

2016

English Proficiency. Multilingual Education. Initiative Statute.

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PROPOSITION **ENGLISH PROFICIENCY. MULTILINGUAL EDUCATION.**
58 INITIATIVE STATUTE.

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

- Preserves requirement that public schools ensure students become proficient in English.
- Requires school districts to solicit parent and community input in developing language acquisition programs to ensure English acquisition as rapidly and effectively as possible.
- Requires that school districts provide students with limited English proficiency the option to be taught English nearly all in English.
- Authorizes school districts to establish dual-

language immersion programs for both native and non-native English speakers.

- Allows parents/legal guardians of students to select an available language acquisition program that best suits their child.

SUMMARY OF LEGISLATIVE ANALYST’S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- No notable fiscal effect on school districts or state government.

FINAL VOTES CAST BY THE LEGISLATURE ON SB 1174 (PROPOSITION 58)
(CHAPTER 753, STATUTES OF 2014)

Senate:	Ayes 25	Noes 10
Assembly:	Ayes 53	Noes 26

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

About One in Five California Students Is an English Learner. In 2015–16, about 2.7 million California public school students in the elementary and secondary grades spoke a language other than English at home. Schools classified about 1.4 million of these students as English learners, meaning they were not yet fluent in English. English learners make up 22 percent of all public school students in California. More than 80 percent of English learners in California are native Spanish speakers.

Schools Must Help All Students Learn English. Public schools are required by law to teach English learners how to speak and read in English in addition to teaching them other subjects such as math and science. Across the country, schools tend to teach English learners in either English-only or bilingual programs. In English-only programs, students learn English and other subjects from teachers who speak only in English. In bilingual programs, students learn their subjects from teachers who speak both in English and in their native language. Many bilingual programs are designed to last between three and six years, after which students attend classes taught only in English. Some bilingual programs continue to teach English learners in their native language for at least part of the day even after the students become fluent English speakers.

California Requires Schools to Teach English Learners Mostly in English. In response to some concerns over how English learners were being taught, California voters passed Proposition 227 in 1998. Proposition 227 generally requires English learners to be taught in English and restricts the use of bilingual programs. Proposition 227 generally requires public schools to provide English learners with one year of special, intensive English instruction before transitioning those students into other English-only classes. Proposition 227 remains in effect today.

Schools Can Run Bilingual Programs Under Certain Conditions. Under Proposition 227, parents of English learners must come to school and sign a waiver if they want their children considered for bilingual instruction. Schools may approve these waivers for students meeting one of three conditions: (1) English learners who have attended an English-only classroom for at least 30 days and whose teachers, principal, and district superintendent all agree would learn better in a bilingual program; (2) students who are at least ten years old; or (3) students who are already fluent English speakers. If 20 or more students in any grade get approved waivers, their school must offer a bilingual class or allow students to transfer to a school that has such a class.

Since 1998, Fewer Schools Have Offered Bilingual Programs. The year before Proposition 227 was enacted, about 30 percent of California’s English

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

learners were taught in bilingual programs. Ten years later, about 5 percent of California's English learners were taught in bilingual programs.

School Districts and County Offices of Education Must Engage Their Communities in a Yearly Planning Process.

The state requires school districts and county offices of education to publish yearly plans describing the services they will provide for certain groups of students, including English learners. Before adopting these plans, school officials must talk to parents and other community members about what types of programs they would like their schools to run.

PROPOSAL

This measure repeals key provisions of Proposition 227 and adds a few new provisions regarding English language instruction, as described below.

Removes Restrictions to Bilingual Programs. Under this proposal, schools would no longer be required to teach English learners in English-only programs. Instead, schools could teach their English learners using a variety of programs, including bilingual programs. In addition, parents of English learners would no longer need to sign waivers before their children could enroll in bilingual programs.

Requires Districts to Respond to Some Parental Demands.

While schools generally could design their English learner programs however they wanted, they still would have to provide intensive English instruction to English learners if parents requested it. Additionally, school districts would be required to offer any specific English learner program requested by enough parents. Specifically, if at any school either (1) 20 or more parents of students in any single grade or (2) 30 or more parents overall ask for a specific kind of English learner program, that school would have to offer such a program to the extent possible.

Requires Districts to Talk to Community Members About Their English Learner Programs.

