

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 714 (McCarty) – As Introduced February 13, 2023

SUBJECT: Pupil instruction: newcomer pupils: curriculum frameworks: high school coursework and graduation requirements: exemptions and alternatives

SUMMARY: Requires the California Department of Education (CDE) to issue guidance relating to the education of recently arrived immigrant students (newcomers), to annually publish specified information about newcomers on its website, and to maintain at least one position dedicated to helping schools meet the needs of newcomers; requires the Instructional Quality Commission (IQC) to consider adding content to help teachers meet the unique needs of newcomers to the next revision of the English Language Arts (ELA)/English Language Development (ELD) curriculum framework and recommended instructional materials; and revises the definition of newcomers to align with the federal definition for purposes of specified educational rights in existing law. Specifically, **this bill**:

- 1) Requires that, at the next regularly scheduled revision of the curriculum framework in ELA and ELD, the IQC consider including content designed to provide teachers with resources to meet the unique academic and English language development needs of newcomer students at all grade levels, and to ensure that the instructional materials for students in kindergarten or any of grades 1 to 8, inclusive, that it recommends to the State Board of Education (SBE) for adoption include resources for teachers to help them meet these needs.
- 2) Defines “newcomer pupil” to have the same meaning as “immigrant children and youth,” in federal law, which is defined as being aged 3 to 21 years, being born outside of the United States (U.S.), and having been enrolled in U.S. schools for less than three years.
- 3) Requires the CDE, in consultation with the State Department of Social Services (DSS), to develop and issue guidance regarding requirements and best practices for newcomer students under current law, and available state and federally funded programs and resources that are supportive of these students’ success in school. Requires this guidance to include the following:
 - a) Requirements in existing law relating to newcomers’ rights to waiving of local graduation requirements, right to remain enrolled for a fifth year or instruction, right to be awarded partial credit and credit from courses completed in other countries, and the exemption from the requirement that ELs be given access to core curriculum courses in middle and high school, under specified conditions;
 - b) The requirement to provide ELD instruction for those newcomer students classified as ELs, and best practices for ELD instruction for newcomer students;
 - c) Local discretion in grade placement of newcomer students;
 - d) Local discretion to enroll students for more than four years of high school instruction;

- e) Information about how the use of coursework completed in languages other than English in other countries may fulfill the world language course requirement for graduation and the admissions requirements of the University of California (UC) and the California State University (CSU);
 - f) Resources for the evaluation of foreign transcripts;
 - g) Resources for support of newcomer students with disabilities; and
 - h) Information about the California Newcomer Education and Well-Being Program (CalNEW) program; and
 - i) Information about programs authorized under the Community Schools Partnership Act.
- 4) Requires the CDE to publicly report on an annual basis on its website the enrollment and performance of newcomers, including statewide and local educational agency (LEA) and charter school enrollment, disaggregated by grade, home language, EL classification, and eligibility for free or reduced-price meals, and scores on the California Assessment of Student Performance and Progress (CASSPP) assessments and the *English Language Proficiency Assessments for California (ELPAC)*.
- 5) Requires the CDE to maintain at least one position dedicated to supporting LEAs and charter schools in serving newcomer students. This may include collaborating with, and providing data to, the DSS for purposes of administering the CalNEW program.
- 6) Revises the definition of newcomer student, for purposes of specified educational rights, from “pupil enrolled in a newcomer program” to the federal definition of newcomer student, including the right to:
- a) Be exempted from local graduation requirements or remain enrolled for a fifth year in order to complete those requirements, under specified conditions;
 - b) Receive full or partial credit for coursework satisfactorily completed while attending a public school or a school in a country other than the United States; and
 - c) Be exempted from the prohibition on being excluded from core curriculum courses, provided that their course of study is designed to remedy any academic deficits incurred during participation in a newcomer program.
- 7) Makes implementation of these requirements contingent upon an appropriation for its purposes. States the intent of the Legislature that federal funds be used for this purpose.

