

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

AB 1012 (Reyes) – As Amended March 14, 2019

SUBJECT: Bilingual education: English learners

SUMMARY: Requires, upon appropriations for this purpose, the California Department of Education (CDE) to provide grants to local educational agencies (LEAs) for, among other purposes, support of professional development for teachers seeking bilingual authorizations, professional learning for child development providers so that they can support the development of dual language learners, for the startup or expansion of dual language immersion programs; and establishes a California Exemplary Bilingual and Biliteracy Program school recognition program. Specifically, **this bill:**

- 1) Requires that, contingent upon an appropriation by the Legislature in the annual Budget Act or another statute, for the 2020–21 fiscal year to the 2022–23 fiscal year, the CDE provide grants in the amount shown below for each of those three fiscal years, for the following purposes:
 - a) Ten million dollars (\$10,000,000) to LEAs for purposes of providing professional learning to credentialed teachers seeking bilingual authorizations, and increasing the number of teachers with bilingual authorizations to return to teaching in a bilingual or multilingual instructional setting, pursuant to the Bilingual Teacher Professional Development Program.
 - b) Ten million dollars (\$10,000,000) to child development providers for purposes of providing professional learning to assist early childhood educators with child development permits to support dual language programs and the overall development of dual language learners.
 - c) Six million dollars (\$6,000,000) to the California State University, University of California, and private postsecondary educational institutions for purposes of recruiting and retaining faculty of bilingual education accredited teacher preparation programs.
 - d) Nine million dollars (\$9,000,000) to LEAs to support the startup or expansion of dual language immersion programs or developmental bilingual programs for English learners, consistent with the Pathways to Success grant program.
 - e) Three million dollars (\$3,000,000) to eligible entities under contract with the CDE to support the startup or expansion of early learning dual language learners programs, consistent with the Pathways to Success grant program.
- 2) Authorizes this funding to be used by the CDE to facilitate quarterly meetings of entities receiving grants for providing professional learning to credentialed teachers seeking bilingual authorizations and for entities receiving grants to provide professional learning to assist early childhood educators with child development permits to support dual language programs and the overall development of dual language learners.

- 3) Requires that applicants seeking grants for purposes of starting up or expanding dual language immersion programs provide a local matching contribution of at least 25 percent of the grant award. States that local matching contributions may come from other state, federal, local, or in-kind contributions.
- 4) Requires the CDE to create an application process for the grants specified in this measure.
- 5) Establishes the California Exemplary Bilingual and Biliteracy Program under the California School Recognition Program administered by the CDE. States that the purpose and intent of the program is to recognize exemplary dual language or dual immersion programs in licensed child development programs and in elementary and secondary schools that promote dual language development and biliteracy.
- 6) Requires the Superintendent of Public Instruction (SPI) to establish a workgroup to develop recommendations regarding criteria for eligibility and an award process to recognize licensed child development programs and elementary and secondary schools under the program.
- 7) Requires the workgroup to be comprised of experts in early childhood development, credentialed public school classroom teachers teaching transitional kindergarten through 12th grade, teachers with bilingual authorizations, researchers with expertise on biliteracy and bilingual programs and dual language learners, and representatives of professional organizations with expertise in English learners (ELs), bilingualism and biliteracy, and dual language learners.
- 8) Requires the SPI, in establishing the criteria for eligibility and the award process, to consider the recommendations of the workgroup.
- 9) Requires the CDE to provide technical assistance to licensed child development program providers and elementary and secondary schools interested in applying for an award under the program, and to publish information, including information about the criteria for eligibility and annual awards, on the CDE website.

EXISTING LAW:

- 1) Establishes the Pathways to Success Grant Program, for the purpose of providing grants for the establishment and expansion dual language immersion programs, developmental bilingual programs for ELs, and early learning dual language learners programs.
- 2) Establishes the Bilingual Teacher Professional Development Program, to provide professional development to teachers seeking to provide instruction in multilingual settings.
- 3) Establishes authorizations for teachers to teach ELs in their primary languages.
- 4) Requires the Commission on Teacher Credentialing (CTC) to develop objective and verifiable standards for an authorization for bilingual-cross-cultural competence for holders of an appropriate credential, certificate, authorization, or permit who will be serving ELs.

