

### Education for English Learners

The Board of Trustees intends to provide English learners with a challenging curriculum and instruction that develops proficiency in English as rapidly and effectively as possible while facilitating student achievement in the district's regular course of study.

1. English learners will acquire full proficiency in English as rapidly and effectively as possible. (20 USC 1703[f]. 6892; EC 300[f]. 5 CCR 11302[a])
2. ELs will meet state standards for academic achievement. (20 USC 1703[f]. 6812, 6892; 5 CCR 11302[b]; *Castaneda v. Pickard* [5<sup>th</sup> Cir. 1981] 648 F.2d 989.)

English learners shall be provided differentiated English Language Development instruction targeted to their English proficiency level and aligned with state content standards. The district's program shall be based on sound instructional theory, emphasize inquiry-based learning and critical thinking skills, be integrated across all subject areas and shall be adequately supported in order to assist students in accessing the full educational program.

Pursuant to Education Code 60811, the SBE has adopted state academic content standards for English language development for students whose primary language is a language other than English. In November 2012, the SBE approved English language development standards that have been updated to align with the state's Common Core Standards for English language arts as required by Education Code 60811.3, as added by AB 124 (Ch. 605, Statutes of 2012). The standards describe what students should know and be able to do in the early stages of and at exit from each of three proficiency levels: emerging, expanding, and bridging.

No high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 6081 LB)

I. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-social science, courses required to meet state and local high school graduation requirements.

However, an English learner may be denied participation in any such course if the student has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students, and the course of study provided to the student is designed to remedy academic deficits incurred during participation and to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

A full course load of courses specified in item #I above

Other courses that meet the "a-g" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

(cf. 0415 - Equity)  
(cf. 6141.4 - International Baccalaureate Program) (cf. 6141.5 - Advanced Placement)

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)

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To implement these programs, the Board of Trustees will adopt and periodically revise a master plan of services for English learners. The plan includes detailed procedures that address the following:

1. Identification, assessment, and placement
2. Instructional programs
3. Monitoring of student progress and reclassification
4. Staffing and professional growth
5. Parent and community involvement
6. Evaluation and accountability
7. Funding

#### 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:

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 of 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 shall ensure that schools compile data on programs for English learners in order to help evaluate program effectiveness.

The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.

(cf. 4112.22/4212.22 - Teaching Students of Limited English Proficiency)

(cf. 6190 - Evaluation of the Instructional Program)

## Identification, Assessment, and Placement

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners. The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the state's English Language Proficiency Assessments for California (ELPAC). The ELPAC assesses the students' in English and needs in the areas of listening, speaking, reading, and writing in English. To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11S 18.40-11S 18.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.

In addition, 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 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; SCCR 854.1-854.3) {cf. 6162.51 - State Academic Achievement Tests)

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

(cf. 6162.5 - Student Assessment)

At any time during the school year, upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom or setting. (5 CCR 11301)

## Assessment and Placement

The following process is used to identify the most appropriate English learner program for each student. The English Language Proficiency Assessments for California (ELPAC) results indicate whether the student is reasonably fluent in English or not. The ELPAC satisfies the federal law which requires a statewide English language proficiency (ELP) test that local educational agencies (LEAs) must administer to: (1) newly enrolled students whose primary language is not English, as an initial assessment; and (2) students who are English learners (ELs) who have not been reclassified as fluent English proficient (RFEP), as a summative assessment. The initial ELPAC identifies students who are ELs, or initial fluent English proficient. The summative ELPAC assesses the progress of ELs in acquiring the skills of listening, speaking, reading, and writing in English.

## Language Acquisition Programs

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)

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. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305) (cf. 5145.6 - Parental Notifications)

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians 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)

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)

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)

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)

### Structured English Immersion (SEI) Program

If a student is not reasonably fluent in English by the above criteria, then the appropriate placement is the Structured English Immersion program (SEI) as described in the Master Plan of Services for English Learners. The SEI program is designed to be completed in one year. However, students may be re-enrolled in the SEI program if "reasonable fluency" is not attained and the parent or guardian consent. SEI is an accelerated program of English language development that provides access to the core offering classes that are designated Integrated English, formally Specially Designed Academic Instruction in English (SDAIE), and use instructional materials designed specifically for English learners. In the SEI classroom, the language of instruction is English. However, clarification, explanation, and support, as needed, may be in a student's primary language.

## English Language Mainstream (ELM) Program

If the student is reasonably fluent in English by the noted criteria, then the appropriate placement is the mainstream English program as described in the Master Plan of Services for English Learners. The student will normally continue in this placement until reclassified. The mainstream English program must include English Language Development (ELD) in all content classrooms. -Additional supports include the following services:

- Content instruction using scaffolding techniques Tutoring
- Specialized instruction by staff members who are qualified to work with Els in literacy and language acquisition
- Participation in district assessments, strategic or intensive interventions
- Before and/or after school intervention programs
- Primary language support
- Other appropriate services

## Dual-Language Immersion Program

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

(cf. 6142.2 - World Language Instruction)

## Heritage Language Program

Language acquisition program for English learners that provides instruction to pupils utilizing English and a pupil's native language for literacy and academic instruction, enabling non-English speakers or students who have weak literacy skills in their native language to achieve language proficiency and meet academic achievement goals.

