

# Zaragoza-Diaz & Associates

Martha Zaragoza-Diaz

## MEMORANDUM

**To:** Board Members  
California Association for Bilingual Education

**From:** Martha Zaragoza Diaz, Lobbyist

**Subject:** Legislation Update

**Date:** October 5, 2017

**CC:** Jan Gustafson Corea, Executive Director

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The Legislature finished its first year of work on September 15, 2017 and Interim Recess officially begun. Legislators are now in their districts taking care of constituent business.

More than 700 bills are on Governor Brown's desk awaiting his review and action. In the first year of the 2017-2018 regular legislative session, approximately 2,250 bills were introduced in the California Legislature. The Assembly passed approximately 970 of its bills to the Senate; 56% of the measures introduced. The Senate passed 514 of its own bills; 63% of the bills introduced in the upper house. Per Capitol Track, approximately 472 Assembly Bills and 243 Senate Bills are on the Governor's desk. Other bills may still be going through the engrossing and enrollment process.

Many education bills ranging from teacher housing to reading programs were introduced this year. Governor Brown has until September 15, 2017 to sign or veto bills. At that time a more comprehensive report regarding the outcome of bills monitored by CAFE will be made available.

Please see attached list of bills.

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## **I. SPONSORED BILLS**

### **AB 952 (Reyes) The Bilingual Teacher Professional Development Program**

**Amended: June 22, 2017**

**Status: Governor's Desk**

**Summary:** As amended, requires the Commission on Teacher Credentialing (CTC) to establish a process to identify short-term, high-quality pathways to address the shortage of bilingual education teachers, to identify and recommend pathways and require the CTC to report to the appropriate fiscal and policy committees of the Legislature by July 1, 2021, on all identified short-term, high-quality pathways to address the shortage of bilingual teachers.

**Position: Support**

### **AB 1142 (Medina) State Seal of Biliteracy**

**Amended: June 12, 2017**

**Status: Signed. Ch. 208, Statutes of 2017**

**Summary:** Current law requires the Superintendent of Public Instruction to award a State Seal of Biliteracy. Current law provides that the State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets specified criteria, including, but not limited to, passing the California Standards Test in English language arts administered in grade 11 at the proficient level or above. This bill would replace that criterion with one requiring that a pupil pass the California Assessment of Student Performance and Progress for English language arts, administered in grade 11, at or above the "standard met" achievement level.

## **II. ENGLISH LEARNERS**

### **AB 81 (Fletcher Gonzalez) English Learners: Identification: Notice**

**Amended: Sept. 1, 2017**

**Status: Governor's Desk**

**Summary:** 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.

**Position: Support**

### **AB 192 (Medina) Migrant Education**

**Amended: May 10, 2017**

**Status: Signed, Ch. 78, Statutes of 2017.**

**Summary:** Current law requires the Superintendent of Public Instruction (SPI) to sponsor an annual State Parent Advisory Council Conference. Current law requires the statewide parent advisory council to prepare and submit a report to the Legislature, the state board, the Superintendent, and the Governor regarding the status of the migrant education program. This bill would require the statewide parent advisory council to

prepare and submit this report every 3 years. The bill would require the State Parent Advisory Council Conference to be held biennially and would authorize the Superintendent to sponsor regional conferences to take the place of the state conference if the Superintendent determines that regional conferences will increase parent participation.

**Position: Neutral**

**SB 354 (Portantino) Special Education: IEP: Translation Services**

**Amended: June 14, 2017**

**Status: 2-Year Bill**

**Summary:** This bill would revise the definition of “parent” to specify that it also include the educational rights holder and the conservator of a child. The bill would require a local educational agency to communicate in the native language of the parent, or in another mode of communication used by the parent, during the planning process for the individualized education program, as provided, and to provide alternative communication services, including by providing translation services for a pupil’s parent, as specified.

**Position: Support.**

**SB 463 (Lara) English Learners: Reclassification**

**Amended: May 26, 2017**

**Status: 2-Year Bill**

**Summary:** Current law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting an assessment for English language development and for the reclassification of a pupil from English learner to English proficient. This bill would delete the provision requiring the department to establish procedures for the reclassification of a pupil from English learner to English proficient and would instead require, commencing with the 2018–19 school year, a local educational agency, as defined, that has one or more pupils who are English learners in any of grades 3 to 12, inclusive, and who do not have an individualized education program that specifies the pupil requires assistance due to language proficiency issues, to determine whether to reclassify such a pupil as English proficient according to specified factors.