EXISTING LAW:

- 1) Exempts students participating in a newcomer program who are in their third or fourth year of high school from all coursework and other requirements that are in excess of state graduation requirements, unless a school district makes a finding that a student is reasonably able to complete the school district’s graduation requirements in time to graduate from high school by the end of the student’s fourth year of high school. (Education Code (EC) 51225.1)

- 2) Requires LEAs to allow students participating in a newcomer program who are in their third or fourth year of high school and who can meet state or local graduation requirements in five years to stay enrolled for a fifth year. (EC 51225.1)
- 3) Requires LEAs to accept and award full or partial credit for coursework satisfactorily completed by students participating in a newcomer program, including those completed in other countries. (EC 51225.2)
- 4) Defines a “pupil participating in a newcomer program” to mean a student who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency. (EC 51225.2)
- 5) Exempts recently arrived immigrant students from the requirement that they be enrolled in core curriculum courses, provided that the student’s course of study is designed to remedy any academic deficits incurred during participation and that the student’s course of study is reasonably calculated to enable that student to attain parity of participation in the standard instructional program within a reasonable length of time. (EC 60811.8)
- 6) Establishes the CalNEW program, administered by the DSS in collaboration with the CDE, to provide services for newcomer students, ELs, and immigrant families. (Welfare and Institutions Code (WIC) 13265)
- 7) Requires the DSS to allocate funding to LEAs with significant numbers of newcomer students, or a significant population of EL students, to plan, design, and implement academic and social support services for the purpose of improving students’ academic engagement and social and emotional well-being. Gives the DSS sole discretion to determine which LEAs and services to fund. (WIC 13265)
- 8) Requires the DSS to contract to conduct a formal evaluation of the CalNEW program and to provide technical assistance to support implementation of the program. (WIC 13265)
- 9) For purposes of the CalNEW program, defines “newcomer pupil” to have the same meaning as “immigrant children and youth” as defined federal law. (WIC 13265)
- 10) Requires the CDE to cooperate with the DSS to provide all data, data systems, and source code it requests for the purpose of effectively operating this program. (WIC 13265)

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. The author states, “California is proud to be home to so many refugee and immigrant families. However, many of them do not have the resources and guidance they need to be successful here. It is our responsibility to continue to provide them with the support and resources that they need, and to equip their schools and teachers with the tools necessary to meet the unique needs of newcomers. AB 714 will better direct school districts and newcomer students to the support and resources they need to ensure their success in school and beyond.”

Forthcoming PACE policy brief will provide first landscape analysis on newcomer education policy in California. A forthcoming policy brief by Policy Analysis for California Education (PACE), titled “Newcomer Education in California,” (PACE, 2023) provides the first comprehensive look at California newcomers and their educational needs. Using data from the CDE, the brief discusses what is known about this population of students, and makes recommendations for state policy to improve their educational outcomes and well-being.

This brief is one product of a Research-Practice-Policy Partnership (RPPP) convened by PACE in 2021 and 2022, which brought together policymakers, researchers, and practitioners to leverage each sector’s resources and expertise to improve the education of newcomers.

The PACE brief contains three key findings:

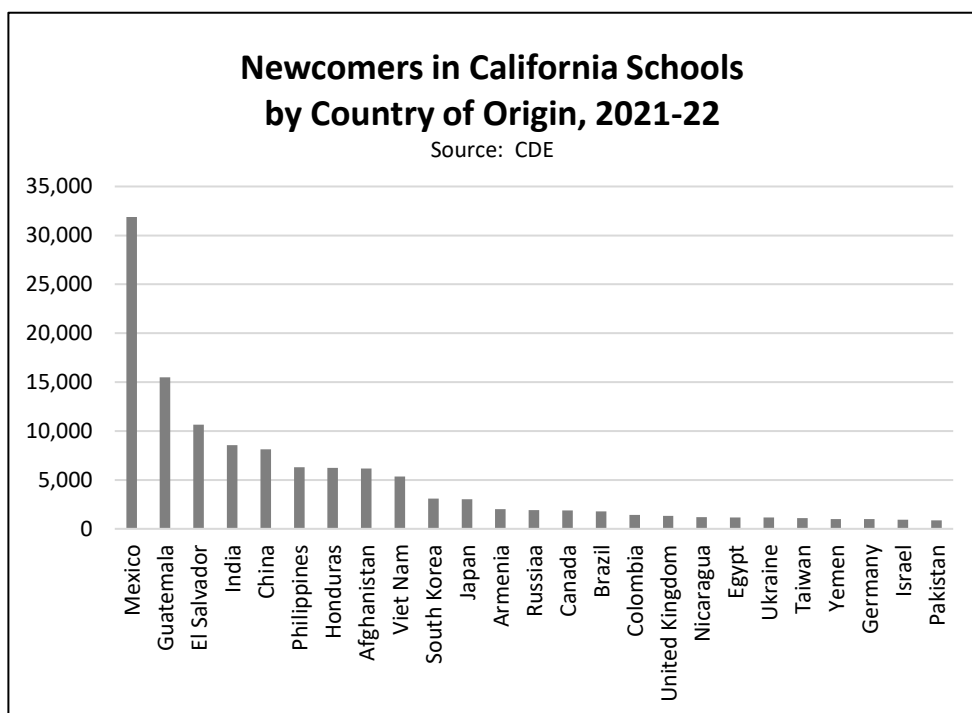
- Schools need support to implement effective instruction and program models;
- Newcomers’ basic needs require assistance from multiple partner organizations; and
- Lack of data makes it challenging for newcomers to be seen by education leaders, policymakers, researchers, and curriculum developers.

