

La Canada USD

Administrative Regulation

Education For English Language Learners

AR 6174
Instruction

Definitions

English learner, also known as a limited English proficient student, means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English. ~~also known as a limited English proficient or LEP child.~~ (Education Code 306)

English language classroom means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. (Education Code 306)

English language mainstream classroom means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English. (Education Code 306)

Sheltered English immersion (also known as "sheltered English immersion") ~~or structured English immersion~~ means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education Code 306)

Bilingual education/native language instruction means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code 306)

Identification and Assessment

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been 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, shall be assessed for English proficiency using the state's designated English language proficiency test. (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment shall be administered to the student during a

four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The state assessment shall be administered in accordance with test publisher instructions and 5 CCR 11511-11516.7. Variations and accommodations in test administration may be provided pursuant to 5 CCR 11516-11516.7. Any student with a disability shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. If he/she is unable to participate in the assessment or a portion of the assessment with such accommodations, he/she shall be administered an alternate assessment for English language proficiency as set forth in his/her IEP. (5 CCR 11516-11516.7)

Parental Notifications

1. **Assessment Notification:** The district shall notify parents/guardians of their child's results on the state's English language proficiency assessment within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

(cf. 5145.6 - Parental Notifications)

2. **Placement Notification:** At the beginning of each school year, parents/guardians shall be informed of the placement of their child in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)
3. **Title III Notifications:** Each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 440; 20 USC 7012)

~~Within 30 calendar days of their initial enrollment, students who are identified as having a primary language other than English, as determined by the home language survey, and for whom there is no record of results from an English language development test shall be assessed using the California English Language Development Test (CELDT). (5 CCR 11511)~~

~~All students shall have sufficient time to complete the CELDT as provided in the directions for test administration. (5 CCR 11516)~~

~~Any student with a disability shall take the CELDT with those accommodations for testing that~~

~~the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. (5 CCR 11516.5)~~

~~(cf. 6159—Individualized Education Program)~~

~~(cf. 6164.6—Identification and Education under Section 504)~~

~~The district shall notify parents/guardians of their child's results on the CELDT within 30 calendar days. (5 CCR 11511.5)~~

~~Within 90 days of initial enrollment, students identified as having limited English proficiency shall be further assessed for primary language proficiency in comprehension, speaking, reading and writing. The Superintendent or designee shall develop criteria for determining student needs on the basis of these assessments. (former Education Code 52164.1, 62002)~~

~~(cf. 5145.6—Parental Notifications)~~

~~Before students are enrolled in a program for English language learners, parents/guardians shall receive information about the program and their opportunities for parental involvement. This information shall include the fact that an individual student's participation in the program is voluntary on the part of the parent/guardian. (Education Code 52173)~~

~~Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following: (Education Code 440; 20 USC 6312)~~

- a. The reason for the student's classification as English language learner
- b. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
- c. A description of the program for English language development instruction, including a description of all of the following:
 - a. (1) The manner in which the program will meet the educational strengths and needs of the student
 - b. (2) The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards
 - c. (3) The specific exit requirements for the program, the expected rate of transition from the program into classrooms classes not tailored for English language learners, and the expected rate of graduation from secondary school, if applicable students.

- ~~d.~~ (4) Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

~~4.~~

- d. Information regarding a parent/guardian's option to decline to allow the student to ~~become~~ enrolled in the program or to choose to allow the student to ~~become~~ enrolled in an alternative program

- e. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

4. Annual Measurable Objectives Notification: If the district fails to make progress on the annual measurable achievement objectives for English learners established pursuant to 20 USC 6842, the Superintendent or designee shall, within 30 days after such failure occurs, send a notification regarding such failure to the parents/guardians of each student identified for participation in a language instruction educational program supported by Title III funds. (20 USC 7012)

~~Parent/guardians also shall be notified of the results of any reassessments. (Education Code 52164.3)~~

Parental Exception Waivers

~~At the beginning of each school year, parents/guardians shall be informed of the placement of their children in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)~~

A parent/guardian may, by personally visiting the school, request that the district waive the requirements of Education Code 305, pertaining to the placement of a student— his/her child in a structured English immersion program if the one of the following circumstances exists: (Education Code 310-311)

1. ~~Students who already know English:~~ The student already possesses ~~good~~ sufficient English language skills, as measured by standardized tests of English vocabulary comprehension, reading and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower. (Education Code 311(a))
2. ~~Older students:~~ The student is age 10 years or older, and it is the informed belief of the ~~school~~ principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills. ~~(Education Code 311(b))~~
3. ~~Students with special needs:~~ The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the ~~school~~ principal and educational staff that the student

has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development. (~~Education Code 311(e)~~)

The parent/guardian shall personally visit the school to apply for the waiver. (Education Code 310)