- 5) States that these authorizations may be issued to persons holding an appropriate credential or authorization issued by the commission, including counselors; special education professionals, including, but not limited to, the holders of special education credentials, clinical services credentials, and school psychologist authorizations; and child development and preschool professionals.
- 6) Requires that candidates for the authorization, by oral and written examination, or by completing an approved program that consists of coursework or a combination of coursework and examinations, demonstrate specified competencies either at the same time as the initial preparation for the prerequisite credential or at a later date.
- 7) Through initiative statute, requires that public schools ensure students obtain English language proficiency. Requires school districts to solicit parent/community input in developing language acquisition programs. Requires instruction to ensure English acquisition as rapidly and effectively as possible. Authorizes school districts to establish dual-language immersion programs for both native and non-native English speakers.
- 8) Establishes the Bilingual Teacher Training Assistance Program (BTTP), administered by the CDE in consultation with the CTC and representatives of bilingual educators, for teachers who are granted waivers and who are enrolled and participating in a program leading to a bilingual specialist credential or a certificate of competence for bilingual-crosscultural competence. (EC 52181)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. The author states, “Research indicates fluency in multiple languages benefits children and students by broadening their cognitive flexibility and enhancing their ability to learn. Healthy early development and academic achievement gives students the greatest chances for life success. California voters recognized the importance and benefits of learning multiple languages when they overwhelmingly approved Proposition 58 – the California Education for a Global Economy Initiative. AB 1012 will help ensure that we as a state are making critical investments to meet the goals of Proposition 58, and to enhance our education system as a whole with the expansion of bilingual education programs. AB 1012 does this by not only expanding programs for bilingual education from early childhood through twelfth grade, but also by helping mitigate the bilingual teacher shortage through professional development opportunities.”

English learners in California. There are approximately 1.4 million English learners in California public schools, representing 22% of the state’s enrollment. 2.7 million students speak a language other than English in their homes, representing about 43 percent of the state’s public school enrollment. 73% of English learners are enrolled in the elementary grades, and 27% are enrolled in the secondary grades. Roughly one in three English learners in the U.S. resides in California.

CDE data released last month indicates that between 2015–16 and 2018–19, the percentage of students who are English learners decreased from 22.1 percent to 19.3 percent. During the same time period, the percentage of students who are Reclassified Fluent English Proficient increased from 16 percent to 18.3 percent.

English Learner Roadmap for California. In July, 2017, the State Board of Education adopted the California English Learner Roadmap State Board of Education Policy. The Roadmap is intended to articulate a common vision and mission for educating English learners and to assist the CDE in providing guidance to LEAs in order to welcome, understand, and educate the diverse population of students who are English learners attending California public schools.

The vision of the Roadmap is: “English learners fully and meaningfully access and participate in a twenty-first century education from early childhood through grade twelve that results in their attaining high levels of English proficiency, mastery of grade level standards, and opportunities to develop proficiency in multiple languages.” The principles of the Roadmap are:

- 1) Assets-Oriented and Needs-Responsive Schools
- 2) Intellectual Quality of Instruction and Meaningful Access
- 3) System Conditions that Support Effectiveness
- 4) Alignment and Articulation Within and Across Systems

Proposition 58 clears the way for more dual immersion and bilingual programs. Proposition 58 (California Education for a Global Economy Initiative), which was approved by the voters at the November, 2016 election, repealed key provisions of Proposition 227 (1998). Proposition 227 virtually eliminated bilingual programs in California, though dual language immersion and programs enrolling English learners and bilingual programs were permitted if the parents of English learners signed waivers. Under Proposition 58, parental waivers are no longer required for English learners to participate in dual language immersion or bilingual programs, and schools are required to offer such programs if enough parents request it, to the extent possible.

