

SERVICES FOR ENGLISH LEARNERS-REVISED

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

1. English learners will acquire full proficiency in English as rapidly and effectively as possible.

(20 USC 1703[f], 6892; EC 300[f], 5 CCR 11302[a])

2. ELs will meet state standards for academic achievement.

(20 USC 1703[f], 6812, 6892; 5 CCR 11302[b]; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989.)

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 shall be adequately supported in order to assist students in accessing the full educational program.

Pursuant to Education Code 60811, the SBE has adopted state academic content standards for English language development for students whose primary language is a language other than English. In November 2012, the SBE approved English language development standards that have been updated to align with the state's Common Core Standards for English language arts as required by Education Code 60811.3, as added by AB 124 (Ch. 605, Statutes of 2012). The standards describe what students should know and be able to do in the early stages of and at exit from each of three proficiency levels: emerging, expanding, and bridging.

To implement these programs, the Board of Trustees will adopt and periodically revise a master plan of services for English learners. The plan will include detailed procedures that address the following:

1. Identification, assessment, and placement
2. Instructional programs
3. Monitoring of student progress and reclassification
4. Staffing and professional growth
5. Parent and community involvement
6. Evaluation and accountability
7. Funding

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 of standards-based tests in core curricular areas, and a comparison of current data with data from at least the previous year. The Superintendent shall ensure that schools compile data on programs for English learners in order to help evaluate program effectiveness. The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.

(cf. 4112.22/4212.22 - Staff Teaching Students of Limited-English Proficiency)
(cf. 6190 - Evaluation of the Instructional Program)

Identification, Assessment, and Placement

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.

Pursuant to 5 CCR 11511, the district must initially administer the California English Language Development Test (CELDT) to any student whose native language is not English and who has not been previously identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test. Once identified as an English learner, the student must continue to be assessed on an annual basis until reclassified based on the CELDT, teacher evaluation, parental opinion and consultation, and performance on a statewide assessment of basic skills or equivalent exam.

At any time during the school year, upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom or setting. (5 CCR 11301)

Reasonable Fluency

The following process is used to identify the most appropriate English learner program for each student. California English Language Development Test (CELDT) results indicate whether the student is reasonably fluent in English or not. The criteria for reasonable fluency in English are the same as the criteria for “Probably English Proficient” as defined in the CELDT Scoring Guide. They include:

1. Student’s overall proficiency level is Early Advanced or higher, **and**
2. Proficiency in each skill area is Intermediate or higher. The skill areas are Listening, Speaking, Reading, and Writing.

Instructional Programs

Structured English Immersion (SEI) Program

If a student is not reasonably fluent in English by the above criteria, then the appropriate placement is the Structured English Immersion program (SEI) as described in the Master Plan of Services for English Learners. The SEI program is designed to be completed in one year. However, students may be re-enrolled in the SEI program if “reasonable fluency” is not attained and the parents consent. SEI is an accelerated program of English language development that provides access to the core offering classes that are designated Integrated English, formally Specially Designed Academic Instruction in English (SDAIE), and use instructional materials designed specifically for English learners. In the SEI classroom, the language of instruction is English. However, clarification, explanation, and support, as needed, may be in a student’s primary language.

English Language Mainstream (ELM) Program

If the student is reasonably fluent in English by the noted criteria, then the appropriate placement is the mainstream English program as described in the Master Plan of Services for English Learners. The student will normally continue in this placement until reclassified. The mainstream English program must include English Language Development (ELD) offered in the English Language Arts classroom and may include the following support services:

- Content instruction using scaffolding techniques
- Tutoring
- Specialized instruction by staff members who are qualified to work with ELs in literacy and language acquisition
- Participation in district assessments, strategic or intensive interventions
- Before and/or after school intervention programs
- Primary language support
- Migrant Education staff support
- Other appropriate services

Alternative Bilingual Program

The Alternative Bilingual Program option offers instruction in the primary language. This program is open to ELs with approved Parental Exception Waivers. An alternative program will be provided at a school when there are 15 or more students with approved Parental Exception Waivers at the same grade level with the same primary language. The district’s intent is to provide a bilingual program for all students with waivers. When there are fewer than 15 students at a grade level with approved waivers, these students may be served through district/site collaborative funding, considering the use of appropriate categorical funds. Any alternative bilingual program offered at a school site must adhere to the features of the Alternative Bilingual Program described in the Master Plan of Services for English Learners.

Reclassification from English Learner to Fluent English Proficient

English learners must meet the following criteria to be reclassified as Fluent English Proficient:

Area	Data Gathered	Reclassification Criterion
English Language Proficiency	Most recent CELDT test	Overall level: Advanced or Early Advanced Listening: Intermediate or higher Speaking: Intermediate or higher Reading: Intermediate or higher Writing: Intermediate or higher
Academic Achievement	High School Exit Examination	Pass CAHSEE in English-Language Arts: 9 th and 10 th grade students: score proficient (380) on the CAHSEE diagnostic exam. 11 th and 12 th grade students: score a passing score, 350 or higher on the CAHSEE.
Teacher Evaluation	ELA Teacher recommendation	ELA teacher verifies that the student is ready for reclassification and is doing well in English.
Parent Consultation	Parent letter	After having reviewed the data and received an appropriate explanation, and participated in discussion (at parent option), the parent agrees that reclassification is appropriate. But the law does not provide parents with a veto over reclassification.