**Position: Support Current Version.**

**SB 494 (Hueso) Language Arts: Reading: Diagnostic Tools & Plans**

**Amended: July 17, 2017.**

**Status: Governor’s Desk.**

**Summary:** This bill would establish the Golden State Reading Guarantee grant program, which would be administered by the State Department of Education. The bill would require a local educational agency that chooses to apply for a grant to submit an application that contains certain minimum information to the department, in a format and by a date determined by the department. The bill would provide requirements for eligibility for a grant and for spending grant funds. Accepted amendments were specific to English learners.

**Position: Initially Opposed. As Amended, Support.**

## **II. ASSESSMENTS/ACCOUNTABILITY**

### **AB 830 (Karla) High School Exit Exam**

**Amended: Sept. 8, 2017**

**Status: Governor's Desk**

**Summary:** As amended this bill would eliminate the high school exit examination and would remove it as a condition of receiving a diploma of graduation or a condition of graduation from high school

**Recommendation: Support.**

### **AB 1035 (O'Donnell) Pupil Assessments: Interim Assessments**

**Amended: Sept. 6, 2017**

**Status: Governor's Desk.**

**Summary:** Current law requires the Superintendent of Public Instruction, the State Board of Education, and any other entity or individual designated by the Governor to participate in the Common Core State Standards Initiative consortium or any related interstate consortium, as specified. Current law requires the State Department of Education to acquire, and offer at no cost to local educational agencies, interim and formative assessment tools for kindergarten and grades 1 to 12, inclusive, as provided through membership in that consortium. This bill would require those interim assessments to be designed to provide timely feedback to teachers that they may use to continually adjust instruction to improve pupil learning.

**Position: Support**

### **AB 1533 (O'Donnell) Pupil Assessment**

**Introduced: Feb 17, 2017**

**Status: Assembly Education Committee.**

**Summary:** The bill was gutted and the provisions no longer pertain to pupil assessments. This bill, as amended, would extend the operation of the act and those related provisions indefinitely.

**Position: Watch.**

### **AB 1661 (Limon) School Accountability: Multiple Measures Assessments**

**Amended: April 17, 2017**

**Status: 2-Year Bill**

**Summary:** Would require the Superintendent to develop, subject to approval by the state board, a multiple measures accountability system, based on the specified state priorities, to measure the performance of schools and school districts, especially the academic performance of pupils. This bill contains other existing laws.

**Position: Watch.**

### **SB 544 (McGuire) Pupil Assessments**

**Amended: July 5, 2017**

**Status: Signed, Ch. 395, Statutes of 2017.**

**Summary:** The bill was gutted of its provisions specific to pupil assessments and now, as amended, deals with awarding contracts for the provision of child nutrition program supplies.

**Position: Neutral**

### **III. CURRICULUM**

#### **AB 738 (Limon) Model Curriculum: Native American Studies**

**Amended: Sept. 8, 2017**

**Status: Governor's Desk**

**Summary:** The bill would require the Instructional Quality Commission to develop, and the State Board of Education to adopt, modify, or revise, a model curriculum in Native American studies, and would encourage each school district and charter school that maintains any of grades 9 to 12, inclusive, that does not otherwise offer a standards-based Native American studies curriculum to offer a course of study in Native American studies based on the model curriculum.

**Position: Support.**

#### **SB 777 (Allen) Instructional Program: Visual and Performing Arts**

**Introduced: Feb 17, 2017**

**Status: 2-Year Bill.**

**Summary:** Would require the State Department of Education to establish a statewide program to provide professional development training to assist school districts and county boards of education with offering instruction in visual and performing arts and with including information about courses offered in visual and performing arts in a local control and accountability plan or annual update to a local control and accountability plan. This bill contains other existing laws.

**Position: Support**

### **IV. EDUCATION FINANCE**

#### **AB 312 (O'Donnell) Education Finance: Special Education**

**Amended: Feb 28, 2017**

**Status: 2-Year Bill.**

**Summary:** Current law requires the Superintendent of Public Instruction to determine the amount of funding to be provided for each special education local plan area in accordance with specified calculations. Current law requires the Superintendent, for the 2013–14 fiscal year, to compute an equalization adjustment for each special education local plan area, as specified. This bill would require the Superintendent to compute that equalization adjustment commencing with the first fiscal year after funds are apportioned pursuant to a specified formula and for each fiscal year thereafter in which an equalization appropriation is made, as specified.

