

**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.~~

~~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.~~

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

~~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)~~

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

**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)~~

**Placement of English Learners**

## **Education for English Language 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)~~

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

~~Demonstrated a good working knowledge of English by scoring an overall level of English proficiency of~~  
~~3 Intermediate~~  
~~4 Early Advanced~~  
~~5 Advanced, based on the California English Development Test (CELDT).~~

~~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)~~

## Education for English Language Learners

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

Pursuant to Education Code 313.2, the CDE is required to annually determine the number of students in each district and school who are, or at risk of becoming, long term English learners and to report that information to districts and schools. Definitions of "long term English learner" and "English learner at risk of becoming a long term English learner" are contained in Education Code 313.1. \*\*\*

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:

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
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*

**Education for English Language Learners**

~~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)~~

*The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.*

*\*\*\*Note: Education Code 52060 requires the district's local control and accountability plan (LCAP) to include annual goals and specific actions, aligned to state and local priorities, for all students and for each "numerically significant" student subgroup as defined in Education Code 52052, including English learners; see BP/AR 0460 - Local Control and Accountability Plan. The CDE's Roadmap provides an alignment between principles outlined for English learners and the eight state priority areas required in the district's LCAP.\*\*\**

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

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

**Education for English Language Learners**

*\*\*\*Note: The following paragraph may be revised to reflect district strategies for parent/guardian and community involvement. Education Code 305 requires the district to solicit input on language acquisition programs as part of the parent and community engagement process during the development of the LCAP; see section on "Language Acquisition Programs" below. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, Education Code 52063 requires the establishment of an English learner parent advisory committee to review and comment on the district's LCAP; see the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan.\*\*\**

*The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.*

*(cf. 6020 - Parent Involvement)*

*English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level, integrated across all subject areas, and aligned with the state content standards. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, emphasize inquiry-based learning and critical thinking skills, and provide students with access to the full educational program.*

*(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.*

*\*\*\*Note: The following paragraph reflects a requirement for districts that receive federal Title III funds to improve the education of English learners, and is recommended for use by all districts. 20 USC 6825 lists the required uses of such funds, including the provision of professional development of sufficient intensity and duration to have a positive and lasting impact on teachers' performance in the classroom. Pursuant to 20 USC 6825, such professional development must not include one-day or short-term workshops and conferences.\*\*\**

*The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel 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. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)*

*Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.*

**Education for English Language Learners**

*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.*

*Identification and Assessment*

*The Superintendent or designee shall maintain procedures for the early 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 testing variations in accordance with 5 CCR 854.1-854.3. 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 854.1-854.3)*

*Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.*

*(cf. 6162.5 - Student Assessment)*

*Language Acquisition Programs*

*The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)*

*At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)*

*For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.*

**Education for English Language Learners**

*In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)*

1. *The district may offer a dual-language immersion program that provides 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.*

*(cf. 6142.2 - World/Foreign Language Instruction)*

2. *The district may offer a transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.*

*The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)*

*In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)*

*At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)*

*(cf. 5145.6 - Parental Notifications)*

*Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)*

**Reclassification**

*When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.*

**Education for English Language Learners*****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:*

- 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*
- 4. The achievement of English learners on standards-based tests in core curricular areas*
- 5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309*
- 6. Progress toward any other goals for English learners identified in the district's LCAP*
- 7. A comparison of current data with data from at least the previous year in regard to items #1-6 above*
- 8. A comparison of data between the different language acquisition programs offered by the district*

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

***Legal Reference:******EDUCATION CODE***

*300-340 English language education, especially:*

*305-310 Language acquisition programs*

*313-313.5 Assessment of English proficiency*

*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*

*48980 Parental notifications*

*48985 Notices to parents in language other than English*

*52052 Accountability; numerically significant student subgroups*

*52060-52077 Local control and accountability plan*

*52160-52178 Bilingual Bicultural Act*



**Education for English Language Learners**

56305 *CDE manual on English learners with disabilities*  
60603 *Definition, recently arrived English learner*  
60640 *California Assessment of Student Performance and Progress*  
60810-60812 *Assessment of language development*  
62002.5 *Continuation of advisory committee after program sunsets*  
*CODE OF REGULATIONS, TITLE 5*  
854.1-854.3 *CAASPP and universal tools, designated supports, and accommodations*  
854.9 *CASSPP and unlisted resources for students with disabilities*  
11300-11316 *English learner education*  
11510-11517.5 *California English Language Development Test*  
11517.6-11519.5 *English Language Proficiency Assessments for California*  
*UNITED STATES CODE, TITLE 20*  
1412 *Individuals with Disabilities Education Act; state eligibility*  
1701-1705 *Equal Educational Opportunities Act*  
6311 *Title I state plan*  
6312 *Title I local education agency plans*  
6801-7014 *Title III, language instruction for English learners and immigrant students*  
7801 *Definitions*  
*CODE OF FEDERAL REGULATIONS, TITLE 34*  
100.3 *Discrimination prohibited*  
200.16 *Assessment of English learners*  
*COURT DECISIONS*  
*Valeria O. v. Davis, (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)*