# **EDUCATION CODE - EDC**

##  TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

*(Title 1 enacted by Stats. 1976, Ch. 1010.)*

##  DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

*(Division 1 enacted by Stats. 1976, Ch. 1010.)*

##  PART 1 GENERAL PROVISIONS [1. - 446]

*(Part 1 enacted by Stats. 1976, Ch. 1010.)*

## CHAPTER 3. English Language Education for Immigrant Children [300 - 340]

 *(Amended by Stats. 2014, Ch. 753, Sec. 5. Approved in Proposition 58 at the November 8, 2016, election. Operative July 1, 2017, by Sec. 9 of Proposition 58.)*

### 300.  Findings and Declarations

The people of California find and declare as follows:

(a) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science and technology, thereby being an important language of economic opportunity; and

(b) Whereas, All parents are eager to have their children master the English language and obtain a high-quality education, thereby preparing them to fully participate in the American Dream of economic and social advancement; and

(c) Whereas, California is home to thousands of multinational businesses that must communicate daily with associates around the world; and

(d) Whereas, California employers across all sectors, both public and private, are actively recruiting multilingual employees because of their ability to forge stronger bonds with customers, clients, and business partners; and

(e) Whereas, Multilingual skills are necessary for our country’s national security and essential to conducting diplomacy and international programs; and

(f) Whereas, California has a natural reserve of the world’s largest languages, including English, Mandarin, and Spanish, which are critical to the state’s economic trade and diplomatic efforts; and

(g) Whereas, California has the unique opportunity to provide all parents with the choice to have their children educated to high standards in English and one or more additional languages, including Native American languages, thereby increasing pupils’ access to higher education and careers of their choice; and

(h) Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California’s children, regardless of their ethnicity or national origin, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and

(i) Whereas, The California Legislature approved, and the Governor signed, a historic school funding reform that restructured public education funding in a more equitable manner, directs increased resources to improve English language acquisition, and provides local control to school districts, county offices of education, and schools on how to spend funding through the local control funding formula and local control and accountability plans; and

(j) Whereas, Parents now have the opportunity to participate in building innovative new programs that will offer pupils greater opportunities to acquire 21st century skills, such as multilingualism; and

(k) Whereas, All parents will have a choice and voice to demand the best education for their children, including access to language programs that will improve their children’s preparation for college and careers, and allow them to be more competitive in a global economy; and

(l) Whereas, Existing law places constraints on teachers and schools, which have deprived many pupils of opportunities to develop multilingual skills; and

(m) Whereas, A large body of research has demonstrated the cognitive, economic, and long-term academic benefits of multilingualism and multiliteracy.

(n) Therefore, It is resolved that: amendments to, and the repeal of, certain provisions of this chapter at the November 2016 statewide general election will advance the goal of voters to ensure that all children in California public schools shall receive the highest quality education, master the English language, and access high-quality, innovative, and research-based language programs that provide the California Ed.G.E. (California Education for a Global Economy).

### 305.  Effective and appropriate instructional methods for pupils; establishment of language acquisition programs; structured English immersion program for English learners; opportunities to be instructed in another language

 (a) (1) As part of the parent and community engagement process required for the development of a local control and accountability plan pursuant to Article 4.5 (commencing with Section 52060) of Chapter 6.1 of Part 28 of Division 4 of Title 2, school districts and county offices of education shall solicit input on, and shall provide to pupils, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as defined in Section 306. This requirement is intended to ensure that all pupils, including English learners and native speakers of English, have access to the core academic content standards, including the English language development standards, as applicable, and become proficient in English pursuant to the state priorities identified in paragraph (2) of subdivision (d) of Section 52060 and of Section 52066.

 (2) School districts and county offices of education shall, at a minimum, provide English learners with a structured English immersion program, as specified in Section 306, for purposes of ensuring that English learners have access to the core academic content standards, including the English language development standards, and become proficient in English pursuant to the state priorities identified in paragraph (2) of subdivision (d) of Section 52060 and of Section 52066.

 (b) When a school district or a county office of education establishes a language acquisition program pursuant to this section, the school district or county office of education shall consult with the proper school personnel, including, but not limited to, administrators and certificated teachers with the appropriate authorizations and experience.

 (c) School districts and county offices of education are also encouraged to provide opportunities to pupils who are native speakers of English to be instructed in another language to a degree sufficient to produce proficiency in that language. The non-English language should be at the discretion of the parents, community, and school, depending upon the linguistic and financial resources of the school community and other local considerations.

 (d) A language acquisition program established pursuant to this section shall comply with the requirements of Section 310.

### 306.  Definitions

The definitions of the terms used in this article and in Article 1 (commencing with Section 300) are as follows:

 (a) “English learner” means a pupil who is “limited English proficient” as that term is defined in the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7801(25)).

 (b) “Native speaker of English” means a pupil who has learned and used English in his or her home from early childhood and English has been his or her primary means of concept formation and communication.

 (c) “Language acquisition programs” refers to educational programs designed to ensure English acquisition as rapidly and as effectively as possible, and that provide instruction to pupils on the state-adopted academic content standards, including the English language development standards. The language acquisition programs provided to pupils shall be informed by research and shall lead to grade level proficiency and academic achievement in both English and another language. Language acquisition programs may include, but are not limited to, all of the following:

 (1) Dual-language immersion programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

 (2) Transitional or developmental programs for English learners 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.

 (3) Structured English immersion programs for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English.

### 310.  Parents or guardians; choice of language acquisition program; implementation requirements

 (a) Parents or legal guardians of pupils enrolled in the school may choose a language acquisition program that best suits their child pursuant to this section. Schools in which the parents or legal guardians of 30 pupils or more per school or the parents or legal guardians of 20 pupils or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible, based upon the requirements of Section 305.

 (b) If a school district implements a language acquisition program pursuant to this section, it shall do both of the following:

 (1) Comply with the kindergarten and grades 1 to 3, inclusive, class size requirements specified in Section 42238.02.

 (2) Provide, as part of the annual parent notice required pursuant to Section 48980 or upon enrollment, the parent or legal guardian of a minor pupil with information on the types of language programs available to pupils enrolled in the school district, including, but not limited to, a description of each program.

### 320.  Right to be provided with free public education and English language public education

As detailed in Section 5 of Article 9 of the California Constitution, and Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), respectively, all California school children have the right to be provided with a free public education and an English language public education.

### 335.  Amendment

The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute passed by a majority of each house of the Legislature and signed by the Governor.

California Department of Education - June 2018