**Position: Watch**

**AB 445 (Cunningham & O'Donnell) The California Career Technical Education Grant Program**

**Amended: March 29, 2017.**

**Status: 2-Year Bill.**

**Summary:** Current law requires applicants for grants under the California Career Technical Education Incentive Grant Program to demonstrate that they have local matching funds, as specified. Existing law specifies that no applicant may receive a renewal grant under the program for the 2018–19 fiscal year. This bill would change the name of the program to the California Career Technical Education Grant Program. The bill would increase to \$300,000,000 the General Fund appropriation to the State Department of Education for this program for the 2017–18 fiscal year, and would further provide for an appropriation to the department in this amount for each subsequent fiscal year.

**Position: Watch**

**AB 716 (O'Donnell) Grant Program: Magnet Schools**

**Introduced: Feb 15, 2017**

**Status: 2-Year Bill.**

**Summary:** Would express legislative findings and declarations related to magnet schools. The bill would establish a magnet school grant program, to be administered by the Superintendent of Public Instruction, under which an applicant school district may apply to the Superintendent for a grant, not to exceed \$575,000 per school district, for the one-time costs associated with the startup of a new magnet school, as defined, in accordance with specified conditions and requirements. The bill would specify that funding provided for purposes of the program in the annual Budget Act or other legislation shall be used to allocate grants.

**Position: Watch**

**AB 1011 (Gallagher) School Bonds: Accountability & Oversight**

**Introduced: Feb 16, 2017**

**Status: 2-Year Bill.**

**Summary:** Current law establishes a system of public elementary and secondary schools in this state, and provides for the funding of these schools through a variety of means. Current law authorizes, among other methods of funding schools, both the State of California and local educational agencies to provide for the funding of public schools through the issuance of bonds approved by the voters. This bill would express the intent of the Legislature to enact legislation that would improve school bond accountability and oversight.

**Position: Watch.**

**AB 1321 (Weber) Education Finance: Fiscal Transparency**

**Amended: July 19, 2017**

**Status: 2-Year Bill.**

**Summary:** The bill would require the Superintendent of Public Instruction, the Controller, and the Director of Finance to take actions to ensure, for purposes of transparency, that the reporting of per-pupil expenditures of federal, state, and local funds

includes actual personnel expenditures and actual non-personnel expenditures of federal, state, and local funds, as specified, for each local educational agency and school in the state, as required by a specified provision of the federal Every Student Succeeds Act.

**Position: Support.**

**AB 1449 (Muratsuchi) Education Finance: Special Education**

**Amended: April 17, 2017**

**Status: 2-Year Bill.**

**Summary:** Current law requires funding pursuant to the local control funding formula to include, in addition to a base grant, supplemental and concentration grant add-ons that are based on the percentage of pupils who are English learners, foster youth, or eligible for free or reduced-price meals, as specified, served by the county superintendent of schools, school district, or charter school. This bill would require funding pursuant to the local control funding formula to include, in addition to a base, supplemental, and concentration grant, a special education grant add-on that is based on the percentage of individuals with exceptional needs, as defined, served by the county superintendent of schools, school district, or charter school, as specified.

**Position: Watch.**

**SB 527 (Galgiani) Education Finance: LCFF: Home to School Transportation:  
COLA**

**Amended: August 21, 2017.**

**Status: Governor's Desk.**

**Summary:** Current law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, and requires funds received for specified pupil transportation programs to be included as part of the formula. Current law requires those local educational agencies receiving funds for specified pupil transportation programs to maintain a maintenance of effort for those programs, as specified. This bill would, commencing with the 2018–19 fiscal year, require those funds received for specified pupil transportation programs to be adjusted by a specified cost-of-living calculation.

**Position: Watch.**

**V. TEACHERS**

**AB 45 (Thurmond) California School Employee Housing Assistance Grant Program**

**Amended: September 1, 2017**

**Status: Governor's Desk**

**Summary:** Requires the Department of Housing and Community Development (HCD) to administer the California School Employee Housing Assistance Program (Program), a predevelopment grant and loan program, to fund the creation of affordable housing for school district employees, including teachers. This bill would provide funding necessary to begin development and other specific funding provisions.

**Position: Watch**

**AB 169 (O'Donnell) Teacher Credentialing: Teacher Recruitment: Golden State Teacher Grant Program**

**Amended: June 15, 2017.**

**Status: 2-Year Bill.**

**Summary:** Under current law, the Student Aid Commission, among other things, administers the Cal Grant Program, the Student Opportunity and Access Program, the Assumption Program of Loans for Education, the Graduate Assumption Program of Loans for Education, the Public Interest Attorney Loan Repayment Program, and the California State Work-Study Program. This bill, subject to an appropriation of moneys by the Legislature, would establish a program, the Golden State Teacher Grant Program, under the administration of the commission to provide a grant to each student enrolled in an approved teacher credentialing program who commits to working in a high-need field, as defined, for 4 years after he or she receives a preliminary teaching credential.

