

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 2514 (Thurmond) – As Amended April 5, 2018

**SUBJECT:** Pupil instruction: dual language programs: grant program

**SUMMARY:** 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 English learners, and early learning dual language learners programs. Specifically, **this bill:**

- 1) Establishes the Pathways to Success Grant Program with the goal of providing pupils in preschool through grade 12 with dual language immersion programs, developmental bilingual programs for English learners, or early learning dual language learners programs that are consistent with the adopted state policy called the English Learner Roadmap.
- 2) States that the purpose of the Pathways to Success Grant Program is to grow capacity for high-quality dual language learning by doing all of the following:
  - a) Establishing dual language immersion programs or developmental bilingual programs for English learners for pupils in elementary and secondary schools.
  - b) Establishing dual language immersion or developmental bilingual programs for dual language learners in state preschool programs.
  - c) Expanding existing dual language immersion programs or developmental bilingual programs for English learners.
  - d) Providing professional development modules to school districts, schools, county offices of education, or a consortium of these entities, with demonstrated professional development techniques on how to design and implement new, or to expand existing, dual language immersion programs or developmental bilingual programs for English learners and early learning dual language learners.
- 3) Defines the following terms for purposes of this act:
  - 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.
  - 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) “Dual language immersion program” is a program that provides integrated language learning and academic instruction for native speakers of English (English dominant) and native speakers of another language, with the goals of high academic achievement, first

and second language proficiency, and cross-cultural understanding. These programs are also known as two-way bilingual programs.

- d) “Developmental bilingual program for English learners” is a program that provides instruction to pupils that uses 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 in English and the pupil’s primary language.
  - e) “Early learning dual language learners program” refers to language programs in early care and education settings that serve children from birth to five years of age before entry into kindergarten. These programs include, but are not necessarily limited to, preschool, expanded transitional kindergarten, and transitional kindergarten, where the goal is to support development of both languages and to promote bilingualism and biliteracy.
  - f) “Dual language learners” is the term used in early education to refer to children who are under five years of age who are learning two or more languages at the same time, or who are learning a second language, such as English, while continuing to develop their home language.
- 4) Requires the California Department of Education (CDE) to administer the Pathways to Success Grant Program, as a three-year grant program.
- 5) Requires that, commencing September 1, 2019, the CDE award a minimum of 10 one-time grants of up to three hundred thousand dollars (\$300,000) per grant, to school districts or consortia considering any of the following:
- a) Establishing a dual language immersion program or developmental bilingual program for English learners.
  - b) Expanding an established dual language immersion program or developmental bilingual program for English learners.
  - c) Establishing dual language learning in early childhood education for dual language learners.
  - d) Establishing a consortium composed of a school district in partnership with one or more of the following:
    - i. Other school districts
    - ii. County offices of education
    - iii. Bilingual teacher programs in schools of education in institutions of higher education
  - e) Establishing a consortium of charter schools, other than for-profit charter schools, established for the purpose of establishing or expanding dual language immersion

programs, developmental bilingual programs for English learners, or early learning dual language learners programs.