Upon request for a waiver, the Superintendent or designee shall provide to the parents/guardians: (~~Education Code 310, 311; 5 CCR 11309~~) with 1.—A a full written description, and, upon request, a spoken description ~~upon request~~, of the intent and content of the structured English immersion program, any alternative courses of study, and all educational opportunities offered by the district and available to the student, and the educational materials to be used in the different educational program choices.2.—For a request for waiver pursuant to item #3 above, ~~Education Code 311(e) for students with special needs, notification~~ the Superintendent or designee shall notify the parent/guardian that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the ~~Superintendent or designee must approve the waiver.~~ waiver must be approved by the Superintendent pursuant to any guidelines established by the Governing Board. (Education Code 310, 311; 5 CCR 11309)

~~Pursuant to Education Code 311(b) and 311(e), the~~ The principal and educational staff may recommend a waiver to a parent/guardian pursuant to item #2 or #3 above. ~~for a student 10 years or older and a student with special needs.~~ Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310. (~~Education Code 311; 5 CCR 11309~~)

When evaluating waiver requests pursuant to item #1 ~~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, other equivalent assessment measures may be used. These equivalent measures may include ~~district standards and assessment and teacher evaluations of such students, local assessments, local standards and teacher evaluations.~~

Parental exception waivers pursuant to ~~item #2 above~~ ~~Education Code 311(b) for students 10 years or older~~ shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)

Parental exception waivers pursuant to ~~Education Code 311(c) for students with special needs~~ ~~item #3 above~~ shall be granted by the Superintendent if it is the informed belief of the principal and educational staff that, due to the student's special physical, emotional, psychological or

educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)

~~The principal shall consider all waiver requests made pursuant to Education Code 311(c) for students with special needs and shall submit a rationale of the decision regarding the waiver to the Superintendent or designee. 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.~~

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

The principal or designee shall act upon all **All** parental exception waivers **shall be acted** upon within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to ~~Education Code 311(c) for students with special needs~~ **item #3 above** shall not be acted upon during the 30-day placement in an English language classroom. ~~These~~ **Such** waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)

~~All parental exception waivers shall be granted unless the principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student. (5 CCR 11309)~~

~~Individual~~ **Any individual** schools in which 20 ~~students~~ or more **students** of a given level at the same school receive a waiver shall ~~be required to offer such a~~ **an alternative** class where the students are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. ~~otherwise~~ **Otherwise, they** ~~must allow~~ the students **shall be allowed** to transfer to a public school in which such a class 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.~~

~~(cf. 5116.1—Intradistrict Open Enrollment)~~

~~(cf. 5117—Interdistrict Attendance)~~

~~(cf. 5117.1—Interdistrict Attendance Agreements)~~

~~(cf. 5117.2—Alternative Interdistrict Attendance Program)~~

In cases where a parental exception waiver pursuant to ~~Education Code 311(b) or (c)~~ **item #2 and #3 above** is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court. (5 CCR 11309)

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

Reclassification/Redesignation

The district shall continue to provide additional and appropriate educational services to English language learners for the purposes of overcoming language barriers until ~~the English language learners have~~ they: (5 CCR 11302)

1. Demonstrated English language proficiency comparable to that of the district's average native English language speakers
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English language learners shall be ~~redesignated~~ **reclassified** as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in ~~the regular program~~ **an English language mainstream classroom** and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The following measures shall be used to determine whether an English language learner shall be reclassified as fluent English proficient: (5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the state's English language proficiency assessment ~~utilizing the CELDT as the primary criterion, and objective assessment of the student's English reading and writing skills~~
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions **related to the student**
3. Parent/guardian opinion and consultation ~~during a redesignation interview~~

~~Parents/guardians shall receive notice and a description of the redesignation process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.~~

The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

- ~~4. Comparison of performance in basic skills, including performance on the English Language Arts section of the California Standards Test~~ **Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level**
- ~~5. Objective data on the student's academic performance in English~~

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least two years following their reclassification to determine whether the student needs any additional academic support to ensure his/her language and academic success.

~~The Superintendent or designee shall provide subsequent monitoring and support for redesignated students, including but not limited to monitoring the performance of redesignated students in the core curriculum in comparison with their native English speaking peers, monitoring the rate of redesignation, and ensuring correct classification and placement.~~

~~The Superintendent or designee shall develop a process to monitor the effectiveness of the district's program for English language learners. The district's program shall be modified as needed to help ensure language and academic success for each English language learner.~~

Advisory Committee

A parent/guardian advisory committees shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. ~~maintained to serve the advisory functions specified in law.~~ (Education Code 52176; 5 CCR 11308)

The district's English language advisory committee shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a district master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures
7. Review of and comments on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

In order to assist advisory members in carrying out their responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

Regulation LA CANADA UNIFIED SCHOOL DISTRICT
Approved: La Canada Flintridge, California