petition or application.

17 (B) A letter or other document from the Immigration  
18 and Naturalization Service or from another appropriate  
19 government agency, or an affidavit from an attorney,  
20 indicating that the person is in the process of petitioning  
21 or applying for lawful immigration status.

22 44410) is added to Chapter 2 of Part 25 of the Education  
23 Code, to read:

24

25 Article 14. — California Teacher Training Grant  
26 Program

27

28 44410. — The Legislature finds and declares that:

29 (a) There is a growing shortage of credentialed  
30 professional teachers trained to teach English to pupils of  
31 limited English proficiency.

32 (b) Every child deserves quality early childhood  
33 experiences in environments with teachers who address  
34 his or her intellectual, social, emotional, physical, and  
35 cognitive needs.

36 (c) High turnover rates and unqualified teachers  
37 negatively impact the learning abilities, self-esteem, and  
38 sense of security of young children.



1 ~~(d) Many hard-to-staff schools have high turnover~~  
2 ~~rates and large percentages of~~  
3 ~~limited-English-proficiency pupils.~~

4 ~~(e) There are currently few local school district~~  
5 ~~incentives targeting teacher education for this segment~~  
6 ~~of the limited-English-proficiency pupil population.~~

7 ~~(f) Existing law requires, with certain exceptions, that~~  
8 ~~children in California public schools be taught English by~~  
9 ~~being taught in English.~~

10 ~~44411. The California Teacher Training Grant~~  
11 ~~program is hereby established for the purpose of assisting~~  
12 ~~the state in meeting the demand for fully-credentialed~~  
13 ~~teachers who specialize in teaching pupils in~~  
14 ~~kindergarten and grades 1 to 8, inclusive, of limited~~  
15 ~~English proficiency, by providing financial assistance to~~  
16 ~~local school districts for the purpose of promoting teacher~~  
17 ~~training to serve pupils of limited English proficiency.~~

18 ~~44412. (a) The California Teacher Training Grant~~  
19 ~~program shall be administered by the State Department~~  
20 ~~of Education, which shall award a block grant, in an~~  
21 ~~amount not to exceed one million two hundred fifty~~  
22 ~~thousand dollars (\$1,250,000) to school districts that apply~~  
23 ~~to the department and that meet the following~~  
24 ~~conditions:~~

25 ~~(1) The school district demonstrate that it will provide~~  
26 ~~matching funds in the amount of the block grant~~  
27 ~~provided by the department to the school district.~~

28 ~~(2) The school district has demonstrated a need to~~  
29 ~~train teachers toward credentialing and to serve~~  
30 ~~limited-English-proficiency pupils.~~

31 ~~(b) On or before February 1, 2000, a school district~~  
32 ~~shall submit an application to the department, requesting~~  
33 ~~a block grant, and the department shall make~~  
34 ~~determinations regarding which school districts will~~  
35 ~~receive block grants by June 1, 2000.~~

36 ~~(c) Each school district that receives a block grant~~  
37 ~~pursuant to subdivision (b) shall award up to 500 grants,~~  
38 ~~each in the amount of twenty five hundred dollars~~  
39 ~~(\$2,500), from the block grant received from the~~  
40 ~~department, along with a matching grant of twenty five~~



1 hundred dollars (\$2,500), provided by school district  
2 funds, for a total amount of five thousand dollars (\$5,000)  
3 for each eligible grant recipient.

4 44413. Eligible grant recipients include college  
5 seniors, college graduates, paraprofessionals, and  
6 emergency credentialed teachers who meet the  
7 requirements for entering a teacher credentialing  
8 program and who meet the requirements of Section  
9 44415.

10 44415. To receive a grant under this article, a  
11 participant shall apply to a school district and shall enter  
12 into a contract with the awarding school district, whereby  
13 the participant agrees to meet all of the following  
14 conditions and to comply with regulations determined by  
15 the local school district:

16 (a) To enroll in a district-approved and Commission  
17 on Teacher Credentialing-approved teacher preparation  
18 program.

19 (b) To pursue a course of study leading to a full  
20 teaching credential as certified by the Commission on  
21 Teacher Credentialing.

22 (c) To maintain full-time enrollment and satisfactory  
23 academic progress as defined by the postsecondary  
24 educational institution with which the local district has  
25 developed a credentialing program approved by the  
26 Commission on Teacher Credentialing.

27 (d) To comply with the requirements of Article 15  
28 (commencing with Section 69810) of Chapter 2 of Part 42.

29 (e) Upon successful completion of all requirements for  
30 full teacher credentials, agree to teach pupils who are  
31 limited English proficient for two school calendar years  
32 in a hard-to-staff school. A "hard-to-staff school" is defined  
33 as a school having 25 percent or more emergency  
34 credentialed teachers in the school teacher force.

35 (f) To apply the grant toward the cost of tuition, books,  
36 and other materials needed in a teacher training program  
37 that has been approved by the awarding school district.

38 44416. A school district that participates in this grant  
39 program shall collect data and report the following  
40 information, on or before January 1, 2003, to the State



1 Department of Education, the Commission on Teacher  
2 Credentialing, and the Student Aid Commission:  
3 (a) The demographic and statistical profile of grant  
4 recipients.  
5 (b) The overall performance of those recipients.  
6 (c) The status of teacher credentialing programs with  
7 participating postsecondary educational institutions.  
8 (d) Needs assessment for future grants based on the  
9 eligible pool of applicants, the number of credentialed  
10 teachers trained to teach limited-English-proficiency  
11 pupils, and the expected number of  
12 limited-English-proficient pupils for the next calendar  
13 school year.  
14 (e) Application procedures and selection criteria for  
15 individual award recipients.

16 44417. In the event that a grant recipient fails to  
17 satisfy the conditions set forth in Section 44412, he or she  
18 shall repay the school district for the full amount of the  
19 grant received.

20 44418. The funds appropriated in Item 6110-125-0001  
21 of Section 2 of the Budget Act of 1999 (Ch. 50, Stats. 1999)  
22 for English Language Learning Teaching Assistance may  
23 be allocated by the department for the purposes of this  
24 article.

25 44419. The article shall remain in effect until January  
26 1, 2003, and as of that date is repealed, unless a later  
27 enacted statute, that is enacted before January 1, 2003,  
28 deletes or extends that date.