**Recommendation: Support.**

**AB 170 (O'Donnell) Teacher Credentialing**

**Introduced: January 17, 2017**

**Status: Signed. Ch. 123, Statutes of 2017.**

**Summary:** Current law establishes minimum requirements for the issuance of a preliminary teaching credential, multiple or single subject, which include possession of a baccalaureate degree in a subject other than professional education. This bill would no longer require, for issuance of a multiple subject teaching credential or a preliminary multiple subject teaching credential, that the baccalaureate degree be in a subject other than professional education.

**Position: Support.**

**AB 234 (Steinorth) Teachers: APLE Program\**

**Introduced: Jan 26, 2017**

**Status: Held in Assembly Appropriations Committee.**

**Summary:** Would express the intent of the Legislature to restore the funding for the Assumption Program of Loans for Education to its 2011–12 fiscal year level. The bill would require the Student Aid Commission to award 7,200 new warrants for the assumption of loans under the program in the 2017–18 fiscal year. The bill would appropriate \$5,000,000 from the General Fund to the commission for the funding of warrants for the assumption of loans under the program for the 2017–18 fiscal year.

**Position: Watch**

**AB 410 (Cervantes) Beginning Teacher Induction Program**

**Introduced: Feb 9, 2017**

**Status: 2-Year Bill.**

**Summary:** Would, commencing with hiring for the 2017–18 school year, and each school year thereafter, prohibit a school district, county office of education, or charter school from charging a fee to a beginning teacher to participate in a beginning teacher induction program that is approved by the Commission on Teacher Credentialing and the Superintendent, and would define a beginning teacher for purposes of that provision to



include a teacher with a preliminary multiple or single subject teaching credential, or a preliminary education specialist credential.

**Recommendation: Support.**

**AB 681 (Chau) Teacher Credentialing: Teacher Preparation Outside of the U.S.A.**

**Amended: June 12, 2017**

**Status: Signed. Ch. 199, Statutes of 2017**

**Summary:** Would authorize the Commission on Teacher Credentialing to determine that the national standards for coursework, programs, or degrees in a country other than the United States are equivalent to those offered by a regionally accredited institution in the United States. The bill would provide that, if the commission determines that the other country's national standards are equivalent, an individual who holds or is eligible for a credential in that country is presumed to have satisfied specified requirements for obtaining a credential.

**Recommendation: Support.**

**AB 1157 (Mullin) Surplus School Property: Teacher Housing**

**Amended: June 29, 2017.**

**Status: Governor's Desk.**

**Summary:** The bill would authorize the governing board of a school district to elect not to appoint a school district advisory committee in the sale, lease, or rental of excess real property to be used for teacher or school district employee housing. This bill contains other related provisions and other existing laws.

**Position: Watch.**

**AB 1220 (Weber) Certificated School Employees: Permanent Status**

**Amended: May 30, 2017**

**Status: 2-Year Bill.**

**Summary:** Current law, enacted by the approval of Proposition 58 at the November 8, 2016, statewide general election and operative July 1, 2017, requires school districts and county offices of education, as part of the parent and community engagement process required for the development of a local control and accountability plan, to solicit input on and provide to pupils effective and appropriate instructional methods, including establishing language acquisition programs. This bill would make a non-substantive change to these provisions. According to the legislative staff, this bill was amended and no longer deals with English learners.

**Position: Neutral**

**SB 533 (Portantino) Teacher Credentialing: Governor's Urgent State of Need: Teacher Shortage**

**Amended: May 3, 2017**

**Status: 2-Year Bill.**

**Summary:** Would authorize the Governor, upon the submission of evidence demonstrating a teacher shortage in a school district, to declare an "Urgent State of Need" in response to a teacher shortage in that school district for a shortage of teachers in specific subject areas or a shortage of teachers with an authorization to provide bilingual

instruction to limited-English-proficient pupils. The bill would authorize a school district subject to an “Urgent State of Need” declaration to employ as a teacher a person without a valid credential, certificate, or permit otherwise necessary to provide instruction to pupils, as provided.

**Position: Oppose**

**SB 577 (Dodd) Community College Districts: Teacher Preparation Programs of Professional Development**

**Amended: April 24, 2017**

**Status: 2-Year Bill**

**Summary:** The bill would authorize the Board of Governors of the California Community Colleges, in consultation with the California State

**VI. OTHER EDUCATION BILLS**

**AB 261 (Thurmond) School Boards: Pupil Participation**

**Amended: July 7, 2017.**

**Status: Signed. Ch. 257, Statutes 2017.**

**Summary:** As amended, this bill would require a pupil member of the governing board of a school district to have preferential voting rights, and would make conforming and nonsubstantive changes. Because the bill would require school districts to provide a higher level of service, the bill would impose a state-mandated local program.

