



## **Education for English Language Learners Policy**

The Governing Board intends to provide English language learners with a challenging core curriculum and instruction that develop proficiency in English as rapidly and effectively as possible.

The program will 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

The Executive Director or designees shall annually examine program results, including reports of the students' academic achievement and their progress towards proficiency in English. The Site Administrator shall ensure that the school compiles data on programs for English language learners in order to help determine program effectiveness.

The Executive Director or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their designation based on criteria adopted by the Governing Board and specified in administrative procedures.

A student has acquired a reasonable level of English proficiency when the following have been achieved:

Language Proficiency – CELDT Level 4 or 5 Grades K-12 and

Reading Proficiency – “Standard met” or “standard exceeded” on the California Assessment of Student Performance and Progress (CAASPP) in English Language Arts/Literacy or performing at the basic level or higher on all district developed assessments for language arts.

A parent/guardian may appeal the Executive Director's decision to the Governing Board. The Governing Board may consider the matter at its next regular board meeting. The Governing Board may decide not to hear the appeal, in which case the Executive Director's decision shall be final and parents shall be notified. If the Governing Board hears the appeal, the Executive Director shall send the Governing 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

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

52015 Components of school improvement plan

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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

62001-62005.5 Evaluation of sun setting programs

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 11510-11516 California English Language Development test

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

PUBLIC LAW 107-110

1112 Local education agency plans

3001-3141 Title III, Language instruction for limited English proficient and immigrant students

COURT DECISIONS

Valeria G v Wilson, (9<sup>th</sup> Circuit) 2002 U.S. App. Lexis 20956

California Teachers Association et al. v. State Board of Education et al., (1989) 724 F. Supp. 698

Casteneda v. Pickard, (5<sup>th</sup> Cir. 1981) 648 Scup. 698

Attorney General Opinions

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

Management Resources:

California Department of Educational Publications

Guidelines for Reclassification of English Learners, September 2002

Accommodations for the California English Language Development Test, Revised 8/13/01

WEB SITES

CDE: [www.cde.ca.gov](http://www.cde.ca.gov) CSBA: [www.csba.org](http://www.csba.org)

All students shall be taught in English. Students who are English language learners shall be educated through specially designed academic instruction in English which may include personalized individual instructional methods and curriculum materials.

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## Definitions

The definitions of the terms used in Education Code 300-430 are as follows: (Education Code 306)

“English language learner” means a child 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 Limited English Proficient or LEP child.

“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.

## Initial Identification, Parent Notification and Placement

Upon enrollment, each student’s primary language shall be determined through the use of a home language survey. Within 30 calendar days of initial enrollment, students who are identified as having a primary language other than English, 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). 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.

Within 90 days of initial enrollment, students identified as having limited English proficiency may be further assessed for primary language proficiency in comprehension and speaking (for grades K-12) and in reading and writing (for grades 2-12) using the IPT Spanish for Spanish-speakers and the Student Oral Language Observation Matrix (SOLOM) for other languages (Education Code 52164.1, 62002)

When students are designated as English language learners, parent/guardians shall receive information about the process 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)

Placement guidelines are as follows: Students who are classified as English Language Learners (per the CELDT testing) will receive specially designed academic instruction in English and teachers may personalize or modify curricular materials for these students. Those with Early Advanced or Advanced (per the CELDT testing) will be considered for Reclassification.

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; P.L. 107-110, Section 1112)

The reason for the student’s classification as an English language learner.

The level of English proficiency.

A description of the program for English language development instruction, including a description of all of the following:

The manner in which the program will meet the education strengths and needs of the student.

The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards.

The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learners.

Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP.

All educational opportunities offered by the district and available to the student.

The educational materials to be used in the different educational program choices.

Upon request of the parent/guardian, a spoken explanation of items #1-4 above shall also be provided. (5 CCR 11303 g)

A parent/guardian may request that the district waive the requirements of Education Code 305 if one of the following circumstances exists: (Education Code 310, 311)

Students who already know English: the student already possesses good 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.

Older students: the student is age 10 years or older, and it is the informed belief of the school principal and educational staff that alternate course of study would be better suited to the student's rapid acquisition of basic English skills.

Students with special needs: the student already has been placed for a period of not less than 30 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 that an alternate course of educational study would be better suited to the student's overall educational development.

#### Re-designation/Reclassification

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

Demonstrated English language proficiency comparable to that of the district's average native English language speakers.

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 re-designated as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in the regular program and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language in English.

This proficiency shall be assessed by means of the following criteria: (Education Code 52164.6)

Assessment of English language proficiency, utilizing the California English Language Development Test as the primary criterion; students will score at the Early Advanced or Advanced level overall with all domains Intermediate or above.

Objective assessment of the student's English language arts skills, as measured on the CAASPP. Students will meet or exceed standard.

Parental opinion during a re-designation interview Parents/guardians shall receive notice and a description of the re-designation process, including notice of their right to participate in the process.

Objective data on the student's academic performance in English.

Teacher input.

The Executive Director or designee shall provide subsequent monitoring and support for re-designated students, including but not limited to, monitoring the performance of re-designated students in the core curriculum for two years subsequent to their re-designation. The rate of re-designation shall also be monitored annually.

The Executive Director 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.

Development of a plan to ensure compliance with applicable teacher or aide requirements.

Administration of the language census.

Review of and comment on the written notification of initial enrollment as required in 5CCR 11300-11316.

.Review and comment on the district's reclassification procedures.

The Executive Director or designee shall ensure that committee members receive appropriate training and materials to help the members carry out their responsibilities. This training shall be planned in full consultation with the members.