- 6) Requires that, when awarding a grant to an applicant proposing to establish a dual language immersion program or developmental bilingual program for English learners in a target language other than Spanish, the CDE provide additional funding of up to twenty thousand dollars (\$20,000) over the amount of the grant awarded.
- 7) Grants priority to multiple schools and for school districts with an enrollment that consists of at least 40 percent English learners.
- 8) Requires the CDE to identify criteria for evaluating applicants and awarding the grants.
- 9) Authorizes a school district to apply to the department to receive a grant, and states that participation in this grant program shall be on a voluntary basis.
- 10) Requires that an application include a description of all of the following:
  - a) The high-quality curriculum and instruction to be provided by the dual language immersion program or developmental bilingual program.
  - b) Projected grade levels, number of school districts, number of schoolsites, and number of classrooms proposed in the expansion or establishment of dual language immersion programs or developmental bilingual programs for English learners, for each grant.
  - c) The early learning dual language learners program to be provided to dual language learners in early childhood education programs, such as state preschool, the high-quality curriculum and instruction, and the projected number of classrooms included for each grant.
  - d) Pupil enrollment, disaggregated by English learners, dual language learners, and native speakers of English.
  - e) How the program for which the school district proposes to use the grant will serve the school district's English learner population and dual language learners, including outreach to families who speak the target language of the new or expanded program.
  - f) How the school district will secure bilingual teachers, bilingual preschool educators, bilingual paraeducators, and bilingual program staff.
  - g) How the school district will sustain its expanded or new dual language immersion program, developmental bilingual program for English learners, or early learning dual language learners program beyond the three-year grant period.
  - h) Evidence of support by the school district's county board of education or the governing board of the school district.
  - i) Evidence of inclusion in the school district's local control and accountability plan (LCAP).

- j) Available funding within the current or projected budget for the three-year grant period, including any funding received pursuant to its local control funding formula allocation, federal law, or other sources.
  - k) How the school district will collect data required by the department for purposes of the department's report required by this act. Requires the application to include the number of pupils to be served, including English learners and dual language learners, by the school district and the number of pupils successfully completing programs described in this article at the elementary and secondary levels and in early childhood education programs.
  - l) Assurance that the school district will sustain and maintain the program or programs described in this article and a description of the support, including funding, it has to do so.
- 11) Requires the CDE, in administering the program, to:
- a) Review applications and award grants.
  - b) Provide technical assistance to school districts, county offices of education, or consortia implementing a dual language immersion program, developmental bilingual program for English learners, or early learning dual language learners program.
  - c) Convene grant recipients to coordinate and share their program models, best instructional practices, curricula, instructional materials, and other resources.
  - d) Develop and disseminate professional development modules on designing and implementing the establishment of, or expansion of, a dual language immersion program, developmental bilingual program for English learners, or dual language or developmental bilingual program for early learning dual language learners.
  - e) Identify data to be collected by grant recipients.
  - f) Identify how it will collect data reported by grant recipients, and how it will make that data available to the public.
- 12) Requires the CDE to consult with the following persons and entities in the development of the criteria for awarding the grants and in developing the professional development modules:
- a) Professional organizations with demonstrated expertise and experience in developing, implementing, and maintaining a dual language immersion program, developmental bilingual program for English learners, and early learning dual language learners program.
  - b) Classroom teachers providing instruction in a dual language immersion program, development bilingual program for English learners, or early learning dual language learners program.

- c) Principals of schools with an existing dual language immersion program, development bilingual program for English learners, or early learning dual language learners program.
  - d) Researchers and representatives of nonprofit professional organizations with demonstrated expertise and experience specific to dual language immersion programs, developmental bilingual programs for English learners, or early learning dual language learner programs.
- 13) Requires a grant recipient to use the grant for at least two of the following purposes:
- a) School administrator, teacher, and staff training specific to the implementation and maintenance of a dual language immersion program, developmental bilingual program for English learners, or early learning dual language learner program.
  - b) Recruitment of bilingual preschool and elementary and secondary school teachers and paraeducators.
  - c) Ongoing professional development for teachers.
  - d) Ongoing outreach to families of pupils, including strategies for family engagement.
  - e) Establishment and support of language learning communities for teachers.
  - f) Teacher coaches with demonstrated expertise and experience in implementing a dual language immersion program, developmental bilingual program for English learners, or early learning dual language learner program.
  - g) Instructional materials in targeted languages for proposed dual language immersion programs, developmental bilingual programs for English learners, or early learning dual language learner programs.
- 14) Requires that a school district use the grant to supplement funding used for ongoing program costs received pursuant to its local control funding formula allocation and federal funding, such as Title I, II, or III funding.
- 15) Requires that, on or before June 30, 2024, the CDE to submit a report to the appropriate committees of the Legislature detailing the successes, best practices, barriers or constraints, and outcomes of school district and consortium programs funded with grants pursuant to this article. Requires the report to include the number of pupils in dual language immersion programs, developmental bilingual programs for English learners, and early learning dual language learner programs, and how these programs supported the goals of each of the school district programs and consortia funded with these grants.
- 16) Permits the CDE to contract with an outside entity with demonstrated experience and expertise relating to establishing, administering, and maintaining dual language immersion and developmental bilingual programs for English learners for purposes of completing the report.