This proposal requires school districts and county offices of education to ask parents and other community members how English learners should be taught (for example, by using an English-only or bilingual program). School districts and county offices of education would ask for this feedback as part of their regular yearly planning process. (Some districts likely already discuss these

issues in their yearly planning process, but this proposal makes soliciting feedback on these issues a requirement for all districts.)

FISCAL EFFECTS

The measure would have no notable fiscal effect on state government. However, it likely would result in changes to the way some school districts teach English learners. These changes would have little effect on local costs. We discuss the measure's programmatic and fiscal effects on schools below.

Significant Programmatic Impact for Some English Learners. Though the measure generally does not require school districts to change how they teach English learners, it makes starting or expanding bilingual programs easier for all districts. The exact effect of this measure would depend upon how parents and schools respond to it. Over time, bilingual programs could become more common, with some English learners taught in bilingual programs who otherwise would have been taught in English-only programs. For these school districts and students, the programmatic impact of the measure would be significant.

Minor Effect on Schools' Ongoing and One-Time Costs.

The bilingual programs created or expanded due to the measure would not necessarily be more or less expensive overall than English-only programs, as annual costs for both types of programs depend mostly on factors like class size and teacher pay. Any school creating a bilingual program would incur some one-time costs for developing new curriculum, purchasing new instructional materials, training teachers on the new curriculum and materials, and informing parents about the program. These costs, however, would not necessarily be added costs, as schools routinely revise curriculum, purchase new materials, train teachers, and keep parents apprised of important school issues.

Visit <http://www.sos.ca.gov/measure-contributions> for a list of committees primarily formed to support or oppose this measure. Visit <http://www.fppc.ca.gov/transparency/top-contributors/nov-16-gen-v2.html> to access the committee's top 10 contributors.

★ ARGUMENT IN FAVOR OF PROPOSITION 58 ★

PROPOSITION 58 ENSURES ALL STUDENTS CAN ACHIEVE ENGLISH PROFICIENCY AS SOON AS POSSIBLE.

Too many California students are being left behind and not given the opportunity to learn English with the most effective teaching methods possible. This is because of an outdated nearly 20-year-old law, Proposition 227, which restricts the instructional methods school districts can use to teach English.

Proposition 58 revises Proposition 227 to remove these restrictions so schools are able to use the most up-to-date teaching methods possible to help our students learn.

Proposition 58: • Requires local school districts to identify in their annual K–12 Local Control and Accountability Plans the instructional methods they will offer to help ensure all students become proficient in English as rapidly as possible. • Requires schools to offer a structured English immersion program to English learners. But schools also can adopt other language instruction methods based on research and stakeholder input. • School districts must seek input from educators, parents and the community.

PROPOSITION 58 ALSO EXPANDS OPPORTUNITIES FOR ENGLISH SPEAKERS TO LEARN A SECOND LANGUAGE.

Proposition 58 removes barriers hurting students by discouraging schools from expanding multilingual education. Proposition 58 encourages school districts to provide instruction programs so native English speakers can become proficient in a second language:

- School districts must include in their annual K–12 Local Control and Accountability Plans programs giving English-speaking students the opportunity to achieve proficiency in a second language.
- District choices of non-English languages must reflect input from parents, the community and the linguistic and financial resources of schools.
- Research shows that students participating in programs taught in more than one language attain higher levels of academic achievement.

PROPOSITION 58 RESTORES LOCAL CONTROL TO OUR SCHOOLS.

Proposition 58 allows local school districts to choose the most up-to-date language instruction methods to improve student outcomes free from legal restrictions imposed on them by a decades-old law.

PROPOSITION 58 PROVIDES A BETTER FUTURE FOR OUR CHILDREN AND OUR STATE.

The world economy is changing rapidly. Today, technology allows even the smallest businesses to have a global reach. Students proficient in English and a second language will be more employable, start out earning higher wages, and make California's workforce better prepared to compete for jobs in the global economy.

PROPOSITION 58 HAS BROAD-BASED SUPPORT FROM LOCAL SCHOOL DISTRICTS, EDUCATORS, PARENTS AND EMPLOYERS.

Giving local schools the tools they need to improve outcomes for students is not a partisan or political issue. Proposition 58 was placed on the ballot by a bipartisan vote of the legislature. Support for Proposition 58's common sense reforms to improve language instruction in our schools is broad-based and includes: Local school boards (the California School Boards Association), Teachers (the California Language Teachers' Association, the California Teachers Association, the California Federation of Teachers), Parents (California State PTA), and Employers (including the San Jose/Silicon Valley and Los Angeles Chambers of Commerce).