The brief recommends that California build state leadership capacity specific to newcomer education, include newcomers in data systems, develop resources for the field.

Major provisions of this bill. This bill responds to these findings by requiring the CDE to provide guidance and support to the field, requiring that state data be made publicly available annually, requiring that the state’s adopted curriculum frameworks and instructional materials address the specific needs of newcomers, and requiring the CDE to maintain at least one position to support newcomer education. The state’s expansion and improvements to the CalNEW program in the 2022-23 budget also address these concerns by requiring collaboration and data sharing between the CDE and DSS, by clarifying the definition of newcomer, and by providing a stable source of funding for the program. The CalNEW program is also establishing a community of practice to support local efforts.

Who are newcomer students in California?

Federal law defines recently arrived immigrant students as those who 1) are ages 3-21, 2) were not born in a U.S. state, and 3) have attended U.S. schools for no more than three years. According to the CDE, there were 151,996 students in the 2020-21 school year



who met this definition, representing approximately 2.5% of the total enrollment in the state.

The PACE report notes that newcomers are a distinct and heterogeneous group in a number of ways:

- *Country of origin.* The table above shows the top 25 countries from which newcomers had immigrated as of 2021. The composition of newcomer students can change rapidly based on international events, and schools can experience a rapid influx of newcomer students, as has been the case in recent years with students from Afghanistan, Ukraine, and Central America.
- *Socioeconomic status:* While some newcomers come from high income families, most (67%) are socioeconomically disadvantaged, slightly higher than the overall student population percentage of 62%.
- *Primary language:* The five most common languages spoken in the homes of newcomers are reported as 44% Spanish, 10% English, 6% Mandarin, 4% Vietnamese, and 3% Filipino.
- *Distribution in the state:* The majority of newcomers live in five counties: Los Angeles, Orange, San Diego, Santa Clara, and Alameda. While these counties enroll the largest absolute number of newcomers, some smaller districts enroll a large percentage of low-socio-economic status (SES) newcomers relative to their overall student population, as shown in the table below.

- *Age at enrollment in California schools:* While the typical California student enrolls in school in kindergarten or transitional kindergarten, newcomers may enroll at any age. Unaccompanied children in particular are more likely to arrive in secondary school. According to the USDHHS, in FY 2021,

School District	Enrollment (excl. < 100)	Percentage of low SES newcomers
Bayshore Elementary	361	14.4%
Mendota Unified	3,668	11.5%
San Rafael City Elementary	4,415	11.2%
San Rafael City High	2,666	9.3%
Round Valley Unified	497	8.0%
Rosemead Elementary	2,341	7.7%
Garvey Elementary	4,431	7.3%
Ravenswood City Elementary	2,993	7.0%
Anderson Valley Unified	434	6.7%
Vallecitos Elementary	187	6.4%
Lost Hills Union Elementary	288	6.3%
Bellevue Union	1,544	6.2%
Oakland Unified	48,704	6.1%
Coalinga-Huron Unified	4,405	5.9%
Jefferson Elementary	6,653	5.7%
Baker Valley Unified	16,732	5.5%
Luther Burbank	475	5.5%
Cajon Valley	16,732	5.4%

Source: CDE, 2021-22

approximately 72% of all unaccompanied children entering the U.S. were over 14 years of age, and 66% were boys.