**Position: Support**

**AB 746 (Fletcher Gonzalez) State Board of Education**

**Amended: March 30, 2017**

**Status: Governor’s Desk.**

**Summary:** As amended March 30, 2017, the bill was gutted of its State Board of Education provisions and is now a bill dealing with lead testing at school sites.

**Position: Neutral**

**AB 842 (Thurmond) State Board of Education**

**Amended: March 23, 2017**

**Status: 2-Year Bill.**

**Summary:** As amended, the bill was gutted and the provisions specific to the State Board of Education removed. The bill now would establish the California Community Schools Act, which would require the State Department of Education to make grants available to qualified schools to plan and operate community schools. The bill would require the department to establish an Office of Community Schools to oversee the implementation of the community schools program. The bill would require the department to provide technical assistance to applicants and would allocate \$5,000,000 to the department for that purpose, subject to appropriation of those funds by the Legislature in the annual Budget Act or another statute.

**Position: Neutral.**

## **VII. IMMIGRATION**

### **AB 699 (O'Donnell) Educational Equity: Immigration Status**

**Amended: Sept. 8, 2017.**

**Status: Signed. Ch. 403, Statutes of 2017**

**Summary:** Current law requires the State Department of Education to assess whether local educational agencies have taken certain actions related to educational equity, including adopting a policy that prohibits, and adopting a process for receiving and investigating complaints of, discrimination, harassment, intimidation, and bullying based on those actual or perceived specified characteristics. This bill would expressly include immigration status in the specified characteristics for purposes of those provisions.

**Position: Support**

### **AB 1622 (Low) Student Support Services: Dreamer Resource Liaisons**

**Introduced: Feb 17, 2017**

**Status: 2-Year Bill.**

**Summary:** The bill would, commencing with the 2018–19 academic year, require the California Community Colleges and the California State University, and request the University of California, to designate a Dream Resource Liaison on each of their respective campuses, as specified, to assist students meeting specified requirements, including undocumented students, by streamlining access to all available financial aid and academic opportunities for those students. By requiring community colleges to designate a Dream Resource Liaison, this bill would impose a state-mandated local program.

**Position: Watch**

### **SB 29 (Lara) Law Enforcement: Immigration**

**Amended: September 8, 2017**

**Status. Signed. Ch. 494, Statutes 2017**

**Summary:** This bill establishes, after January 1, 2018, contracting restrictions and new notice and public hearing requirements, as specified, upon local governments and local law enforcement agencies with respect to contracts, building permits, and other official actions involving the federal government, federal agencies, or private corporations seeking to house or detain noncitizens for purposes of civil immigration custody. As amended, the bill now narrows the scope of this bill by deleting the provisions regarding federal detention standards, deleting provisions granting specified rights to detainees, and deleting the civil penalty and injunctive relief provisions.

**Status: Watch**

### **SB 54 (deLeon) Law Enforcement: Sharing Data**

**Amended: Sept. 11, 2017**

**Status: Signed. Ch. 495, Statutes of 2017**

**Summary:** Current law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters. This bill would repeal those

provisions. This bill limits the involvement of state and local law enforcement agencies in federal immigration enforcement as specified.

Specifies that this bill does not prevent any California law enforcement agency from doing any of the following that does not otherwise violate any local law or policy of the jurisdiction in which the agency is operating:

- a) Investigating or enforcing violations of federal law for illegal reentry after removal subsequent to conviction of an aggravated felony. Transfers are only allowed as otherwise provided by this bill.
  - b) Responding to a request from federal immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, and similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law;
  - c) Participating in a joint law enforcement task force, so long as the primary purpose of the task force is not immigration enforcement and such participation does not violate local law or policy, which applies to the law enforcement agency.
  - d) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa, as specified, or to comply with specified federal laws regarding sale of firearms to non-citizens; or
  - e) Giving immigration authorities access to interview an individual in law enforcement custody, in compliance with specified existing law.
- The bill essentially establishes California as a "Sanctuary State".