Provisions for EL Special Education students will be made in accordance with other related district policy and as referenced in the Master Plan of Services for English Learners. These procedures will follow the California Department of Education regulations governing the use of variations, accommodations, modifications, or alternate assessment for students with disabilities.

Staffing and Professional Development

The Superintendent or designee ensures that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing. Professional development is provided as described in the Master Plan of Services for English Learners. Teachers hired to work with EL students will satisfy the following requirements:

Type of Instruction	Proper Authorization
ELD	CLAD, BCLAD, SB1969/SB395/AB2913 or equivalent
SDAIE	CLAD, BCLAD, SB1969/SB395/SB2913 or equivalent
Primary Language	BCLAD or equivalent

Parent Involvement

The district and schools will continue to promote parent involvement by providing access to governance through school English Language Advisory Committees (ELAC) and the district level English Language Advisory Committee (DELAC). In addition the district and schools will support parent engagement by offering activities designed to help parents support their child's school success such as is described in the Master Plan of Services for English Learners.

Parental Exception Waivers

Parent/guardian requests for waivers from Education Code 305 shall be granted in accordance with law and administrative regulation as described in the Master Plan of Services for English Learners. Each waiver request shall be considered on its individual merits with deference given to parental preference for student placement.

The principal shall consider all waiver requests made pursuant to Education Code 311(c) (Special Needs). When determining whether or not to recommend the approval of the waiver request, the principal shall assume that the facts justifying the request attested by the parent/guardian are a true representation of the child's condition. All such waiver requests shall be granted unless the principal and educational staff determines that the alternative program requested by the parent/guardian would not be better suited for the overall educational development of the student. (5 CCR 11309, 83 Ops.Cal.Atty.Gen. 40)

When evaluating a waiver request pursuant to Education Code 311(a) for students who already know English and other waiver requests for those students for whom standardized assessment data are not available or appropriate, other equivalent assessment measures shall be used. These equivalent measures may include local assessments, local standards and teacher evaluations and other assessments as allowed for students with disabilities.

If the waiver requested by the parent/guardian is granted, and fewer than 20 students at the same school receive a waiver, or the alternative bilingual program is not currently available at the school, the student shall be allowed to transfer to another public school in which such a class or program is offered. (Education Code 310) Students wishing to transfer shall be subject to the district's intradistrict and interdistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district's interdistrict attendance policies and administrative regulations.

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.

Legal Reference:

EDUCATION CODE

300-340 English language education for immigrant children
430-446 English Learner and Immigrant Pupil Federal Conformity Act
33308.5 CDE guidelines not binding
33050 State Board of Education waiver authority
44253.5-44253.10 Certification for bilingual-cross-cultural competence
48985 Notices to parents in language other than English
51101 Rights of parents to information
51101.1 Rights for parents of English learners
52130-52135 Impacted languages act of 1984
52160-52178 Bilingual Bicultural Act
52180-52186 Bilingual teacher training assistance program
54000-54041 Programs for disadvantaged children
60810-60812 Assessment of language development
60200.7 Suspension of state instructional materials adoptions
60605.87 Supplemental instructional materials, English language development
62001-62005.5 Evaluation and sunseting of programs
62005.5 Continuation of advisory committee after program sunsets

CODE OF REGULATIONS, TITLE 5

4320 Determination of funding to support program to overcome the linguistic difficulties of English learners
11300-11316 English Language 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, (9th Circuit) 2002 U.S. App. Lexis 20956
California Teachers Association et al. 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
Casteneda v. Pickard, (5th Cir. 1981) 648 F.2d 989

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California English Language Department Test (CELDT): 2012-2013 CELDT Information Guide, 2012 CELDT Reporting and Using Individual 2008-09 Results (Section III: Reclassification of English Learners) October 2008

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

Matrix of Test Variations for Administration of California Statewide Assessments for English Learners (October 2007)

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

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

WEB SITES

CDE: <http://www.cde.ca.gov>

CSBA: <http://www.csba.org>

U.S. Department of Education: <http://www.ed.gov>
(10/98 11/02) 11/12

ADOPTED: 10/25/77

REVISION/REDESIGNATION: 5/11/94 (BP 110 - Assistance for Non-English and Limited-English Speaking Students)

Revised: 1/13/99

Revised: 2/26/03

Revised: 3/10/04

Revised: 12/10/08

Revised: 9/09/09

Revised: 6/9/10

Revised: 10/8/14