- *Prior academic experience:* Some newcomers arrive having had consistent education in developed countries, while others, known as students with interrupted formal education (SIFE), have had limited or highly interrupted education and arrive with very limited or no literacy in their primary language. Some have experienced their education in refugee camps or in countries where access to education is limited for some or all children. Many countries lack systems to support students with disabilities, so they often arrive without having been assessed or without a plan to support their education. Some may never have attended school of any kind.
- *English proficiency:* The PACE report estimates that 92% of newcomers are EL and that they make up about 13% of the EL population in the state. But newcomer-ELs represent a distinct group. The majority of non-newcomer EL-classified students are born in the U.S. and enter school in kindergarten. Newcomers, by contrast, arrive at all grade levels and require EL services that meet their English and academic needs independent of their grade of entry. (Umansky, 2022)
- *Academic outcomes.* Data for California are not yet available, but research from two other states indicates that newcomers have academic performance similar to other ELs but far below that of their non-immigrant, non-EL peers. Newcomers' English proficiency levels were lower than other ELs, but they made rapid growth across their first three years in the U.S. Despite this growth, most newcomers were neither English proficient, nor at grade level academically, after three years. Graduation rates for these students were between 30% and 60% (depending on state and grade of arrival), far below their non-immigrant, non-EL peers. (Council of Chief State School Officers, 2018)
- *Immigration experience:* Some students arrive as refugees, some as children of workers with professional visas, some as undocumented students. Some arrive with family members and others arrive as unaccompanied children. Schools do not collect immigration information so no data on students' status is available. According to the U.S. Department of Health and Human Services (USDHHS), 13,730 unaccompanied children were released to sponsors in California in 2021.
- *Life experiences.* Some newcomers have experienced a lifestyle and stability comparable to life in the U.S., but many have experienced war, deprivation, natural disasters, family instability, and other traumatic events that can have profound effects on their ability to learn. For unaccompanied children, the experience of migration and fear of deportation may also impact learning.

What support do newcomers need to succeed in school? As noted above, newcomer students are a distinct group of students with language and academic needs which may differ significantly from other students, and even from other ELs. In particular, research has highlighted several areas of focus:

- *English language development.* As noted above, unlike most ELs, many newcomers enter California schools with no or very limited English proficiency. They may require additional support for their language acquisition that is different from other ELs.

- *Low academic skills.* While some newcomers arrive with a strong history of prior schooling, others have had limited or interrupted formal education, and have low literacy in their primary language. They require specialized support to accelerate their learning. Late arriving newcomers, who enroll in secondary schools, require specialized help to ensure that they are able to meet graduation requirements.
- *Social and emotional needs.* Research points to various ways in which the social/emotional and mental health of newcomers presents challenges to learning. Trauma from conditions leading to their migration and from the migration itself, as well as fear of deportation for some, can affect their ability to learn. Support for students' mental health and well-being is needed to help them succeed.
- *Basic needs.* The PACE report notes that many newcomer families need assistance with housing, food, health care, and other basic needs. Research indicates that some newcomer students must work and care for siblings in order to support their family, which may interfere with their education. (Oikonomidou, 2019) Community supports are needed to ensure that these needs are met.

System-level reforms to support newcomers. To support schools in meeting the needs of newcomers, adequate system-level conditions need to be in place. In particular, schools need the following from the state:

