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AB-81 English learners: identification: notice. (2017-2018)

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Assembly Bill No. 81

CHAPTER 609

An act to amend Section 313.2 of the Education Code, relating to English learners.

[Approved by Governor October 09, 2017. Filed with Secretary of State October 09, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 81, Gonzalez Fletcher. English learners: identification: notice.

Existing law requires each school district to make a determination of the primary language of a pupil when the pupil enrolls in the school district and requires each parent or guardian of a pupil enrolled in a public school to receive notice of an assessment of a pupil's English proficiency no later than 30 days after the start of the school year that includes, among other things, the reason for the pupil's classification as an English learner.

This bill would require the notice of assessment of a child's English proficiency to include specified additional information, including whether a child is a long-term English learner or is an English learner at risk of becoming a long-term English learner, and would authorize a local educational agency or charter school to send an alternative notice to comply with this requirement, as specified.

Because the bill would impose additional requirements on local educational agencies and charter schools, the bill would impose a state-mandated local program.

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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. 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.

(c) In addition to the information specified in subdivision (b) of Section 440, the notice of assessment of a child's English proficiency shall also contain all of the following information:

(1) Whether the child is a long-term English learner or English learner at risk of becoming a long-term English learner, as those terms are defined in Section 313.1.

(2) The manner in which the program for English language development instruction will meet the educational strengths and needs of long-term English learners or English learners at risk of becoming long-term English learners.

(3) The manner in which the program for English language development instruction will help long-term English learners or English learners at risk of becoming long-term English learners develop English proficiency and meet age-appropriate academic standards.

(d) A local educational agency or charter school may, to comply with the requirements of subdivision (c), send a notice to parents and guardians that identifies pupils as long-term English learners or English learners at risk of becoming long-term English learners, including pupils in addition to those who meet the definitions in Section 313.1, if all of the following conditions are met:

(1) The definitions used by the local educational agency or charter school are broader than those in Section 313.1 and consequently include all pupils who meet the definitions in Section 313.1.

(2) The notice states that the definitions used by the local educational agency or charter school are broader than those in state law.

(3) The notice includes the information specified in paragraphs (2) and (3) of subdivision (c).

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