Proposition 58's reforms allow schools to adopt the most up-to-date methods of language instruction to improve student outcomes and make better use of taxpayer dollars.

More information at www.SupportProp58.com.

VOTE YES ON 58.

LENORA LACY BARNES, Senior Vice President
California Federation of Teachers

CHRIS UNGAR, President
California School Boards Association

TANYA ZACCONE, Executive Director
California Language Teachers' Association

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 58 ★

Twenty years ago California schools were forcing hundreds of thousands of children into mandatory Spanish-almost-only classes. Students, their parents, and employers don't want to return to those days, but the bilingual education "lobby" and teacher unions do, and so do the politicians who put Proposition 58 on the ballot.

We are two of the many Legislators who voted against it and urge you to vote NO as well.

In 1998, California voters approved an initiative requiring that children be taught English in our schools, unless their parents disagreed. They did this because children who were not native English speakers were struggling too long in "bilingual" classes and never moving up.

The results have been spectacular. Children are learning English faster than when they were forced into "bilingual programs" that dragged on for years. Because they are learning English faster and at an earlier age, record

numbers of immigrant students are gaining admission to our state colleges and universities.

Those supporting Prop. 58 want to change that because these so-called "language teachers" have jobs in our schools only so long as students stay in bilingual classes. The teachers and their unions benefit, but not the children.

Proposition 58 is not about modernizing the way we teach English, it's about forcing a failed method of English instruction on immigrant children against the wishes of their parents.

Proposition 58 eliminates current parental rights to an English-language education for their children.

Vote NO on this deceptive ballot measure.

SHANNON GROVE, Assemblywoman
Bakersfield

JOEL ANDERSON, Senator
San Diego County

★ ARGUMENT AGAINST PROPOSITION 58 ★

THIS BALLOT MEASURE IS A DISHONEST TRICK BY THE SACRAMENTO POLITICIANS

- The official title of Proposition 58 is “English Language Education.” But it actually REPEALS the requirement the children be taught English in California public schools. It’s all a trick by the Sacramento politicians to fool the voters, who overwhelmingly passed Proposition 227, the “English for the Children” initiative in 1998.
- The worst part of Proposition 58 is hidden away in Section 8, which REPEALS all restrictions on the California Legislature to make future changes. This would allow the Legislature to reestablish SPANISH-ALMOST-ONLY instruction in the public schools by a simple majority vote, once again forcing Latino children into those classes against their parents’ wishes.
- Teaching English in our public schools is overwhelmingly supported by California parents, whether immigrants or non-immigrants, Latinos or Anglos, Asians or Blacks. That’s why the politicians are trying to TRICK the voters by using a DECEPTIVE TITLE.

VOTE NO AND KEEP “ENGLISH FOR THE CHILDREN”—IT WORKS!

- For decades, millions of Latino children were FORCED INTO SPANISH-ALMOST-ONLY CLASSES dishonestly called “bilingual education.” It was an educational disaster and never worked. Many Latinos never learned how to read, write, or even speak English properly.
- But in 1998, California voters overwhelmingly passed Prop. 227—the “English for the Children” initiative—providing sheltered English immersion to immigrant students and requiring that they be taught English as soon as they started school.
- Jaime Escalante

of *Stand and Deliver* fame, one of America’s most successful teachers led the Prop. 227 campaign as Honorary Chairman, rescuing California Latinos from the Spanish-only educational ghetto.

- It worked! Within four years the test scores of over a million immigrant students in California increased by 30%, 50%, or even 100%.
- All the major newspapers, even the national *New York Times*, declared the new English immersion system a huge educational success.
- The former Superintendent of Oceanside Unified School District announced that he’d been wrong about bilingual education for thirty years and became a leading national advocate for English immersion.
- Since “English for the Children” passed, there has been a huge increase in the number of Latinos scoring high enough to gain admission to the prestigious University of California system.
- Prop. 227 worked so well in California schools that the whole issue was forgotten by almost everyone except the bilingual education activists. Now they’re trying to trick the voters into allowing the RESTORATION OF MANDATORY SPANISH-ALMOST-ONLY CLASSES.

Vote NO, keep “English for the Children,” and protect Jaime Escalante’s educational legacy for California’s immigrant schoolchildren.