**Position: Support**

**SB 68 (Lara) Postsecondary Education: Exemption from Non Resident Tuition  
Amended: Sept. 8, 2017.**

**Status: Signed. Ch. 494, Statutes of 2017**

**Summary:** This bill expands eligibility for the exemption from paying nonresident tuition at California's public postsecondary institutions established under the provisions of AB 540 (Firebaugh, Chapter 814, Statutes of 2001) to students who have completed three or more years of attendance or earned credits equivalent to three or more years of full-time credits at an elementary school, secondary school, adult school and/or California Community College (CCC). As amended, the criteria is narrowed by removing attendance or credits earned at an elementary school and credits earned at a CCC from counting toward eligibility for the exemption from paying nonresident tuition at California's public postsecondary institutions. The amendments also make technical, nonsubstantive changes, resolve chaptering issues with SB 244 (Lara),

**Position: Support.**

**SB 257 (Lara) School Admissions: Pupil Residency: Pupils of Deported Parents  
Amended: September 8, 2017**

**Status: Signed. Ch. 498, Statutes of 2017**

**Summary:** This bill deems that a student meets residency requirements for school attendance in a school district if he or she is a student whose parent(s), were residents of California and have departed California against their will. The amendments broaden the scope of the bill to include students whose parents have departed California against their will, as defined, including those who have been transferred to another state rather than applying solely to students whose parents were deported to an adjacent county. The amendments also make clarifying and technical, non-substantive changes.

**Position: Support**

**SB 613 (De Leon) Immigration Status**

**Introduced: Feb 17, 2017**

**Status: Governor's Desk.**

**Summary:** Current law requires the Division of Juvenile Justice to cooperate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are committed to it. This bill would repeal that provision. This bill contains other related provisions and other current laws.

**Position: Watch.**

# Zaragoza-Diaz & Associates

Martha Zaragoza-Diaz

## MEMORANDUM

**To:** Board Members  
California Association for Bilingual Education

**From:** Martha Zaragoza Diaz, Lobbyist

**Subject:** Legislative Report

**Date:** October 5, 2016

**Cc:** Jan Gustafson Corea, Executive Director

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### I. 2017 A GOOD YEAR!

- Inclusion of \$5 million dollars for the Bilingual Teacher Professional Development Program in the 2017-18 budget; School Finance Omnibus Trailer Bill, Ch. 15, Statutes of 2015.
- Signing of AB 11 42 (Medina) State Seal of Bilingual Literacy; Ch. 208, Statutes of 2017.
- Inclusion of language in the State ESSA Plan regarding how to include the California Spanish Assessment in California's accountability system.
- Inclusion of LTEL data in the English Learners Performance Index.
- State Board of Education approval of the English Learner Roadmap.

### II. PROPOSITION 58 PROPOSED REGULATIONS

The State Board of Education approved the commencing the regulatory process on the proposed Prop 58 regulations. The 45 day comment period began on July 29, 2017 and ends on September 11, 2017. I testified on behalf of CABE and Californians Together at the public hearing held on September 11, 2017 at 1:30 pm. Attached is a copy of my testimony. A letter was forwarded to the State Board of Education by the California Rural Legal Assistance Inc & the Racial Justice-Education Lawyers' Committee for Civil Rights of the San Francisco Bay Area strongly requesting the SBE and CDE to make available a Spanish translation of the proposed regulations on CDE's website. A Spanish version is available. Per CDE, "The regulations in English are the official version. The Spanish version is offered as a courtesy". Here is the link to the English and Spanish versions of the proposed regulations. <http://www.cde.ca.gov/re/lr/r/raedginitiative.asp>. CDE staff will present their recommendations as to how the proposed regulations should be revised based on public comments and public testimony received. It is anticipated that this will occur at the November 2017 State Board of Education meeting.

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# Zaragoza-Diaz & Associates

Martha Zaragoza-Diaz

## II. RFA Available for Bilingual Teacher Professional Development Grant

Through the advocacy efforts of CABE and Californians Together along with the efforts of Assembly Members Eloise Gomez Reyes and Kevin McCarty, to establish a Bilingual Teacher Professional Development Program (BTPDP) \$5 million dollars was included in the 2017-18 State Budget (AB 952 & AB 99) for the BTPDP.

CDE has recently put out its Request for Applications (RFA) for those interested in providing professional development to support bilingual teachers -those who have been teaching in English only programs and for native speakers of other languages who wish to possess bilingual certification.

School districts or County Offices of Education (COE) are eligible to apply or school districts and COEs in partnership with other entities such as IHEs Schools of Education or non profit organizations with expertise on English learners are eligible to apply for the grants. Funding for this program is through the 2019-2020 fiscal year.

If you are interested in applying for this funding you can find all the details about the program at the CDE Teaching and Leading Web page. RFAs can be obtained at this link: <http://www.cde.ca.gov/fq/fo/r12/btpdp17rfa.asp>. An "Intent to Submit" must be forwarded to CDE on September 15, 2017 and the final completed application on October 13, 2017.