Bilingual teacher shortage. In addition to the overall shortage of credentialed teachers in the state, there are chronic and severe shortages in certain areas, such as math, science, and special education. California annually reports shortage areas to the U.S. Department of Education for the purpose of federal loan and grant deferral or forgiveness for teachers. According to the U.S. Department of Education, California reported a shortage of bilingual teachers from 1990-1991 to 1999-2000, but has not done so since.

However, there is growing evidence that the state is facing a shortage of bilingual teachers. According to testimony provided at an information hearing of this Committee in December, 2015, the number of bilingual authorizations issued by the CTC declined from 2,195 in 2003-04 to 733 in 2013-14. At the same time, language immersion and dual language immersion programs have gained in popularity, increasing the demand for certified bilingual teachers.

According to the Learning Policy Institute, before the passage of Proposition 227, about 30% of ELs were served by bilingual programs. A decade later, the number of EL students served by bilingual programs decreased to just 5%. The Learning Policy Institute also notes:

- “Few teacher preparation institutions offer bilingual authorization training programs. After the passage of Proposition 227, bilingual teacher preparation programs were greatly reduced across the state. In 2009, the Commission on Teacher Credentialing approved a set of standards that would allow teachers to pursue bilingual authorization through multiple routes, with both coursework and examination options, likely contributing to a greater share of bilingual authorizations being issued to existing teaching credentials than to new teaching credentials. Currently, only 30 teacher preparation institutions offer bilingual

authorization training programs, compared with over 80 that grant secondary and elementary teaching certifications.

- California authorizes fewer than half the number of new bilingual teachers than it did when bilingual education was at its peak in the mid-1990s. At its peak in 1994-95, California granted over 1,800 bilingual authorizations. After the passage of Proposition 227, California issued over 1,200 bilingual authorizations a year between 2003-04 and 2009-10. Since then, there has been a steady decline in new bilingual authorizations, with fewer than 700 teachers authorized in 2015-16.
- Despite the fact that bilingual education was seriously hampered in California for nearly two decades, districts already report shortages of bilingual education teachers. In a fall 2016 survey of more than 200 California school districts, 14% reported shortages of bilingual teachers. Now that Proposition 58 allows for the expansion of bilingual programs, LPI predicts that these shortages are likely to grow.”

According to testimony presented at an informational hearing of this Committee earlier this year on Asian and Pacific Islander students, very few Asian language bilingual authorizations are issued annually. According to testimony from faculty at California State University, Long Beach, only 15 Mandarin-speaking candidates are currently enrolled in the CSU training consortium for Asian languages, in spite of high demand for bilingual teachers with that language skill.

What are dual language immersion programs? This bill proposes to provide funding to support the development of dual language immersion and other programs. The bill defines dual language immersion programs as “a program that provides 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.” The bill states that these programs are also known as Two-Way Bilingual Immersion programs.

According to the CDE, dual language immersion programs:

- Provide instruction for proficiency in both native language and English
- Include students with an English background and students from one other language
- Instruction is in both languages, typically starting with smaller proportions of instruction in English and gradually moving to half in each language
- Students typically stay in the program throughout elementary school

According to the CDE, there are “50:50” and “90:10” dual immersion models, which refer to the amount of time students study in the target language and English. In a 90:10 model, early instruction is nearly all in the target language, and decreases over time as English increases, until there is a 50:50 balance. A 50:50 model uses English and the target language for 50 percent of instructional time, throughout the duration of the program. The CDE notes that both models are effective but that the 90:10 model results in higher levels of bilingualism.

According to the CDE, two-way immersion programs are based on years of research from the language immersion models in Canada designed for English speakers learning French. This model, in which English-speaking students are instructed in French for up to 100 percent of their

day, shows that students perform as well as or better on tests of English than their English-speaking peers who have been instructed only in English.

Growth in dual language immersion programs in California expected. The CDE estimates that there are about 200 dual language immersion programs in California, of which 184 are in Spanish, 8 are in Mandarin or Cantonese, 8 are in Korean, and 1 is in Japanese. An independent website which maintains a directory of language immersion schools reported that there were, as of 2017, 413 dual language immersion programs, including 372 in Spanish, 27 in Mandarin, 9 in Korean, 6 in Cantonese, 3 in French, 2 in Armenian, 2 in German, 1 in Italian, 1 in Hebrew, and 1 in Hmong.