For more information, visit our website at www.KeepEnglish.org

RON UNZ, Chairman
English for the Children
KENNETH A. NOONAN, Former Superintendent
Oceanside Unified School District

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 58 ★

PROPOSITION 58 ENSURES ALL STUDENTS CAN ACHIEVE ENGLISH PROFICIENCY AS RAPIDLY AS POSSIBLE. PROPOSITION 58 EXPANDS OPPORTUNITIES FOR ENGLISH SPEAKERS TO MASTER A SECOND LANGUAGE.

That’s why Proposition 58 is supported by our state’s leading educators and parent advocates—classroom teachers, the State PTA, school principals and local school board members—and Governor Jerry Brown. PROPOSITION 58 IS NOT A “DISHONEST TRICK.”

Don’t be fooled by opponents’ scare tactics. Prop. 58 is NOT a “trick” to abandon English instruction in favor of “mandatory Spanish-almost-only classes.” Here’s what Prop. 58 actually says:

- School districts must provide their pupils with “effective and appropriate” language acquisition programs “designed to ensure English acquisition as rapidly and as effectively as possible” (Education Code Sections 305(a)(1) and 306(c)).
- “All California school children have the right to be provided with a free public education and an English language public education.” (Education Code Section 320).
- School districts “shall, at a minimum, provide English Learners with a structured English immersion program” (Education Code Section 305(a)(2)).

THE EVIDENCE DOES NOT SUPPORT THE OPPONENTS’ CLAIMS. Opponents claim Proposition 227 was wildly successful, but a comprehensive five-year evaluation by the American Institutes for Research concluded “there is no conclusive evidence” to support their claims.

EDUCATORS AND PARENTS ASK YOU TO REJECT OPPOSITION SCARE TACTICS. Under Prop. 58 local school districts will decide—with input from parents, educators and their communities—the most appropriate language instruction approaches for their students to achieve English proficiency as rapidly as possible and expand opportunities for English speakers to master a second language.

SUPPORT OUR CHILDREN AND OUR SCHOOLS. VOTE YES ON 58.

JUSTINE FISCHER, President
California State PTA
TOM TORLAKSON, State Superintendent of Public Instruction
RALPH GOMEZ PORRAS, President
Association of California School Administrators

(b) If this act is approved by voters but superseded by law by any other conflicting act approved by voters at the same election, and the conflicting ballot act is later held invalid, this act shall be self-executing and given full force and effect.

SEC. 8. Proponent Standing.

Notwithstanding any other provision of law, if the State, government agency, or any of its officials fail to defend the constitutionality of this act, following its approval by the voters, any other government employer, the proponent, or in their absence, any citizen of this State shall have the authority to intervene in any court action challenging the constitutionality of this act for the purpose of defending its constitutionality, whether such action is in any trial court, on appeal, or on discretionary review by the Supreme Court of California or the Supreme Court of the United States. The reasonable fees and costs of defending the action shall be a charge on funds appropriated to the Department of Justice, which shall be satisfied promptly.

SEC. 9. Liberal Construction.

This act shall be liberally construed to effectuate its purposes.

PROPOSITION 58

This law proposed by Senate Bill 1174 of the 2013–2014 Regular Session (Chapter 753, Statutes of 2014) is submitted to the people in accordance with Section 10 of Article II of the California Constitution.

This proposed law amends and repeals sections of the Education Code; therefore, provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. This measure shall be known, and may be cited, as the “California Ed.G.E. Initiative” or “California Education for a Global Economy Initiative.”

SEC. 2. Section 300 of the Education Code is amended to read:

300. The ~~People~~ *people* of California find and declare as follows:

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

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

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

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

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

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

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

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

(~~d~~) (i) *Whereas, The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; California Legislature approved, and the Governor signed, a historic school funding reform that restructured public education funding in a more equitable manner, directs increased resources to improve English language acquisition, and provides local control to school districts, county offices of education, and schools on how to spend funding through the local control funding formula and local control and accountability plans; and*

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

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

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

(~~e~~) (m) *Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age. A large body of research has demonstrated the cognitive, economic, and long-term academic benefits of multilingualism and multiliteracy.*

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

SEC. 3. Section 305 of the Education Code is amended to read:

57

58

305. Subject (a) (1) to the exceptions provided in Article 3 As part of the parent and community engagement process required for the development of a local control and accountability plan pursuant to Article 4.5 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below. 52060) of Chapter 6.1 of Part 28 of Division 4 of Title 2, school districts and county offices of education shall solicit input on, and shall provide to pupils, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as defined in Section 306. This requirement is intended to ensure that all pupils, including English learners and native speakers of English, have access to the core academic content standards, including the English language development standards, as applicable, and become proficient in English pursuant to the state priorities identified in paragraph (2) of subdivision (d) of Section 52060 and of Section 52066.

