

FactSheet *August 2018*

Proposition 58 Regulations

by Manuel Buenrostro

Introduction

On July 1, 2018, the California Department of Education’s regulations for implementing Proposition 58—also known as the California Education for a Global Economy Initiative—took effect. Proposition 58 was approved by an overwhelming majority of California voters and empowers school districts and county offices of education (COEs) to establish programs for English learners that promote proficiency in multiple languages and leverage students’ home language as an asset.

These regulations are designed to clarify the initiative and to help schools, districts, and COEs implement its provisions. For more information on programs and strategies to support English learners, visit the CSBA English learner webpage at www.csba.org/englishlearners. There you will find several briefs on English learner education, including a [recent brief describing the English Learner Roadmap](#). The Roadmap was designed by practitioners, researchers, and others to help local educational agencies develop and implement effective programs for English learners.

Definitions

The regulations provide key definitions related to English learner instruction:

- » **Designated English Language Development:** Instruction provided at a time set aside during the school day for focused instruction on the English Language Development (ELD) standards. The goal is to assist English learners in developing the English-language skills needed to learn academic content in English.
- » **Integrated English Language Development:** Instruction in which the ELD standards are used

In this fact sheet you will find:

- » **Key definitions;**
- » **Language acquisition program requirements;**
- » **Requirements for updates to annual parent and guardian notifications;**
- » **Guidelines for establishing a process to document and collect requests by parents and guardians to establish a language acquisition program;**
- » **Guidelines for stakeholder engagement in the LCAP process; and**
- » **Questions and resources to support board members.**

alongside the academic content standards. Integrated ELD is based on instructional strategies that ensure that English learners both learn English and access academic content through instruction in English.

- » **Language Acquisition Programs:** Programs designed to ensure that English learners gain English proficiency as rapidly and effectively as possible. These programs provide instruction on the academic content and ELD standards, through both designated and integrated ELD. Programs include those with instruction in English and another language, such as dual language (two-way

immersion), and transitional and developmental programs; and those that do not include another language, such as Structured English Immersion programs. Structured English Immersion programs are those where nearly all instruction is through the English language. All language acquisition programs require teachers who have skills and knowledge that allow them to make academic content accessible to English learners through the English language at the same time that they are learning English.¹

Some of these language acquisition programs can also provide instruction and benefits to native English speakers, such as dual language immersion programs. For more information on the different types of language acquisition programs, see [“English Learners in Focus: Expanding Bilingual Education in California after Proposition 58.”](#)

Requirements for Establishing Language Acquisition Programs

In establishing a language acquisition program, a school district or COE must consult with school staff—including teachers and administrators with the required authorizations to provide or oversee programs and services for English learners—regarding the design and content of the program. In addition, parents and guardians, staff, and other stakeholders must be consulted during the Local Control and Accountability Plan (LCAP) process (see *Stakeholder Engagement in LCAP Process*, page 3).

All language acquisition programs must meet the following program requirements:

- » Be designed using evidence-based research;
- » Include both Designated and Integrated ELD (see *Definitions*, page 1);
- » Be allocated sufficient resources to be effectively implemented (including, but not limited to, certificated teachers with the appropriate authorizations, instructional materials, and professional development), and to provide adequate opportunities for parent and community engagement to support the program goals; and
- » Within a reasonable period of time, lead to:
 - › Grade-level proficiency in English, and, when the program model includes instruction in another language, proficiency in that other language; and
 - › Achievement of the academic content standards in English, and, when the program model includes

instruction in another language, achievement of the academic content standards in that other language.

While, at a minimum, a school district or COE must provide a program of Structured English Immersion for English learners, it may elect to instead provide another language acquisition program. Regardless of the type of program, they must all include Designated and Integrated ELD as previously stated.

Annual Parent and Guardian Notifications

In the annual notices provided to parents and guardians when they enroll their child at the beginning of the academic school year (see Education Code 48980 and 48981), a district or COE must include information on its language acquisition programs, and a description of the process for parents and guardians to request a language acquisition program for their child. This notice must be provided to parents and guardians that enroll their child after the beginning of the school year, and notice may also be provided at additional times throughout the year.

Specific to language acquisition programs for English learners, the notice shall include:

- » A description of the programs provided;
- » Identification of any language to be taught in addition to English, when the program includes instruction in another language;
- » Information about the program requirements (described in the previous section); and
- » The process to request establishment of a language acquisition program not currently offered at the school.

Notifications in Parents’ and Guardians’ Home Language

According to Education Code 48985, if 15 percent or more of the students enrolled in a school speak the same language other than English, then all notices, statements, or records must be sent to the parents and guardians of such students in their primary language (in addition to English). Enrollment data is based on census data submitted to the California Department of Education in the preceding year. This requirement applies to all required and optional notices referenced in this fact sheet.

