



NATIONAL CONFERENCE
of STATE LEGISLATURES

The Forum for America's Ideas

NATIONAL CONFERENCE OF STATE LEGISLATURES

2013-2014 SELECT ENACTED LEGISLATION FOR ENGLISH LANGUAGE LEARNERS

Examples of enacted legislation from 2013 and 2014 cover a variety of areas for English language learners (ELLs). In all, 49 bills from 24 states and the District of Columbia were located covering topics related to this group. This includes piloting digital technologies to address ELLs' literacy skills in kindergarten through sixth grade in Arizona; reviewing and aligning ELL standards to general education standards in California and Ohio; requiring the use of culturally -relevant practice and programming for ELLs in Minnesota and New York; increasing funding in 10 states and the District of Columbia; adjustments to and comprehensive reporting of annual performance of ELLs in California, Colorado, Connecticut, Florida, Nevada, New Jersey, New Mexico and Virginia; improving assessments to be fair, valid and reliable for ELLs in California, Hawaii, Illinois, New York, Ohio, Rhode Island, Texas and the District of Columbia; and changes to teacher preparation and licensure in Connecticut, Illinois, Minnesota, Oklahoma and Texas.

State/ Jurisdiction	Bill Number	Associated Bills	Author	Year	Summary
Arizona	S 1488		Biggs	2014	Pertains to development of a two-year pilot program using digital technologies to develop language and literacy skills and providing interventions for kindergarten through sixth grade English language learners. Directs the State Board of Education (SBE) to select one educational technology provider and provide all appropriated funds to the selected provider. Directs SBE to provide a report of the program's effectiveness and potential continuation.
California	A 899		Weber	2013	Requires the English language development standards for pupils whose primary language is a language other than English to be comparable in rigor and specificity to the standards for mathematics and science. Requires

State/ Jurisdiction	Bill Number	Associated Bills	Author	Year	Summary
					convening a group of English language acquisition experts (teachers, administrators, researchers) to review the standards and to make recommendations for improving rigor and specificity.
California	S 201		Liu	2013	Provides additional procedures for the superintendent of public instruction to determine which assessments for English language learners meet specified requirements. Authorizes the State Board of Education to adopt basic instructional materials for kindergarten and grades one through eight, inclusive, aligned to standards for language arts and English language development.
California	S 344		Padilla	2013	Adds reclassified English language learners to subgroups required to demonstrate academic performance improvement for purposes of the Academic Performance Index (API) of the specific school. Provides for an English learner parent advisory committee.
California	S 858		Senate Budget and Fiscal Review Committee	2014	Allows the Local Education Provider (LEP) to provide primary language assessments to ELLs in grades two through 11 until an assessment is developed that is aligned to the Common Core State Standards. Also relates to appropriations.
California	S 1174		Lara	2014	Amends and repeals provisions of Proposition 227. Deletes the sheltered English immersion and waiver provisions. Requires school districts and county offices of education to provide English learners with a structured English immersion program. Authorizes parents and legal guardians to choose a program that best suits their child. Requires parent and community input in establishing language acquisition programs. Deletes provisions regarding liability for fees and actual damages for non-implementation.
Colorado	H 1298		Hamner	2014	Creates the “English Language Proficiency Act” to ensure LEPs provide evidence-based English language proficiency programs for ELLs to develop and acquire English language proficiency, while also achieving and maintaining grade-level performance in academic content areas. Requires LEPs to enhance educators’ effectiveness in supporting ELLs’ English language development toward postsecondary and workforce readiness. Details accountability measures and appropriations, including a grant

State/ Jurisdiction	Bill Number	Associated Bills	Author	Year	Summary
					program. Creates the Professional Development and Student Support Program, which will provide \$27 million in funding for ELLs.
Colorado	H 1376		Buckner	2014	Requires the Department of Education to create an annual core course level participation and performance report to identify student opportunity gaps; include information on student participation in each core course level and student proficiency levels on statewide assessments disaggregated by student groups including ethnicity, socio-economic status, English language proficiency, disability and gifted and talented; requires a report to be published on the department's website; and makes an appropriation.
Connecticut	H 6384		Joint Committee on Education	2013	Creates a plan aimed to reduce the misidentification of ELLs for special education services by improving reading assessments and interventions for students in kindergarten to grade three.
Connecticut	S 18		Joint Committee on Higher Education and Employment Enhancement	2014	Pertains to a loan reimbursement program for pre-service teachers specializing in the field of bilingual education or teachers of English to speakers of other languages.
Florida	EO 13- 276			2013	Directs the commissioner to recommend resubmission of the Elementary and Secondary Education Act (ESEA) waiver, making clear Florida will not comply with terms regarding the English Language Learner (ELL) and English as a Second Language (ESOL) student achievement measures in the school accountability system.
Hawaii	SCR 147	SR 107 (Tokuda)	Tokuda	2013	Requests the Board of Education, to create a coalition to address the issue of developing assessments required by the No Child Left Behind Act (NCLB) in the Hawaiian language for Hawaiian language immersion students to more accurately measure academic achievement.
Iowa	SF 2347			2014	Establishes the English Language Literacy Grant Program and appropriates funding directly to districts; requires priority in issuing grants be given to school districts with the highest percentage of students identified as limited English proficient (LEP) or to school districts that have large numbers of