There are indications that a significant expansion of dual language immersion programs is on the horizon. Los Angeles Unified School District, for example, currently operates dual language immersion programs in six languages: Spanish, Mandarin, Korean, French, Arabic, and Armenian. The district expects that the number of dual language immersion programs will increase from 101 programs as of two years ago, to 181 programs by the 2019-20 school year. The district has seen an increase in the number of schools moving to dual immersion at the request of parents, as authorized in Proposition 58. The district is also working to establish K-12 dual language pathways, with programs starting in preschool.

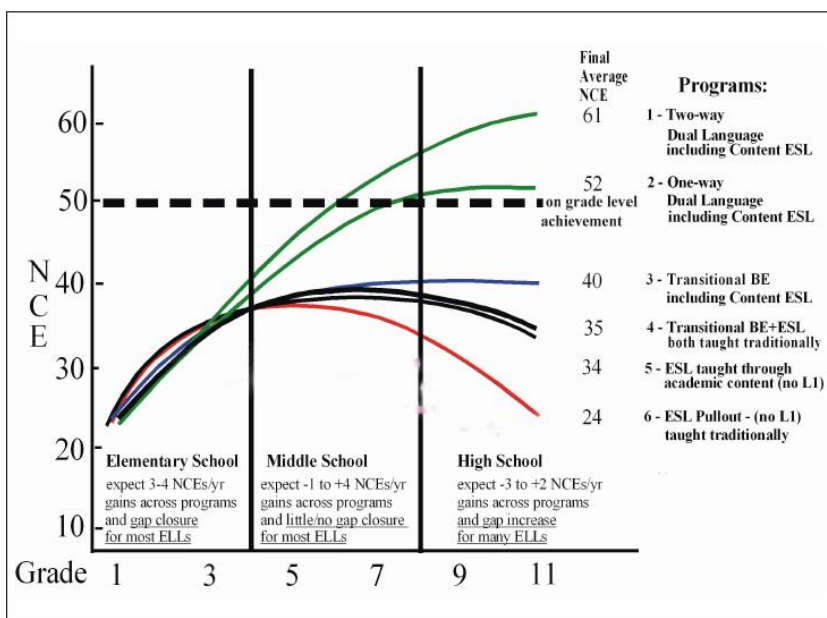
Research on dual language immersion programs. Research has demonstrated that dual language immersion programs have positive outcomes for both English learners and native English speakers.

The most commonly cited longitudinal studies, by Thomas and Collier, found that dual language immersion programs, when implemented well, are the most effective language instruction method for English learners, and in fact are the only method which allows English learners to close the achievement gap between English learners and native English speaking peers.

As illustrated by the Thomas and Collier's chart on this page (displayed with permission of the authors), two-way dual language

programs including English language development taught through academic content, had the most significant effects on the reading achievement of English learners, even exceeding the gap between them and their native English speaking peers in some cases. These findings were aggregated from a series of longitudinal studies of well-implemented, "mature" programs.

Thomas and Collier's findings also suggest that dual language immersion programs can counteract the effect of low socioeconomic status among English learners and native English speakers, as English learners and African-American students of low socioeconomic status



participating in dual language programs score higher in reading in all grades than their comparison groups not enrolled in dual language classes.

In addition, research indicates that dual language immersion programs benefit native English speakers, who develop skills in a new language, with no negative impact on their English skills. These students acquire intellectual, cognitive, and social-emotional advantages and enhanced cross-cultural awareness.

This research also identifies key elements of a successful dual language immersion program: district commitment, separation of the two languages for instruction, and minimum of 50% of instruction in the non-English language.

Early education dual immersion programs. This bill proposes to provide grant funding to establish or expand early dual language immersion programs in California State Preschool programs. It is unclear how many early dual language immersion programs exist in California.