- *Stage support across agencies.* LEAs need guidance, technical assistance, and funding from the state. Given the multi-faceted needs of these students, LEAs would benefit most from a collaborative effort between state agencies such as the CDE and the DSS, which models the kind of partnerships needed at the local level between schools and community organizations. State leadership is needed to convene communities of practice (such as the one being developed by the DSS) in order to allow LEAs to share best practices and learn from one another.
- *Resources.* Research indicates that educators often struggle to design programs for newcomers, particularly those that value their cultural and linguistic attributes (Dover, 2018). LEAs need instructional resources (such as curriculum, instructional materials, assessment tools, and professional development), programmatic models (such as newcomer programs, community partnerships), and administrative best practices (such as in grade placement, master scheduling, and continued enrollment) that meet newcomers' needs. Curriculum, instructional materials, and screening/assessment tools would help LEAs better meet newcomers' needs.
- *Data transparency and research.* Lack of accessible data has made it challenging for policymakers and LEAs to understand and meet the needs of newcomers. For example, there is little public demographic information about newcomers, and on their performance on measures such as state assessments, English language proficiency (ELP), graduation rates, absenteeism, and postsecondary outcomes. Annual publication of the available data would help design appropriate supports and guide resource allocation (Thompson, 2020). Policy-focused research, grounded in practice insights, is also needed to develop and further an agenda which supports these students.

New research shows rapid English acquisition for newly arrived students. Until recently there has been little research about the ELP trajectories of newcomers.

In the absence of research, the U.S. Department of Education (USDOE), in their Newcomer Toolkit (2017), notes several common misconceptions about newcomers, including that newcomers must develop significant language proficiency prior to participating in disciplinary learning, and that students need simplified content and language as they learn English. In fact, they note, to help students develop academic language, they need to participate in meaningful and authentic activities about academic ideas and concepts, and that simplified language decreases, rather than increases, meaning.

Recent research sheds some light on newcomers' growth in ELP. Umansky et al. (2022) found that newcomer students had significantly lower ELP the first year they entered schools compared to their non-newcomer counterparts in the same grades; however, they tended to experience faster ELP growth. By their fourth year in U.S. schools, newcomer students were estimated to have caught up with non-newcomer ELs in their same grade levels, accounting for grade, student, and school factors. For both groups of students, ELP growth was predicted to slow over time, with newcomers' growth slowing more quickly than that of non-newcomers.

Flexibilities under current law present opportunities for LEAs to better serve newcomers. This bill requires the CDE to produce guidance regarding requirements and best practices for newcomer students under current law. Several provisions of current law allow schools to better serve newcomers. These include:

- The requirement to waive local graduation requirements for newcomers under specified conditions;
- The ability to receive funding to continue to enroll newcomers past the fourth year of high school under specified conditions;
- The ability to use credit and partial credit earned in another country toward graduation requirements under specified conditions;
- The ability to use coursework completed in languages other than English in other countries to fulfill the world language course requirement for graduation and the admissions requirements of the University of California and the California State University. This allows schools to avoid enrolling students in a world language course of study in a third language;
- The ability to enroll newcomers by ability instead of by age, which particularly helps late-arriving newcomers by giving them more time to meet graduation requirements;
- The ability to design specialized supports for newcomers in designated and integrated English language development; and
- The requirement that, if newcomers are excluded from core content courses in order to focus on ELD, this policy must be reasonably designed to enable them to catch up to their peers.

Students with interrupted formal education (SIFE) represent a population with distinct needs.

As noted above, some students arrive in California schools with limited, interrupted, or no formal education. Their needs may pose a particular challenge to educators. California does not have a definition of SIFE, so there is no data collected on these students as a group.

The New York State Education Department (NYSED) has created a number of resources to help schools with the education of SIFE, which they define as ELs “who have attended schools in the United States (the 50 States and the District of Columbia), for less than twelve months and who, upon initial enrollment in schools, are found to have two or more years below grade level in literacy in their home language and/or two or more years below grade level in math, due to inconsistent or interrupted schooling prior to their arrival to the United States.”

The NYSED reports that a majority of the state’s SIFE students arrive at the state’s schools with low or no literacy skills in any language, and are often behind in content knowledge for their age. They also may have complex social and psychological needs due to traumatic migration experiences and other conditions in their countries of origin.

The NYSED has produced a number of resources to help schools meet the needs of these students, including a SIFE Oral Interview Questionnaire, a Writing Screener, and a SIFE Identification flow chart.

Of note, NYSED also published a SIFE ELA and Foundational Low Literacy Curriculum, intended to meet the needs of SIFE who are at 3rd grade level or below in home language literacy in secondary school where the instructional gap tends to be the greatest. The curriculum offers a rigorous and accelerated framework aligned to the state’s content standards for providing students with the content, language, and literacy necessary for achieving academic progress and success.

