

**EDUCATION FOR ENGLISH ~~LANGUAGE~~ LEARNERS**

The Board of Education 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 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 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.

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs 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 district's program shall be based on sound instructional theory and adequately supported in order to 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 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)

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 ~~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 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)

### **Language Acquisition Programs**

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)

*Language acquisition programs* are educational 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. The language acquisition programs provided to students shall be informed by research and shall lead to grade-level proficiency and academic achievement in both English and another language. (Education Code 306)

The district shall offer English learners a structured English immersion program to ensure that English learners have access to the core academic content standards, including the English language development standards, and become proficient in English. 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)

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.

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.

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)

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

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. (Education Code 310)

When an English learner is determined pursuant to 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.

### **Placement of English Learners**

~~Students who are English language learners shall be educated through one of two approaches: "Sheltered English immersion" or "structured English immersion" as defined in law and administrative regulation, shall be provided for English learners during a temporary transition period not normally intended to exceed one year until students move into an English language mainstream program. A dual immersion approach shall also be offered to English learners under the Parental Exception Waiver process noted below. "Nearly all" of the 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)~~

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

~~All classroom instruction will be conducted in English, except for clarification, explanation, and with primary language support provided only as needed.~~

~~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 district developed assessments and using other criteria adopted by the Board, he/she shall be transferred from a structured English immersion program to an English language mainstream program in which the instruction is "overwhelmingly" in English. (Education Code 305-306; 5 CCR 11301)~~

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

- ~~• ——— Early Advanced or Advanced Proficiency Level on the CELDT~~

### **Parental Exception Waivers**

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

~~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, such as dual immersion, 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 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 Superintendent or designee 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 or designee decision shall be final. If the Board hears the appeal, the Superintendent or designee 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.~~

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, 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 Numerically significant student subgroups

52060-52077 Local control and accountability plan

52130-52135 Impacted Languages Act of 1984

52160-52178 Bilingual Bicultural Act

56305 CDE manual on English learners with disabilities

60603 Definition, recently arrived English learner

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

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 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:**

**CSBA PUBLICATIONS**

*English Learners in Focus*, Issue 1: *Updated Demographic and Achievement Profile of California's English Learners*, Governance Brief, rev. September 2016  
*English Learners in Focus*, Issue 3: *Ensuring High-Quality Staff for English Learners*, Governance Brief, July 2016  
*English Learners in Focus*, Issue 2: *The Promise of Two-Way Immersion Programs*, Governance Brief, September 2014

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning*, December 2015  
*Academic Criterion for Reclassification*, CDE Correspondence, August 11, 2014  
*English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve*, 2014  
*Common Core State Standards for Mathematics*, rev. 2013  
*Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve*, 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 PUBLICATIONS**

*Accountability for English Learners Under the ESEA, Non-Regulatory Guidance*, January 2017  
*English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs)*, rev. November 2016  
*English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA)*, Non-Regulatory Guidance, September 23, 2016  
*Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*, January 7, 2015  
*Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students*, May 2007

**WEB SITES**

CSBA: <http://www.csba.org>  
 California Association for Bilingual Education: <http://www.gocabe.org>  
 California Department of Education: <http://www.cde.ca.gov/sp/el>  
 National Clearinghouse for English Language Acquisition: <http://www.ncela.us>  
 U.S. Department of Education: <http://www.ed.gov>

**Policy**

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**revised: May 1, 2014**

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**

**Santa Monica, California**