

# Berkeley USD

## Board Policy

### Education For English Language Learners

BP 6174

#### Instruction

The Governing Board intends to provide English language learners with challenging curriculum and instruction that ~~develop~~ maximize the attainment of high levels of proficiency in English as rapidly and effectively as possible, advance multilingual capabilities, and facilitate student achievement in order to assist students in accessing the full educational program and achieving the district's regular course of study.

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)

(cf. 3100 - Budget)

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

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(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 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, use standards-aligned instructional materials, emphasize inquiry-based learning and critical thinking skills, and provide students with access to the full educational program.

(cf. 6011 - Academic Standards)

~~The Board encourages staff to exchange information with staff in other districts~~ (cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6171 - Title I Programs)

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**Commented [PP1]:** Ed Code (EC) 52060 requires the district's LCAP to include annual goals a specific actions aligned to state and local priorities, for all students and for each "numerically significant" student subgroup, including English learners.

**Commented [PP2]:** EC 305 requires district's to solicit input on language acquisition programs as part of the parent and community engagement process during the development of the LCAP

**Commented [PP3]:** This paragraph was amended/updated to reflect academic standards that were adopted by the State Board of Ed (SBE) in 2012 and 2014

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~~and the county office of education about programs, options and strategies for English language learners that succeed under various demographic conditions.~~

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. ~~4112.22/4212.22~~ - Staff Teaching ~~Students of Limited English Proficiency~~ Learners)

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.

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 early identification, assessment and placement of English language learners and ~~for an assessment of their redesignation~~ 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 adopted by the Board and specified in the accompanying administrative ~~regulations~~ regulation.

~~To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English language~~ 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

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**Commented [PP4]:** Required paragraph specifies that a teacher who is assigned to provide English language development must hold an appropriate authorization from the CTC

**Commented [PP5]:** This 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.

**Commented [PP6]:** Optional paragraph outlining a supportive and collaborative environment for teachers to address the needs of English learners

**Commented [PP7]:** This section was amended to align with Education Code 313 that requires any district that has one or more students who are English learners to assess the English language proficiency of those students using a state assessment designated by the SBE.

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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)

**Commented [PP8]:** The new California Spanish Assessment was became operational in the 2018-19 school year.

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

**Commented [PP9]:** This paragraph was amended to comply with EC 60640 which requires districts to administer the California Assessment of Student Performance and Progress to English learners

(cf. 6162.5 - Student Assessment)

Language Acquisition Programs

**Commented [PP10]: This paragraph is optional.** The CDE's Roadmap highlights the importance of formative assessments in order to continually adapt methodologies and instruction to meet the needs of English learners.

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)

**Commented [PP11]:** This section was added to comply with EC 305-310. Education Code 305-310 authorize parents/guardians to select a language acquisition program that best suits their child. **At a minimum, the district must offer a structured English immersion program.** It also may offer a dual-language immersion program, transitional and developmental program for English learners, or other language acquisition program as defined in Education Code 306. Pursuant to 20 USC 6312 and 34 CFR 100.3, parents/guardians have a right to decline or opt their child out of a language acquisition program. **The following section may be revised to reflect programs offered by the district.**

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)

#### Type of Instruction

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. "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)

The district has defined the term "nearly all" as follows:

Primary language support may be provided to clarify, explain 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.

2. The district may offer a transitional or developmental program for English learners that

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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.

**Commented [PP12]:** This paragraph is optional and may be revised to reflect district practice

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)

**Commented [PP13]:** This paragraph is for use by districts that maintain any of grades K-3

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)

**Commented [PP14]: Required** - Pursuant to 5 CCR 11311, as added by Register 2018, No. 20, districts are required to establish a process with specified components for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school.

#### Reclassification progress

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.

**Commented [PP15]:** This section was added to comply with EC 31

#### 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:

**Commented [PP16]: Required** - This section may be revised to reflect indicators agreed upon by the Governing Board and Superintendent or designee for measuring the effectiveness of the district's educational program for English learners. EC 52061 requires that the annual update of the LCAP include a review of progress toward the goals included in the LCAP, an assessment of the effectiveness of the specific actions described in the LCAP toward achieving the goals, and a description of changes the district will make as a result of this review and assessment.

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1. Progress of English learners towards proficiency in English
2. The number and the progress/percentage of students who have been redesignated 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 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.

~~(cf. 6190 – Evaluation of the Instructional Program)~~

~~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 assessments and using other criteria 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)~~

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

~~—— CELDT broad score of level 4 or 5~~

~~(cf. 6011 – Academic Standards)~~

~~(cf. 6162.5 – Student Assessment)~~

~~(cf. 6171 – Title I Programs)~~

~~Upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom. (5 CCR 11301)~~

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## 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.—~~

~~Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.~~

~~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's 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, especially:~~

~~305-310 Language acquisition programs~~

~~313-313.5 Assessment of English proficiency~~

~~430-446 English Learner and Immigrant Pupil Federal Conformity Act~~

~~33308.5 CDE guidelines not binding~~

~~33050 State Board of Education waiver authority~~

~~42238.02-42238.03 Local control funding formula~~

~~44253.51-44253.10 Certification for bilingual cross-cultural competence~~<sup>11</sup> ~~Qualifications for teaching English learners~~

~~48980 Parental notifications~~

~~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~~

~~52052 Accountability: numerically significant student subgroups~~

~~52060-52077 Local control and accountability plan~~

~~52160-52178 Bilingual Bicultural Act-~~

~~52180-52186 Bilingual teacher training assistance program~~

~~54000-54028 Programs for disadvantaged children~~

~~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~~

~~62001-62005.5 Evaluation and sunseting of programs~~

~~62002.5 Continuation of advisory committee after program sunsets~~

#### CODE OF REGULATIONS, TITLE 5

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~~4320 Determination of funding to support program to overcome the linguistic difficulties of English learners~~

~~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 Language Learner Education/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 Local Title I local education agency plans~~

~~6801-6874.7014 Title III, Language/language instruction for limited English proficient 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 GO. v. Wilson, (9th Circuit) Davis, (2002 U.S. App. Lexis 20956) 307 F.3d 1036~~

~~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:

CSBA PUBLICATIONS

English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018

English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017

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

Guidelines California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for Reclassification of English Learners, September 2002/2018

Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017

Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017

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[Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015](#)

[Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015](#)

[English Language Arts/English Language Development Test, Revised 8/13/04 Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014](#)

[Common Core State Standards for Mathematics, rev. 2013](#)

[English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012](#)

[THE EDUCATION TRUST- WEST PUBLICATIONS](#)

[Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018](#)

[Unlocking Learning: Science as a Lever for English Learner Equity, January 2017](#)

[U.S. DEPARTMENT OF EDUCATION PUBLICATIONS](#)

[Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017](#)

[Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, 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](#)

**WEB SITES**

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

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

[California Association for Bilingual Education: http://www.gocabe.org](http://www.gocabe.org)

[California Department of Education: http://www.cde.ca.gov/sp/el](http://www.cde.ca.gov/sp/el)

[National Clearinghouse for English Language Acquisition: http://www.ncela.us](http://www.ncela.us)

[The Education Trust-West: http://west.edtrust.org](http://west.edtrust.org)

[U.S. Department of Education: http://www.ed.gov](http://www.ed.gov)

Policy \_\_\_\_\_ BERKELEY UNIFIED SCHOOL DISTRICT

~~adopted:~~

Adopted: May 5, 2004 Berkeley, California

Revised: **[insert date adopted by the Board]**

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