School district initiatives to support newcomers. A number of school districts around the state have established programs and policies designed to meet the needs of newcomers, including:

- San Juan Unified School District offers specialized support for all newcomer students. Through a team comprised of bilingual School Community Resource Assistants, the district offers programs focused on integration, acculturation, connections, engagement, exploration, empowerment, and healthy interactive social skills. Programs include a Saturday school, popular sports programs, partnerships with community-based organizations, and professional development and other resources for school district staff.
- Oakland International High School, one in a network of high schools designed to serve newcomers, operates as a community school and works with community-based organizations to meet the needs of its students. Teachers are trained in a specialized curriculum to support students’ English language needs and students participate in project-based, experiential learning. The Oakland Unified School District also tracks newcomer students in their data system, including whether students have been identified as SIFE.
- Some school districts, such as the Conejo Valley Unified School District, have established newcomer academies within their high schools. These programs within schools provide specialized language, academic, and other support.

- San Diego County Office of Education, in response to dramatic increases in the migration of unaccompanied minors in 2021, set up an emergency education program for children housed temporarily at the San Diego Convention Center. The program, called Futuro Brillante, served several thousand students and provided ELD, academic, and social supports.

Recommended amendments. *Staff recommends that this bill be amended* to strike references to Title III funding, add additional outcome measures to the data required to be reported by the CDE, and clarify that the data required to be reported are currently collected by the CDE.

Arguments in support. Californians Together writes, “Newcomers, or immigrant students in their first three years of U.S. schools, are a large and underserved student group in California’s K-12 system. Unfortunately, our current education system is not designed to be inclusive of newcomers. All too often, newcomer students drop out, or graduate high school without the skills to be college and career ready. Many newcomers were raised in war torn countries or communities that have been devastated by poverty and climate catastrophes. 67% of newcomer students are socioeconomically disadvantaged, and many have experienced trauma and interruptions in formal schooling. Newcomers, 92% of whom are ELs, typically have far lower English proficiency levels than the larger EL student group. To authentically access education, most newcomers require specialized instructional resources, curriculum, administrative practices, school models, social-emotional learning, and community engagement. Accurate data on the status and performance of newcomers is not publicly available. A lack of visibility in data has led to insufficient research, curriculum, and policies that fully address the unique needs of newcomer students. There is a strong and growing demand among districts for meaningful guidance, research, data, and resources to help create these conditions for newcomer success. AB 714 meets this demand by directing the California Department of Education, in consultation with the California Department of Social Services, to develop and issue instructional guidance to support newcomer students and school districts. By reporting on the enrollment and performance of newcomer students, the state and local agencies will have a better idea of how to meet the needs of newcomers and the resources necessary to ensure their success.”

Related legislation. AB 181 (Committee on Budget), Chapter 52, Statutes of 2022, made several changes to the CalNEW program, including creating a new definition of newcomer student aligned to the federal definition and requiring the CDE to collaborate with the DSS on the program and provide data as needed.

SB 98 (Committee on Budget and Fiscal Review), Chapter 24, Statutes of 2020, created the CalNEW program, to provide services for refugees, unaccompanied undocumented minors, and immigrant families.

AB 2121 (Caballero), Chapter 581, Statutes of 2018, extends to migrant students and students enrolled in newcomer programs certain rights currently afforded to other groups of highly mobile students regarding exemptions from local graduation requirements and acceptance of partial credit, and clarifies that these requirements apply to charter schools.

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

REGISTERED SUPPORT / OPPOSITION:

Support

Californians Together (sponsor)
Alliance for a Better Community
Association of Mexican American Educators
Association of Two-way Dual Language Education
California Council on Teacher Education
Californians for Justice
Corona-Norco Unified School District
GenUp
Loyola Marymount University - The Center for Equity for English Learners
Mutually Adaptive Learning Paradigm
National Association for English Learner Program Administrators
Parent Institute for Quality Education
Sobrato Early Academic Language
Teach Plus
The Children's Partnership
Union of Overseas Vietnamese Language Schools-Taviet
2 individuals

Opposition

None on file

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