- 17) Makes the act contingent upon an appropriation for its purposes in the annual Budget Act or another statute.

**EXISTING LAW:**

- 1) 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.
- 2) Through initiative statute requires that, as part of the parent and community engagement process required for the development of a local control and accountability plan shall provide to pupils, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as specified.
- 3) Through initiative statute, defines the following types of language acquisition programs:
  - a) Dual-language immersion programs as 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.
  - b) Defines, through initiative statute, 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.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

*Need for the bill.* The author's office states: "AB 2514 establishes the Pathways to Success Grant Program to be administered by the California Department of Education, a 3 year-program for the purpose of allowing local educational agencies to establish or expand existing dual language immersion or developmental bilingual programs, or start dual language early childhood education programs.

The National Academies of Science, Engineering and Mathematics' 2017 report makes clear the advantages of biliteracy programs in pre-school through 12<sup>th</sup> grade. The English Learner Roadmap approved by the State Board of Education in November 2017 affirmed that California's vision for English learners students is proficiency in English and another language. Proposition 58 (California Education for a Global Economy Initiative, approved by 73.5% of the voters, promotes and supports multilingual education. With its passage, local educational agencies have the opportunity to expand upon the success of existing multilingual/bilingual programs or establish new ones, whether in pre-school or Transitional Kindergarten through 12<sup>th</sup> grade.

Even though California has 1.3 million ELs attending our public schools, currently only 425 public schools offer dual language immersion programs. LEAs require additional resources and support to pursue the expansion of or establishment of new multilingual/bilingual programs. AB 2514 is a first step in providing LEAs interested in implementing Prop. 58 in their districts by providing grant “seed” funding.”

***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.

***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.

***Data on dual language immersion programs in California.*** 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.

**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

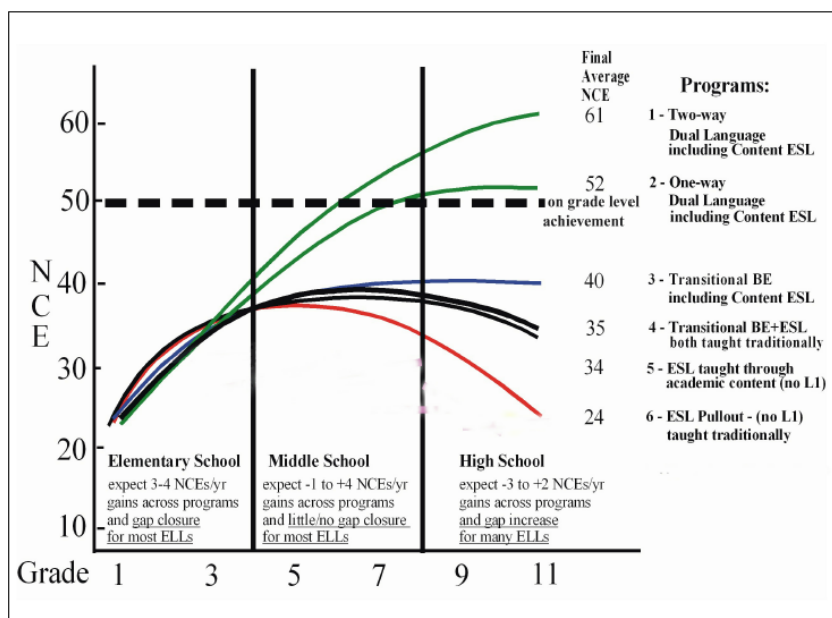
programs including English language development taught through academic content, had the most significant effects on the reading achievement of English learners, even exceeding the gap between them and their native English speaking peers in some cases. These findings were aggregated from a series of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

***What are developmental bilingual education programs?*** There are several types of bilingual education programs, which vary by a number of factors, including the length of time a student is learning in her primary language before transitioning to English, and language goals for students.