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## Reclassification from English Learner to Fluent English Proficient

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.

English learners must meet the following criteria to be reclassified as Fluent English Proficient:

### Exit (Reclassification) Criteria (20 U.S.C. Section 6312[e][3][A][vi])

The goal of language acquisition programs is for students to become proficient in English as rapidly as possible and to meet state academic achievement measures. OUHSD's exit (reclassification) criteria are listed below.

Required Criteria (California <i>Education Code</i> Section 313[f])	Local Educational Agency (LEA) Criteria
English Language Proficiency Assessment	<p>9<sup>th</sup> grade, Overall Level 4 (1606 or better) well-developed on ELPAC Summative</p> <p>10<sup>th</sup> grade, Overall Level 4 score of (1606 or better) well- developed on ELPAC Summative</p> <p>11<sup>th</sup> grade, Overall Level 4 score (1615 or better) well- developed on ELPAC Summative</p> <p>12<sup>th</sup> grade, Overall Level 4 score (1615 or better) well- developed on ELPAC Summative</p>
Teacher Evaluation	Teacher evaluation including, but not limited to, a review of the student's curriculum mastery through summative and normative assessments in comparison to their English Only (EO) peers that includes listening, reading, writing and speaking assignments.
Parental Opinion and Consultation	Notify parents or guardians of their rights and encourage them to participate in the reclassification process via letter, telephone call, virtual or face-to-face meeting.
Comparison of Performance in Basic Skills	California Assessment of Student Performance and Progress (CAASPP), Interim Assessment (IA) with a score of 2 or better, grades 9-12. The assessment is administered by all English teachers with the exception of ELD 101.
Optional	Based on an annual academic review, the English Language Response Team (ELRT) will make recommendations on students ready to be reclassified.

## Assessing Students with Disabilities Federal Guidance for Learners with Disabilities

In accordance with the ED guidance issued in July 2014, the ED requires that all ELs with disabilities participate in the state's ELP assessment.

Federal law requires that all ELs with disabilities participate in the state ELP assessment in the following ways, as determined by the IEP team:

- In the regular state ELP assessment without universal tools, designated supports, and accommodations
- In the regular state ELP assessment with universal tools, designated supports, and accommodations determined by the IEP team or Section 504 team
- In an alternate assessment aligned with the state's ELD standards, if the IEP team determines that the student is unable to participate in the regular ELP assessment with or without universal tools, designated supports, and accommodations

### **Staffing and Professional Development**

The Superintendent or designee ensures that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing. Professional development is provided as described in the Master Plan of Services for English Learners. (cf. 4112.22 - Staff Teaching English 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)

(cf. 4131 – Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

### **Parent Involvement**

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

The district and schools will continue to promote parent involvement by providing access to governance through school English Language Advisory Committees (ELAC) and the district level English Language Advisory Committee (DELAC). In addition the district and schools will support parent engagement by offering activities designed to help parents support their child's school success such as is described in the Master Plan of Services for English Learners.



## 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  
33050 State Board of Education waiver authority  
44253.5-44253.10 Certification for bilingual-cross-cultural competence 48985 Notices to parents in language other than English  
51 IO I Rights of parents to information  
5110 I.I Rights for parents of English learners  
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  
60200.7 Suspension of state instructional materials adoptions  
60605.87 Supplemental instructional materials, English language development  
62001-62005.5 Evaluation and sunseting of programs  
62005.5 Continuation of advisory committee after program sunsets

### CODE OF REGULATIONS, TITLE 5

11300-11316 English Language Learner Education  
854.1-854.3 CAASPP and universal tools, designated supports, and accommodations  
854.9 CASSPP and unlisted resources for students with disabilities  
11517.6-11519.5 English Language Proficiency Assessments for California

### UNITED STATES CODE. TITLE 20

1701-1705 Equal Educational Opportunities Act 6312 local education agency plans  
6801-6871 Title HI, Language instruction for limited English proficient and immigrant students 7012 Parental notification  
1412 Individuals with Disabilities Education Act; state eligibility  
6311 Title I state plan  
6312 Title I local education agency plans  
7801 Definitions

### COURT DECISIONS

Valeria G. v. Wilson, (9th Circuit) 2002 U.S. App. Lexis 20956  
California Teachers Association et al. v. State Board of Education et al., (9th Circuit, 200 I ) 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  
Castaneda 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 I: 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:

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

#### U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE

Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007

California Practitioners' Guide for Educating English Learners with Disabilities, 2019

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learner 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

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 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 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

WEBSITES

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

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

U.S. Department of Education <http://www.ed.gov> (10/98. 11/02)

11/12

California Association for Bilingual Education: <http://www.gocabe.org>

National Clearinghouse for English Language Acquisition <http://www.ncele.us>

The Education Trust-West: <http://west.edtrust.org>

ADOPTED 10/25/77

REVISION/REDESIGNATION: 5/11/94 (BP 110 - Assistance for Non-English and Limited-English Speaking Students) Revised 1/13/99

Revised: 2/26/03

Revised: 3/10/04

Revised: 12/10/08

Revised: 9/09/09

Revised: 6/9/10

Revised: 10/8/14

**Revised: 3/13/2019**