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

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

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

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

SEC. 4. Section 306 of the Education Code is amended to read:

306. The definitions of the terms used in this article and in Article 3 1 (commencing with Section 310) 300) are as follows:

(a) “English learner” means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child. *pupil who is “limited English proficient” as that term is defined in the federal No Child Left Behind Act of 2001 (20 U.S.C. 7801(25)).*

(b) “English language classroom” means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. *“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) “English language mainstream classroom” means a classroom in which the pupils either are native English language speakers or already have acquired reasonable fluency in English. *“Language acquisition programs” refers to educational programs designed to ensure English acquisition as rapidly and as effectively as possible, and that provide instruction to pupils on the state-adopted academic content standards, including the English language development standards. The language acquisition programs provided to pupils shall be informed by research and shall lead to grade level proficiency and academic achievement in both English and another language. Language acquisition programs may include, but are not limited to, all of the following:*

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

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

(d) (3) “Sheltered English immersion” or “structured English immersion” means an English language acquisition process for young children *Structured English immersion programs for English learners* in which nearly all classroom instruction is provided in English *English*, but with the curriculum and a presentation designed for children *pupils* who are learning the language: *English*.

(e) “Bilingual education/native language instruction” means a language acquisition process for pupils in which much or all instruction, textbooks, and teaching materials are in the child’s native language.

SEC. 5. Section 310 of the Education Code is amended to read:

310. The (a) requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child’s *Parents or legal guardians of pupils enrolled in the school may choose a language acquisition program that best suits their child pursuant to this section. Schools in which the parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said guardians of 30*

59

~~pupils or more per school or the parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which guardians of 20 pupils or more of a given grade level receive a waiver in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a class; otherwise, they must allow the pupils to transfer to a public school in which such a class is offered: program to the extent possible, based upon the requirements of Section 305.~~

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

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

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

~~SEC. 6. Section 311 of the Education Code is repealed. 311. The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:~~

~~(a) Children who already know English: the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his or her grade level or at or above the 5th grade average, whichever is lower; or~~

~~(b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or~~

~~(c) Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.~~

~~SEC. 7. Section 320 of the Education Code is amended to read:~~

~~320. As detailed in Article Section 5 of Article IX of the California Constitution, and Article 2 (commencing with~~

60

~~Section 305) and Article 3 (commencing with Section 310), respectively, all California school children have the right to be provided with an English language public education. If a California school child has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such a free public education and an English language educational option at an available public school to a California school child may be held personally liable for fees and actual damages by the child's parents or legal guardian. public education.~~

~~SEC. 8. Section 335 of the Education Code is amended to read:~~

~~335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the act's purpose passed by a two-thirds majority vote of each house of the Legislature and signed by the Governor.~~

~~SEC. 9. Sections 2 to 8, inclusive, of this act shall become operative on July 1, 2017.~~

PROPOSITION 59

The following advisory question is submitted to the people in accordance with Section 4 of Senate Bill 254 of the 2015–16 Regular Session (Chapter 20, Statutes of 2016).

Advisory Question: “Shall California’s elected officials use all of their constitutional authority, including, but not limited to, proposing and ratifying one or more amendments to the United States Constitution, to overturn *Citizens United v. Federal Election Commission* (2010) 558 U.S. 310, and other applicable judicial precedents, to allow the full regulation or limitation of campaign contributions and spending, to ensure that all citizens, regardless of wealth, may express their views to one another, and to make clear that corporations should not have the same constitutional rights as human beings?”

PROPOSITION 60

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds sections to the Labor Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

The California Safer Sex in the Adult Film Industry Act

The people of the State of California do hereby ordain as follows:

SECTION 1. Title.

This Act shall be known and may be cited as “The California Safer Sex in the Adult Film Industry Act” (the “Act”).

SEC. 2. Findings and Declarations.

The people of the State of California hereby find and declare all of the following:

58