State/ Jurisdiction	Bill Number	Associated Bills	Author	Year	Summary
					students determined to be LEP. A grant may be awarded for a period of up to three years.
Illinois	H 1868	H 490 (Davis)	Unes	2013	Concerns educator licensing; specifically denotes the requirements for transitional bilingual educator and second language acquisition endorsements.
Illinois	H 5160		Durkin	2014	Any student who has been enrolled in a state approved bilingual education program less than three cumulative academic years may take an accommodated limited English proficient student academic content assessment, as determined by the State Board of Education, if the student's lack of English, as determined by an English language proficiency test, would keep the student from understanding the regular state test; provides case-by-case extensions for two years after.
Illinois	H 5330		Chapa-LaVia	2014	Concerns a task force assembled to review standardized testing; appoints one bilingual educator to said task force for the purpose of highlighting the needs and experiences of ELLs.
Illinois	S 2199		Frerichs	2013	Pertains to educator preparation and testing; requires school service personnel prepared by out-of-state programs to meet the same requirements concerning courses in instructional strategies for ELLs as in-state candidates and have completed a minimum of one course in instructional strategies for ELLs.
Illinois	S 3412		Steans	2014	Pertains to the participation of English language learners in the state assessments, exempting those students who have been enrolled in school less than 12 months. Includes appropriations for accommodations and language supports. Prescribes guidelines for assessment development and scoring to be fair, reliable and valid.
Massachusetts	H 3538		Report of Conference Committee	2013	Pertains to funding; the board is to identify the ELL target population for services and demonstrate the capacity of the city to provide data and cooperate with the independent evaluator of the grant program.
Michigan	H 5314	S 80 (Hansen)	Rogers	2014	Pertains to specific appropriations for English language learners through the language acquisition state grant funds.
					Requires Head Start programs to employ culturally -relevant early

State/ Jurisdiction	Bill Number	Associated Bills	Author	Year	Summary
Minnesota	H 2397		Mariani	2014	literacy development approaches, collect literacy data to monitor progress, and provide reading instruction specific to the needs of ELLs. Requires school readiness programs to assess children's language skills to improve program planning and implementation, and ensure teachers are knowledgeable in native and English language development. Also known as the LEAPS (Learning for English Academic Proficiency and Success) Act.
Nevada	S 504		Senate Education Committee	2013	Creates the English Mastery Council; prescribes council membership and duties; requires the board of trustees of each school district to develop a policy for the instruction of English language acquisition to pupils who are limited English proficient; requires certain reports on the achievement and proficiency of such pupils; and requires the Commission on Professional Standards in Education to adopt regulations prescribing an endorsement to teach English as a second language.
New Jersey	A 3334	S 2224 (Ruiz)	Prieto	2014	Pertains to inclusion of the percentage of limited English proficient students on a school's report card.
New Mexico	H 541		Miera	2013	Enacts a new section of the Bilingual Multicultural Education Act to create an advisory council that shall advise the department on implementation of the provisions of the Bilingual Multicultural Education Act and on all matters related to the education of linguistically and culturally diverse students. The council is to consist of 12 members who are proficient in one or more languages other than English.
New York	S 6353		Office of the Governor	2014	Appropriates funding for development of grants related to bilingual education.
New York	S 6356	A 8556	Office of the Governor	2014	Pertains to allowing English language learners to be assessed with a state-administered assessment that measures the English language development of such students rather than the English language arts exam for their first two years of enrollment; also ensures accountability for the performance of such students in appropriate ways.
New York	A 8436		O'Donnell	2014	Relates to vacancies on the Community District Education Council; develops selection procedures for community council members who shall attempt to ensure membership that reflects a representative cross-section of the