This bill proposes to provide grants to establish or expand developmental bilingual programs. The author wishes to amend the definition of developmental bilingual education programs to read: "A program in which academic instruction and literacy development occurs in both home language and English. It is a program which exists across all grade levels in the schools. Academic curriculum is taught through home language plus English language development, with increasing academic instruction in English until students develop literacy in both languages. Academic study in both languages continues."

This definition seems to be most consistent with what is known as "maintenance" or "late exit" bilingual education, in which the student's primary language and English are used as a means of instruction, with the goal of proficiency in two languages.

*English Learner Roadmap for California supports an “assets oriented” approach to primary language.* In July, 2017, the SBE 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. The Principles of the Roadmap are:

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

The section on Intellectual Quality of Instruction and Meaningful Access includes several statements related to opportunities for instruction in dual language immersion and bilingual programs:

- “Students’ home language is understood as a means to access subject matter content, as a foundation for developing English, and, where possible, is developed to high levels of literacy and proficiency along with English.”
- “English learners are provided choices of research-based language support/development programs (including options for developing skills in multiple languages) and are enrolled in programs designed to overcome language barriers and provide access to the curriculum.”

***Bilingual teacher shortage.*** One serious constraint on the expansion of dual language and bilingual programs is the supply of qualified 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. 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.”

**Recommended amendments.** *Staff recommends* the following amendments to this bill:

- Clarify that dual language immersion programs are programs that enroll both English learners and native English speakers.
- Clarify that the definition of Kindergarten-12<sup>th</sup> grade programs includes Transitional Kindergarten.
- Clarify the definition of “developmental bilingual education program” to mean: a program in which academic instruction and literacy development occurs in both home language and English. It is a program which exists across all grade levels in the schools. Academic curriculum is taught through home language plus ELD, with increasing academic instruction in English until students develop literacy in both languages. Academic study in both languages continues.”
- Strike the requirement that CDE convene grant recipients and develop and disseminate professional development modules.
- Clarify that funding for early education programs is for the establishment or expansion of these programs in state preschool programs operated by local educational agencies.
- Clarify that “expansion” means expansion of programs to new school sites.
- Require that grant proposals include a budget identifying proposed uses of funding, by school site.
- Clarify that priority is to be given to districts with at least 40% enrollment of English learners and to proposed programs which enroll at least 40% English learners.
- Strike a reference to LCAP and instead require evidence of efforts to align program goals with district responsibilities to engage families in the development of the LCAP.
- Delete the requirement that grant funding be spent on “at least two” of the allowable expenses.
- Require that applications identify additional sources of revenue which will be used to provide ongoing support for the program.
- Extend evaluation due date by one year.
- Other technical and clarifying changes, including uncodifying the findings.

**Related and prior legislation.** AB 2735 (O’Donnell) of this Session would prohibit English learners from being excluded from the standard instructional program of middle and high schools.

AB 2763 (O’Donnell) of this Session would require the CDE to develop a standardized English language use observation protocol, for use in reclassifying English learners as fluent English proficient.

AB 952 (Reyes) 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.

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**

Californians Together (co-sponsor)  
California Association for Bilingual Education (co-sponsor)  
California Immigrant Policy Center  
Advancement Project  
AVID Center  
California Alternative Payment Program Association  
California Kindergarten Association  
California Language Teachers Association  
Common Sense Kids Action  
Public Advocates  
San Francisco Unified School District  
350 individuals

**Opposition**

None on file

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