If you have any questions you can contact Marcia Trott - [mtrott@cde.ca.gov](mailto:mtrott@cde.ca.gov) or at 916-323-8901. Any downloading questions should be referred to Melissa Flemmer, Educator Excellence Office, e-mail: [mflimmer@cde.ca.gov](mailto:mflimmer@cde.ca.gov), tel. 916-324-5689

Please feel free to share this email with other interested parties!

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# Zaragoza-Diaz & Associates

Martha Zaragoza-Diaz

## PUBLIC HEARING

September 1, 2017

### Comments and Recommendations to Proposed Title V Regulations Regarding California for a Global Economy Initiative (Proposition 58 of 2017)

I am here today representing the California Association for Bilingual Education and the Californians Together Coalition.

We welcome the opportunity to provide input to regulations promoting the development of multilingual skills. The California for a Global Economy Initiative (CA.Ed.G.E.) recognizes that multilingual learning is beneficial for all students. The intent of the Initiative is to provide an opportunity for all students to develop skills that lead to their proficiency in English and another language and to ensure that school districts meet the obligation to ensure that English learners obtain proficiency in English and reach at least grade level proficiency in academic achievement.

Outlined below are our comments and recommendations which we believe will bring additional clarity and direction to the proposed regulations. We hope they will be seriously considered in modifying the proposed Title V regulations specific to the California for a Global Economy Initiative.

#### Comments and Recommendations

1. **Section 11300 Definitions.** The proposed regulations fail to include definitions for two specific programs included in law [Education Code sections 306 © (1) & (2)]; dual-language immersion, transitional or development programs for English learner students or any program that would ensure “academic achievement in both English and another language”. Excluding these definitions suggests that districts may rely on Sheltered English Immersion (SEI) programs alone, or make it a preferred program and still fulfill their obligations under the law. This is not the case and is exactly why CA Ed.G.E. was introduced and was designed to change.

#### **Recommendations:**

- a) Proposed Section 11300 (d) should be amended to read as follows: “Language Acquisition programs” are educational programs designed to ensure English language acquisition as rapidly and effectively as possible for English learners, that provide instruction to pupils on the state-adopted academic content and ELD standards through Integrated and Designated ELD, and shall lead to grade level proficiency and academic achievement in both English and another language.



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Such programs include, but are not limited to: dual-language immersion, transitional or developmental programs for English learners, and Structured English Immersion. Such programs shall meet the requirements described in section 11309 of this subchapter.”

b) Proposed regulation 11300 should be amended to include the definitions for both dual-language immersion programs and transitional/developmental programs for EL students:

“(n) Dual-language immersion programs means a language acquisition program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

(o) Transitional or developmental programs for English learners means language acquisition programs that provide instruction to pupils that utilizes English and a pupil’s native language for literacy and academic instruction and enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, in order to meet state-adopted academic content standards.”

2) **Section 11300 (d) Definitions.** The definition of “Language Acquisition Programs” is confusing and creates a new category of “Language Program” not referenced in the CA.Ed.G.E and is inconsistent with Education Code section 306. Contrary to Education Code section 306© the proposed regulations narrow the definition of language acquisition programs focus solely on English acquisition and content instruction solely through English language development (ELD). It makes no mention of academic instruction in languages other than English or the CA Ed.G.E. goal of “grade level proficiency and academic achievement in both English and another language”. As stated in (1) above, the proposed definition even fails to mention and fails to define, dual-language immersion programs or transitional/developmental programs for EL or any program that would ensure “academic achievement in both English and another language.”

**Recommendation:** The proposed regulation 11300 (d) should be amended to read as follows: ‘Language acquisition programs are educational designed to ensure English acquisition as rapidly and effectively as possible for English learners, that provide instruction to pupils on the state adopted academic content and ELD standards through Integrated and Designate ELD, and shall lead to grade level proficiency and academic achievement in both English and another language. Such programs include, but are not limited to: dual-

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language immersion, transitional or development programs for English learners and Structured English immersion. Such programs shall meet the requirements described in section 11309 of this subchapter.”

- 3. Section 11301 Community Engagement.** This proposed regulation fails to adequately reflect the new requirements imposed on school districts regarding the development of their Local Control Accountability Programs (LCAPs) during the LCAP process. It fails to also include a reference to the programs identified in Section 306; dual-language immersion and transitional or developmental programs. The language clearly fails to capture the intent of the initiative, to encourage the development of bilingual/multilingual programs where very few schools have them.