Parent and Guardian Requests to Establish a Language Acquisition Program

A school district or COE must put a process in place for its schools to receive requests from parents and guardians to establish a language acquisition program that is currently not offered at the school, and to respond to such requests. This process must be followed by each school, even when the school district or COE provides the requested language acquisition program at another school. Such requests must come from parents and guardians of students enrolled in the school or of students who are expected to attend the school the following year.

School Requirements

The school district or COE process must require each school to make a written record of each request—including verbal requests—and keep them for at least three years from the date they were submitted. Schools must also assist parents and guardians in clarifying requests. The written record for each request must include at least:

- » The date of the request;
- » The names of the parent or guardian and student;
- » A general description of the request; and
- » The student's grade level on the date of the request.

Each school shall monitor the number of parent and guardian requests for language acquisition programs on a regular basis and notify the district or county superintendent or designee immediately when the threshold of requests for the same or substantially similar type of language acquisition program is reached. The threshold is parents and guardians of 30 students enrolled in the school or of 20 students in the same grade level enrolled in the school. In addition, requests for a multilingual program from parents and guardians of students who are native English speakers must be considered in the threshold.

School District and County Office of Education Requirements after Threshold

When the threshold for parent and guardian requests specified above is met, the school district or COE must take the following actions:

- » **Within 10 school days, provide a written notification of the requests** for a language acquisition program

to the parents and guardians of students attending the school, the school's teachers and administrators, and the English learner parent advisory committee and parent advisory committee of the school district or COE.

- » **Identify costs and resources necessary** to implement any new language acquisition program, including but not limited to certificated teachers with the appropriate authorizations, instructional materials, professional development for the proposed program, and opportunities for parent and guardian, and community engagement to support the proposed program goals; and
- » **Within 60 calendar days, determine whether implementation of the requested program is possible**, and provide a written notice of this determination to the parents and guardians of students attending the school, and the school's teachers and administrators:
 - » In a decision to implement a language acquisition program at the school, create and publish a reasonable timeline of actions necessary for implementation.
 - » In a determination that it is not possible to implement the requested program, provide a written explanation of the reason(s) the program cannot be provided, and possibly offer an alternate option that can be implemented at the school.

Stakeholder Engagement in LCAP Process

As part of the development of the LCAP and annual updates, a school district or COE must inform and receive input from stakeholders (including parents and guardians, students, teachers, administrators, other school staff, and interested members of the public), the English learner parent advisory committee (if the body is required by law), and the parent advisory committee on its existing language acquisition programs, and the possibility of establishing other programs. The process for informing stakeholders and receiving input may include surveys, forums, and meetings with school advisory committees or other groups representing stakeholders.

In addition, prior to the adoption of an LCAP or update to an LCAP, the school district superintendent or county superintendent must include a written response to the input received from the English learner parent advisory committee and parent advisory committee of the school district or COE.

Questions for Board Members to Consider

1. What are the language acquisition programs for English learners in the district or COE, and do they meet the requirements outlined in these regulations?
2. Do the annual parent and guardian notifications include the newly required information regarding language acquisition programs?
3. What are the procedures in each school for collecting, responding to, and maintaining requests by parents and guardians to establish language acquisition programs?
4. How is stakeholder engagement on language acquisition programs incorporated within the LCAP process?

Resources

CSBA Webpage on English Learners. Includes the “English Learners in Focus” briefs and other resources, available at www.csba.org/englishlearners.

- » [The English Learner Roadmap: Providing Direction for English Learner Success \(2/18\)](#).
- » [Expanding Bilingual Education in California after Proposition 58 \(3/17\)](#).
- » [Ensuring High-Quality Staff for English Learners \(7/16\)](#).
- » [Updated Demographic and Achievement Profile of California’s English Learners \(9/16\)](#).
- » [The Promise of Two-Way Immersion Programs \(9/14\)](#).

GAMUT Online. Includes the following sample policies and administrative regulations for subscribers, available at www.gamutonline.net.

- » [AR 4112.22—Staff Teaching English Language Learners](#)
- » [BP/AR 6174—Education for English Language Learner](#)

CDE Webpage on CA Education for a Global Economy Initiative. Includes the full text of the Proposition 58 regulations (see *Amended California Education Code*), translations in Spanish, and other resources. Available at www.cde.ca.gov/sp/el/er/caedge.asp.

Endnotes

- 1 According to Education Code 305(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.” The Proposition 58 regulations define these opportunities as “language programs.” The regulations require school districts and COEs that offer or propose to offer such programs, to (1) establish a process for schools to receive and respond to input from parents and guardians, and other stakeholders regarding the non-English language in which instruction is provided; (2) inform and receive input from stakeholders on existing language programs, and the possibility of establishing additional language programs, as part of the development of the LCAP and annual updates; and finally, (3) include information about any existing language programs in the annual notices that school districts or COEs provide to parents and guardians at the beginning of the academic school year. Information on language programs must include the language(s) to be taught and may include program goals, methodology, and evidence of effectiveness. The notice must also include a description of the process for parents and guardians to request a language program (note that the process for language programs does not contain the same requirements as that for language acquisition programs).

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