State/ Jurisdiction	Bill Number	Associated Bills	Author	Year	Summary
					communities within the school district and diversity of the student population, including parents of students who are ELLs or who are ELLs themselves.
Ohio	H 59		Amstutz	2013	Pertains to the standards required for the instruction of English language learners, closing the achievement gap, and assessment exemptions for ELLs enrolled in U.S. schools less than one year.
Ohio	H 483		Amstutz	2014	Categorizes limited English proficient students into three levels based on language skills and details funding mechanisms for the three levels.
Ohio	H 487		Brenner	2014	Pertains to assessment for limited English proficient students; exempts students enrolled in U.S. schools less than one year from taking statewide test; and details accommodations.
Ohio	S 21		Lehner	2013	Pertains to literacy assessment, retention and promotion; retention will not apply if the student is a limited English proficient student who has been enrolled in U.S. schools for less than three full school years and has had less than three years of instruction in an English as a second language program.
Oklahoma	H 2548		Nelson	2014	Concerns teacher licensure/testing; allows the teacher candidate to complete the competency examination in his or her native language in cases where the teacher candidate is employed or has been offered employment in a foreign language immersion program.
Pennsylvania	H 278		Baker M	2014	Pertains to the budget; details the multiplication factor for determining additional appropriations for English language learners in the education budget.
Pennsylvania	H 1141		Saylor	2013	Pertains to the budget of the English language learner high-incidence supplement calculation.
Pennsylvania	H 1738		O'Neill	2014	Establishes the Basic Education Funding Commission to review and make recommendations related to basic education funding; specifies the identification of English language learner students in districts.
Rhode Island	H 8363	S 2059	Amore	2014	Pertains to testing; removes the New England Common Assessment Program (NECAP) as the state assessment required for graduating from high school because the test disproportionately disadvantages English language learners who suffer most from "summer learning loss."

State/ Jurisdiction	Bill Number	Associated Bills	Author	Year	Summary
South Dakota	S 235		Brown	2013	Pertains to the secretary of the Department of Education, who shall authorize and disburse money from the workforce education fund to fund the state's share of the limited English proficiency adjustment as calculated by §§ 13-13-10.1 and 13-13-73 for state fiscal years 2014, 2015 and 2016.
Texas	19 TAC 101. 1005			2013	Pertains to the exemption of certain qualifying ELL refugees from being administered the state assessments of academic readiness in grades three through eight.
Texas	H 642		Patrick	2013	Requires that continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding educating diverse student populations including students of limited English proficiency, among other topics.
Texas	S 377		Lucio	2013	Relates to the determination of certain exemptions from the administration of state assessment instruments to public school students; unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a U.S. school for that year.
Utah	S 148		Adams	2014	Sets the eligibility for participation in the UPSTART home-based educational technology program at 185 percent of the federal poverty level. Requires the State Board of Education to issue requests for proposals for the program at the end of the pilot period. Requires the board to award grants to contractors based on factors such as results from an independent evaluation, provider experience and program cost. Requires contractors to give priority to children from low-income families and preschool children who are English language learners. Extends the program to 2019.
Virginia	H 5001a	H 5001b	Jones	2014	To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the SOQ Prevention, Intervention, and Remediation account to employ additional ELL teachers to provide instruction to identified LEP students.
Washington	H 1709		Dahlquist	2014	Requires submission of a feasibility study for development of a state foreign

State/ Jurisdiction	Bill Number	Associated Bills	Author	Year	Summary
					language education interpreter training program designed to create a pool of trained interpreters for public schools, including volunteer interpreters; encourages school districts to contract with phone interpretation vendors posted on the Office of Education's website to communicate with parents and guardians with limited English proficiency.
Washington	S 5034		Hill	2013	Relates to funding provided for the addition of instructional hours to help English language learners who have met English proficiency standards and are no longer enrolled in the Transitional Bilingual Instruction Program.
Washington	S 6002		Hill	2014	Details funding for closing the opportunity gap. Specifically, appropriates \$117,000 to convene an English language learner task force that will design a performance-based accountability system for the Transitional Bilingual Instruction Program.
District of Columbia	109		Catania	2013	Pertains to testing integrity; specifies accountability for accommodations for English language learners.
District of Columbia	311		Catania	2014	Authorizes the Office of the State Superintendent of Education to develop and administer student assessments; establishes student promotion criteria, notice requirement, and remedial education requirements for District of Columbia Public Schools; allows the chancellor to develop separate promotion criteria for students who are enrolled in an ELL program or receive special education services.
District of Columbia	849	956	Mendelson	2014	Pertains to additional funding for English language learners using a weighted structure (.49 multiplier).

State Net[®] A LexisNexis[®] Company



HEISING - SIMONS
FOUNDATION

This legislative tracker is made possible by the generous support of the [Heising-Simons Foundation](#)