Research supports the early exposure of children to languages, as well as early rich language experiences. California's Preschool Learning Foundations support the use of home language in instruction at this age, noting its benefits for language acquisition and development of the brain:

The development of language and literacy skills in a child's first language is important for the development of skills in a second language and, therefore, should be considered the first step in the range of expectations for children learning English as a second language.

Learning by these children is not confined to one language. Children who have the skills to understand and communicate in their home language will transfer that knowledge to their learning of a second language, resulting in a more effective and efficient second-language learning process. Recent research suggests that the development of two languages benefits the brain through the increase in density of brain tissue in areas related to language, memory, and attention. This increased brain activity may have long-term positive effects. [References removed]

A key challenge facing the broad scale establishment and expansion of early education dual language immersion programs is the availability of qualified teachers. The Center for the Study of Child Care Employment, University of California at Berkeley reported in 2008 that licensed family child care providers and assistant teachers in centers are more linguistically diverse than the California adult population, but that the more qualified teachers are less likely to be able to communicate fluently with children and families in a language other than English. Providers (43 percent) and assistant teachers (49 percent) were the most likely, and teachers (37 percent) and directors (25 percent) were less likely, to have these language skills.

In addition to issues of supply, there is currently no early childhood education permit or supplementary authorization which qualifies a preschool teacher as a bilingual educator. Employers use their own means of determining whether early childhood educators possess the language and pedagogical skill to teach in another language. If early education dual language immersion and bilingual programs become more numerous, ***the Committee may wish to consider*** whether the state should consider establishing minimum qualifications for bilingual preschool teachers.

California School Recognition Program. This bill would establish the California Exemplary Bilingual and Biliteracy Program under the California School Recognition Program administered by the CDE. The bill states that the purpose and intent of the program is to recognize exemplary dual language or dual immersion programs in licensed child development programs and in elementary and secondary schools that promote dual language development and biliteracy.

The California School Recognition Program began in 1986, and now includes a series of distinct awards:

- California Distinguished Schools
- California Exemplary Arts Education
- California Exemplary Physical Activity and Nutrition Education
- California Exemplary Career Technical Education
- California Exemplary Districts
- California Green Ribbon Schools
- California Teachers of the Year
- Civic Learning Award
- Classified School Employees of the Year
- Model Continuation High School Recognition Program
- National Blue Ribbon Schools
- National ESEA Distinguished Schools

According to the CDE, the award programs recognize sustained student achievement, excellence in environmental program design, or superior job performance, and community involvement. CSRP Awardees are recognized at a CSRP Awards Ceremony held during the spring.

These programs have been developed voluntarily by the SPI over time, not in statute. They are supported by private funds, not a state appropriation. Nothing in law precludes the current SPI from developing a recognition program for exemplary bilingual and biliteracy programs. Establishing such a program in statute would stray from historic practice and establish a precedent, and would also require an appropriation of state funds – another precedent. For these reasons, *staff recommends that the bill be amended* to strike the provisions establishing this program.

Recommended amendments. In addition to the above amendment, *staff recommends that the bill be amended* as follows:

- 1) Replace the current language regarding an appropriation to institutions of higher education with language on providing six million dollars (\$6,000,000) to the California State University for purposes of increasing their capacity to produce bilingual-authorized teachers through activities to recruit and retain faculty of bilingual education in accredited teacher preparation programs. Require that the funding be allocated by the CSU Chancellor on a competitive basis to institutions which submit proposals outlining how they would use one time funds to recruit and retain bilingual education faculty in order to increase their capacity to prepare bilingual authorized teachers. Permit grant funding to be expended over a three year period. Require that the CSU Chancellor use the following criteria to award funding: 1) capacity of the institution to use funding to increase the number of bilingual-authorized teachers produced, 2) demonstration of need

for authorized bilingual teachers in public schools in which the campus typically places graduates of its teacher preparation programs, 3) established relationships with school districts for purposes of providing teacher candidates with preservice clinical experiences in bilingual or dual immersion settings, 4) capacity to operate in partnership with county offices of education engaged in assisting schools as part of the statewide system of support, 5) commitment of the institution to support the grant through matching or in-kind contributions. State that the CSU Chancellor shall require, as part of the application, a detailed description of the proposed uses of funding, an estimate of the number of faculty the institute will recruit and retain, and an estimate of the projected increase in the number of bilingual-authorized teachers produced annually. Require that institutions receiving grant funding report to the CSU Chancellor annually, in a form and manner determined by the CSU Chancellor, commencing one year after initial receipt of funds, on the institution's progress in meeting the targets established in their application.

