

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Governing Board intends to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible while facilitating student achievement in the district's regular course of study.

The district shall identify in its local control and accountability plan (LCAP) specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 3100 - Budget)*

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with the state content standards and curriculum framework. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, and assist students in accessing the full educational program.

*(cf. 6011 - Academic Standards)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6171 - Title I Programs)*

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

*(cf. 4112.22 - Staff Teaching English Language Learners)*

The Superintendent or designee shall provide to teachers, administrators, and other school staff research-based professional development that is designed to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. (20 USC 6825)

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The Superintendent or designee shall encourage parent/guardian and community involvement in the development, implementation, and evaluation of English language development programs. In addition, to support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6020 - Parent Involvement)*

## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

### **Identification and Assessment**

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with allowable testing variations in accordance with 5 CCR 853.5 and 853.7. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853.5, 853.7)

*(cf. 6152.51 - State Academic Achievement Tests)*

### **Placement of English Learners**

Students who are English learners shall be educated through "structured English immersion" (also known as "sheltered English immersion"), as defined in law and the accompanying administrative regulation, for a temporary transition period not normally intended to exceed one year. Nearly all of the classroom instruction in the district's structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305-306)

"Nearly all," for the purpose of determining the amount of instruction to be conducted in English, means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

When an English learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education, any district assessments, and/or other criteria adopted by the Board, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is overwhelmingly in English. (Education Code 305-306; 5 CCR 11301)

*(cf. 6162.5 - Student Assessment)*

## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)**

An English learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following:

1. Meeting the level of early advanced or higher overall and intermediate or higher in listening, speaking, reading, and writing as determined by the California English Language Development Test (CELDT).
2. Meeting the ELA Basic Skills requirement
3. Meeting the grade level standards in ELA

At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR 11301)

### **Parental Exception Waivers**

When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code 310-311)

Each waiver request shall be considered on its individual merits with deference given to the parent/guardian's preference for student placement.

A waiver request shall be granted in accordance with law unless the principal and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR 11309)

### **Program Evaluation**

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1

## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)**

4. The achievement of English learners on standards-based tests in core curricular areas
5. Progress toward any other goals for English learners identified in the district's LCAP
6. A comparison of current data with data from at least the previous year.

The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.

### *Legal Reference:*

#### EDUCATION CODE

300-340 *English language education*  
 430-446 *English Learner and Immigrant Pupil Federal Conformity Act*  
 33050 *State Board of Education waiver authority*  
 42238.02-42238.03 *Local control funding formula*  
 44253.1-44253.11 *Qualifications for teaching English learners*  
 48985 *Notices to parents in language other than English*  
 52052 *Academic Performance Index; numerically significant student subgroups*  
 52060-52077 *Local control and accountability plan*  
 52130-52135 *Impacted Languages Act of 1984*  
 52160-52178 *Bilingual Bicultural Act*  
 60200.7 *Suspension of state instructional materials adoptions*  
 60605.87 *Supplemental instructional materials, English language development*  
 60640 *California Assessment of Student Performance and Progress*  
 60810-60812 *Assessment of language development*  
 62005.5 *Continuation of advisory committee after program sunsets*

#### CODE OF REGULATIONS, TITLE 5

853.5-853.7 *Test administration; universal tools, designated supports, and accommodations*  
 11300-11316 *English learner education*  
 11510-11517 *California English Language Development Test*  
UNITED STATES CODE, TITLE 20  
 1701-1705 *Equal Educational Opportunities Act*  
 6312 *Local education agency plans*  
 6801-6871 *Title III, Language instruction for limited English proficient and immigrant students*  
 7012 *Parental notification*

#### COURT DECISIONS

*Valeria G. v. Wilson*, (2002) 307 F.3d 1036  
*California Teachers Association v. State Board of Education et al.*, (9th Circuit, 2001) 271 F.3d 1141  
*McLaughlin v. State Board of Education*, (1999) 75 Cal.App.4th 196  
*Teresa P. et al v. Berkeley Unified School District et al.*, (1989) 724 F.Supp. 698

#### ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 40 (2000)

*Management Resources: (see next page)*

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014*

*California English Language Development Test (CELDT): 2013-14 CELDT Information Guide, 2013*

*English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014*

*English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012*

*Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments*

*U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE*

*Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007*

*WEB SITES*

*California Department of Education: <http://www.cde.ca.gov/sp/el>*

*U.S. Department of Education: <http://www.ed.gov>*

Policy  
adopted:

CSBA MANUAL MAINTENANCE SERVICE  
April 2015

## EXISTING POLICY TO BE REPLACED

The Governing Board intends to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible while facilitating student achievement in the district's regular course of study.

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with state content standards. The district's program shall be based on sound instructional theory and adequately supported in order to assist students in accessing the full educational program.

(cf. [6011](#) - *Academic Standards*)

(cf. [6141](#) - *Curriculum Development and Evaluation*)

(cf. [6161.1](#) - *Selection and Evaluation of Instructional Materials*)

(cf. [6161.11](#) - *Supplementary Instructional Materials*)

(cf. [6171](#) - *Title I Programs*)

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

(cf. [4112.22](#) - *Staff Teaching English Language Learners*)

The Superintendent or designee shall encourage parent and community involvement in the development, implementation, and evaluation of English language development programs.

(cf. [0420](#) - *School Plans/Site Councils*)

(cf. [1220](#) - *Citizen Advisory Committees*)

(cf. [6020](#) - *Parent Involvement*)

### Identification and Assessment

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in administrative regulation.

### Placement of English Learners

Students who are English learners shall be educated through "sheltered English immersion" or "structured English immersion," as defined in law and administrative regulation, during a temporary transition period not normally intended to exceed one year. Nearly all of the classroom instruction in the district's structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code [305-306](#))

For purposes of determining the amount of instruction conducted in English in the structured English immersion classroom, "nearly all" shall be defined as follows:

Instruction in the core curriculum is provided 100 percent of the time in English with the exception of providing clarification, explanation and support as needed in student's primary language.

When an English learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education, any district assessments, and/or other criteria adopted by the Board, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is overwhelmingly in English. (Education Code [305-306](#); 5 CCR [11301](#))

(cf. [6162.5](#) - Student Assessment)

An English learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following:

1. Meeting the level of early advanced or higher overall and intermediate or higher in listening, speaking, reading, and writing as determined by the California English Language Development Test (CELDT).

2. Meeting the level of the midpoint of basic (scale score 325) or higher on the California Standards Test in English/Language Arts.

3. Meeting Report Card levels of:

\* Achieving Grade Level Standards (Level 3) or higher in the areas of Reading Comprehension and Writing Conventions for grade first through fifth.

\* "C" or better in English, Math, Science, and History/Social Science for grade six through twelve.

Parents/Guardians are notified of the student's reclassification meeting and encouraged to participate in the reclassification process.

(cf. [6011](#) - Academic Standards)

(cf. [6162.5](#) - Student Assessment)

(cf. [6171](#) - Title I Programs)

At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR [11301](#))

### Parental Exception Waivers

When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through

bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code [310-311](#))

Each waiver request shall be considered on its individual merits with deference given to parental preference for student placement.

A waiver request shall be granted in accordance with law unless the principal and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR [11309](#))

If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.

#### Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding the progress of English learners towards proficiency in English, the number and percentage of English learners reclassified as fluent English proficient, the number and percentage of English learners who are or are at risk of being classified as long-term English learners, the achievement of English learners on standards-based tests in core curricular areas, and a comparison of current data with data from at least the previous year. The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.