

**STAFF TEACHING ENGLISH LEARNERS**

*Definitions*

English learner means a student is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

Instruction for English language development (ELD) means instruction designed specifically for English learners to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

Specially designed academic instruction in English (SDAIE) means instruction in a subject area, delivered in English that is specially designed to meet the needs of English learners. (Education Code 44253.2)

Primary language instruction includes both primary language development designed to develop English learners' listening, speaking, reading, and writing skills in their primary language and content instruction delivered in the primary language in any subject area. (Education Code 44253.2)

**Teacher Qualifications**

Only a teacher who possesses an appropriate authorization issued by the Commission on Teacher Credentialing (CTC) shall provide ELD, SDAIE, and/or primary language instruction in a class with one or more English learners.

The district may, for the purpose of providing primary language instruction, hire bilingual teachers who are employed in public or private schools of a foreign country, state, territory, or possession, provided such teachers speak English fluently and hold the necessary sojourn credential issued by the CTC. After the initial two-year sojourn credential expires, the teacher may annually apply to the CTC for an extension for a total period of not more than five years. Any application for renewal shall include verification by the Superintendent or designee that termination of the employment would adversely affect an existing bilingual program and that attempts to secure the employment of a qualified certificated California teacher have been unsuccessful. (Education Code 44856)

**STAFF TEACHING ENGLISH LEARNERS**

Legal Reference:

EDUCATION CODE

306	Definition, English learner
44253.1-44253.11	Certification for bilingual-crosscultural competence
44258.9	County superintendent review of teacher assignments
44259.5	Standards for teachers of all students, including English language learners
44380-44386	Alternative certification
44856	Employment of teachers from foreign countries
52160-52178	Bilingual-Bicultural Act of 1976
62001-62005. 5	Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

80015	Requirements for the CLAD certification or English learner authorization
80015.1-80015.4	Requirements for CLAD, English learner authorization or bilingual authorization
80021	Short-Term Staff Permit
80021.1	Provisional Internship Program
80024.7-80024.8	Emergency CLAD and bilingual permits

UNITED STATES CODE, TITLE 20

6601-6651	Training and recruiting high-quality teachers
6801-7014	Language instruction for English learners and immigrant students
7801	Definitions, highly qualified teacher

COURT DECISIONS

Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698

TUSD Adopted: 1/28/97

TUSD Revised: 1/24/2012

TUSD Revised: 08.22.17