- 2) Strike language regarding an appropriation to child development providers for purposes of providing professional learning to assist early childhood educators with child development permits to support dual language programs and the overall development of dual language learners.
- 3) Strike language stating that the CDE may use funds appropriated to school districts, as the CDE is not eligible to receive Proposition 98 funds.

Related and prior legislation. SB 594 (Rubio) of this Session would establish the California English Learner Roadmap Initiative, for the purpose of awarding grants to build capacity for implementation of the EL Roadmap, including the EL Roadmap at every level of the statewide system of support, and establishing connections to the local control and accountability plan and Title III plan, among other goals.

AB 2514 (Thurmond), Chapter 763, Statutes of 2018 establishes the Pathways to Success Grant Program, for the purpose of providing grants for the establishment and expansion of dual language immersion programs, developmental bilingual programs for English learners, and early learning dual language learners programs.

AB 952 (Reyes) of the 2017-18 Session, as it passed this Committee, would have established the Bilingual Teacher Professional Development Program and requires the CDE to allocate grant funding for purposes of providing professional development services to specified teachers and paraprofessionals to provide instruction to English learners. Most of the contents of the bill as it passed this Committee were included in AB 99, the trailer bill to the Budget Act of 2017 (see below). As it was sent to the Governor, this bill would have required the CTC to establish a process to identify short-term, high-quality pathways to address the shortage of bilingual education teachers. This bill was vetoed by Governor Brown, who stated:

California recently provided funds to support teachers and paraprofessionals interested in becoming bilingual teachers. This past spring the Commission awarded one-time grants to higher education institutions that sought to create or improve four-year integrated teacher education programs, including for bilingual teachers.

Before making additional investments on this matter I believe it's wise to first assess the success of our current programs.

AB 99 (Committee on Budget), Chapter 15, Statutes of 2017 establishes the Bilingual Teacher Professional Development Program and requires the CDE to allocate grant funding for purposes of providing professional development services to specified teachers and paraprofessionals to provide instruction to English learners.

AB 2735 (O'Donnell), Chapter 304, Statutes of 2018, prohibits English learners, with the exception of newcomer students, from being excluded from the standard instructional program of middle and high schools.

AB 2763 (O'Donnell) of the 2017-18 Session would have required the CDE to develop a standardized English language use observation protocol, for use in reclassifying English learners as fluent English proficient. The language in this measure was included in AB 1808 (Committee on Budget), Chapter 32, Statutes of 2018, the trailer bill to the Budget Act of 2018, and this bill was held in Senate Appropriations Committee

AB 952 (Reyes) of the 2017-18 Session would have established the Bilingual Teacher Professional Development Program, to provide professional development to teachers seeking to provide instruction in multilingual settings. This bill was held in the Senate but \$5 million in one-time funding for the program was included in the 2017-18 budget.

SB 463 (Lara) of the 2017-18 Session would have established new procedures for the reclassification of a student from English learner to English proficient whereby an LEA would determine whether to reclassify an English learner according to specified criteria. This bill was amended to address another topic.

AB 2350 (O'Donnell) of the 2015-16 Session would have prohibited English learners from being excluded from the standard instructional program of middle and high schools. This bill was held on the Assembly floor.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association for Bilingual Education (co-sponsor)
Early Edge California (co-sponsor)
Advancement Project
California Language Teachers' Association
Californians Together
Kidango
Momsrising
Teach Plus
Over 900 letters from individuals

Opposition

None on file

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087