

## Instruction

### Education for English Language Learners

The Governing Board intends to provide English language 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 in order to assist students in accessing the full educational program and achieving the district's academic standards. The district's program shall be based on sound instructional theory and shall be adequately supported so that English language learners can achieve results at the same academic level as their English proficient peers in the 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.

~~The Board encourages staff to exchange information with staff in other districts and the county office of education about programs, options and strategies for English language learners that succeed under various demographic conditions.~~

(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)

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.

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

~~(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)~~

## Identification and Assessment

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment and placement of English language learners and for their redesignation based on criteria adopted by the Board and specified in administrative regulations. Assessment of their proficiency and needs will be 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.~~

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 (CAASPP). 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 language learners shall be educated through "sheltered English immersion" or "structured English immersion" during a temporary transition period not normally intended to exceed one year. Classroom instruction in the district's sheltered 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)

When an English language 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 or any locally developed district assessments and/or using other criteria adopted by the Board, developed by the district, 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; 5 CCR 11301)

(cf. 61262.5 – Student Assessment)

An English language learner has acquired a "reasonable level of English proficiency" when she/she has achieved the following: an overall Early Advanced or Advanced score on the 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.

An English language learner will be reclassified fluent English proficient when he/she has achieved the following:

\* Kindergarten – An Overall Early Advanced or Advanced score or higher on the CELDT. Listening and Speaking CELDT subtest scores must be Intermediate or higher. The individual domain scores for Reading and Writing will not be considered. ELD Progress Report total score of 12 or higher with all sub scores 3 or higher. District Writing Assessment of 3 or higher. Parent consultation and approval.

\* Grade 1 and 2 - An Overall Early Advanced or Advanced score or higher on the CELDT; all S subtest scores must be an Intermediate Early Advanced or Advanced. higher, ELD Progress Report total score of 16 or higher with all sub scores of 4 or higher. score of three or better on the District Writing Assessment of 3 or higher. , Instructional or Independent level on the Informal Reading Inventory, a combined score of 12 or higher (with no Early Intermediate or Beginning scores) on the ELD Progress Report Fountas & Pinnell Independent reading level of J or higher in grade 1. Fountas & Pinnell Independent reading level of M or higher in grade 2. and p Parent consultation and approval.

\* Grade 2 — An Early Advanced or Advanced score on the CELDT with no subtest scores in the Intermediate or Beginning range, a score of three or better on the District Writing Assessment, Instructional or Independent level on the Informal Reading Inventory, a combined score of 16 or higher in Listening, Speaking, Reading and Writing (with no Intermediate or Beginning scores) on the ELD Progress Report and parent approval.

\* Grades 3 –6 - An Overall Early Advanced or Advanced score on the CELDT; all subtests scores must be Early Advanced or Advanced. with no subtest scores in the Intermediate or Beginning range and parent approval. ELD Progress Report total score of 16 or higher. Students must also achieve a score of three or better on the spring District Writing Assessment of 3 or higher, a combined score of 16 or higher in Listening, Speaking, Reading and Writing (with no Intermediate or Beginning scores) on the ELD Progress Report and p Parent consultation and approval.

\*Grades 4-6 – An Overall Early Advanced or Advanced score on the CELDT; all subtests scores must be Early Advanced or Advanced. ELD Progress Report total score of 16 or higher. District Writing Assessment of 3 or higher OR CAASPP Smarter Balanced Achievement Consortium (SBAC) English Language Arts/Literacy (ELA) Achievement Level of Met or Exceeded. Parent consultation and approval.

\* Grades 7-8 9- An Overall Advanced score on the CELDT; all with no subtest scores must be Early Advanced or Advanced. in the Intermediate or Beginning range and parent approval. ELD Progress Report total score of 18 or higher with all sub scores of 4 or 5. Students must also a score

~~of three or four on the ELD Writing Assessment score of 3 or 4. CAASPP SBAC ELA Achievement Level of Met or Exceeded. , a combined score of 18 or higher in Listening, Speaking, Reading and Writing (with no Intermediate or Beginning scores) on the ELD Progress Report and~~ **No semester grades of Ds or Fs in any core classes in grades 7/8. Cumulative weighted Grade Point Average of 2.5 or higher in grade 9. Parent consultation and approval.**

~~\* Grades 9-12 10-11- An Overall Advanced score on the CELDT; all with no subtest scores must be Early Advanced or Advanced. ELD Progress Report total score of 18 or higher with all sub scores of 4 or 5. in the Intermediate or Beginning range and parent approval. Students must also achieve a score of three or four on the ELD Writing Assessment score of 3 or 4. , a combined score of 18 or higher in Listening, Speaking, Reading and Writing (with no Intermediate or Beginning scores) on the ELD Progress Report and a e~~ **Cumulative weighted Grade Point Average of 2.5 or higher. Parent consultation and approval.**

**\*Grade 12 – An Advanced score on the CELDT; all subtest scores must be Early Advanced or Advanced. ELD Progress Report total score of 18 or higher with all sub scores of 4 or 5. CAASPP SBAC ELA Achievement Level of Met or Exceeded. ELD Writing Assessment of 3 or 4 OR Cumulative weighted Grade Point Average of 2.5 or higher. Parent consultation and approval.**

### **Parental Exception Waivers for Bilingual Education**

When allowed by law, the parent/guardian of an English language 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 for the overall to the student's overall educational development of the student.**

### **Program Evaluation**

**To evaluate program effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding: regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English, the progress of students who have been redesignated as fluent English proficient, and the numbers and percentages of students who are at the risk of being classified as long-term English learners.**

- 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 ~~shall annually report these findings to the Board and~~ 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 for immigrant children  
 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  
~~51101-51101.1 Rights of parents to information~~  
 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  
~~52160-52178 Bilingual Bicultural Act~~  
~~52180-52186 Bilingual teacher training assistance program~~  
~~54000-54028 Programs for disadvantaged children~~  
 60200.7 Suspension of state instructional materials adoptions  
 60605.87 Supplemental instructional materials, English language development  
 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 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 (2002) 307 F.3d1036

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

California English Language Development Test (CELDT): ~~2012-2013~~ 2013-2014 CELDT Information Guide, ~~2012~~ 2013

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

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

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

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