**Recommendation:** The proposed section should be amended to read: “(a) As part of the development of the LCAP and annual updates, an LEA shall inform and receive input from stakeholders, including the English learner parent advisory committee and the parent advisory committee, regarding the LEAs existing language acquisition programs and language programs, and establishing other programs including dual-language immersion programs, transitional or developmental programs, and Structured English Immersion programs.”

- 4. Section 11311. Parent Requests for Language Acquisition Programs**  
This regulation should make it very clear the fact that a school district must implement requested programs, to the extent possible. We believe, based upon the language in the initiative, burden is on the school district to justify why parental requests for a particular language acquisition program will not be honored when the numerical triggers have been met. This proposed section fails to adequately reflect this burden and should, provide minimum guidelines to determine what is meant by the phrase “to the extent possible.” This proposed section must be revised to make clear that the presumption is that the school will provide the requested program. Additionally, the proposed section states that resources necessary to implement a language acquisition program must be identified. However, it does not explain how these resources would factor into the determination that it is possible or not possible to implement the requested program immediately or in the future.

**Recommendations:** a) Add a new subsection to read as follows: “(a) A LEA shall establish and allow enrollment in any language acquisition program requested by parents in accordance with Education Code 310, to the extent possible.” b) Add language explaining how “resources necessary” will be used in determining that it is possible or not possible to implement programs requested by parents.

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## 5. Section 11311 (g)(3) (B) Parent Requests for Language Acquisition Programs

The proposed subsection (g) (3)(B) does not specify the form nor the content of the denials. The proposed subsection also does not require that the explanation of a denial be reasonable or delineate specific reasons for a denial. Lastly the proposed regulation gives school districts 90 days to respond. As was required by Proposition 227, parents or guardians were provided with a full written description and, upon request from a parent or guardian, a spoken description of the structured English immersion program and any alternative courses of study and all education opportunities offered by the school district and available to the pupils. Additionally, schools were given 20 days to act on parent exception Waivers, or within 10 calendar days after the expiration of the 30-day placement in an English only classroom or 20 instructional days upon submission to the principal.

**Recommendations:** a) Amend this proposed subsection so that similar standards and timelines are applied necessary to create the type of parental engagement envisioned by CA Ed.G.E. b) A requirement that the district notify the requesting parent within 5 school days about whether the requested program is currently available, or whether the trigger for such a program has or has not been reached and provide notice in writing, to parents of pupils attending the school, the school's teachers, and administrators, of its determination, should be reduced to 30 days and not 90 days.

## 6. Section 11311 (i) Parent Requests for Language Acquisition Programs

The proposed subsection (i) is inconsistent with Education Code Section 310. The proposed subsection makes a distinction between parents of EL students and parents of native speakers of English with respect to determining the numerical triggers. Education Code section 310 does not make this distinction. On the contrary, the statute envisioned that the parents of native English speakers should be given the opportunity to request a bilingual/multilingual program along with parents of EL students. Allowing a school district to not consider requests from the parents of English learners when determining numerical triggers would be inconsistent with the statute, negate the role of parents of EL students in the process of seeking programs for their children and would mean that bilingual/multilingual programs would rarely be implemented.

**Recommendation:** Amend proposed subsection 11311 (I) to read: "(i) A school shall consider requests from parents of pupils enrolled in the school who are native speakers of English when determining whether a threshold specified in subdivision (g) is reached."

Other recommendations that should be considered are:

- Establishing an appeal process for parents in the event districts do not abide by the requirements of CA Ed.G.E.

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- Proposed Section 11316 should be clarified to ensure that the Notice is provided in the primary language of a parent of an EL student unless it is an unreasonable burden to do so.
- In light of California's strengthened commitment to local control and stakeholder engagement in the school funding and planning processes, proposed sections 11301 and 11311 should be amended to require more robust stakeholder engagement and feedback for the development of acquisition language programs.

The California Association for Bilingual Education and the Californians Together Coalition also signed onto the letter submitted by the California Rural Legal Assistance Inc and the Racial Justice-Education Lawyers' Committee for Civil Rights of the San Francisco Bay Area to CDE's Regulations Coordinator.

We can't emphasize enough the importance of the implementation of the CA Ed G.E. initiative via the regulations. There is much interest and excitement about the opportunities for expanded program options leading to multilingualism for all of our students. The Title V regulations need to capture the intent and language of Proposition 58 necessary to provide clear guidance and direction to school districts and schools and an understanding by parents of Proposition 58. We believe our comments and recommendations along with those provided by the California Rural Legal Assistance Inc and the Racial Justice-Education Lawyers Committee for Civil Rights of the San Francisco Bay Area provide that clarity and direction.

Please contact me t 916-395-2616 should you have questions regarding our comments or recommendations.

Thank you.