

SERVICES FOR ENGLISH LEARNERS-REVISED

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.

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])

ELs will meet state standards for academic achievement.

(20 USC 1703[f], 6812, 6892; 5 CCR 11302[b]; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989.)

English learners shall be provided 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 area 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 middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. 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, or courses required for middle school grade promotion

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.

2. A full course load of courses specified in item #1 above
3. 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.

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. 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.

To implement these programs, the Board of Trustees will adopt and periodically revise a master plan of services for English learners. The plan will include 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 - Staff Teaching Students of Limited-English Proficiency)

(cf. 6190 - Evaluation of the Instructional Program)

Identification, Assessment, and Placement

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). 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 11518.40-11518.45.

Once identified as an English learner, the student must continue to be assessed on an annual basis until 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; 5 CCR 854.1-854.3)

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

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)

Language Acquisition Programs

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)

Structured English Immersion (SEI) Program

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)

Placement in the Structured English Immersion program (SEI) is 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. 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. 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. 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. A transitional or developmental program for English learners that 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

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)

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)

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)

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) offered in the English Language Arts classroom and may include the following support 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
- Migrant Education staff support
- Other appropriate services

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.

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. Re-designated or Reclassified Fluent-English-Proficient (R-FEP): An English learner (EL) student that has successfully met multiple criteria, standards, and procedures adopted by the district and demonstrate by being re-designated that they have an English language proficiency comparable to that of average native English Only (EO) speakers.

Required Criteria (California Education Code Section 313[f])	OUHSD Exit Criteria
English Language Proficiency Assessment (ELPAC)	9 th grade, Overall Level 4 (1606 or better) well-developed on ELPAC Summative 10 th grade, Overall Level 4 score of (1606 or better) well- developed on ELPAC Summative 11 th grade, Overall Level 4 score (1615 or better) well- developed on ELPAC Summative 12 th grade, Overall Level 4 score (1615 or better) well- developed on ELPAC Summative
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 recommend students ready to be reclassified to administration.

Assessing OUHSD Students with Disabilities
Federal Guidance for Learners with Disabilities

Provisions for EL Special Education students will be made in accordance with other related district policy and as referenced in the Master Plan of Services for English Learners. These procedures will follow the California Department of Education regulations governing the use of variations, accommodations, modifications, or alternate assessment for students 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

Staff Qualifications 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.

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.

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
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
44253.5-44253.10 Certification for bilingual-cross-cultural competence
48985 Notices to parents in language other than English
48980 Parent/Guardian notifications
52052 Accountability; numerically significant student subgroups
52060-52077 Local control and accountability plan
52160-52178 Bilingual Bicultural Act
56305 CDE manual on English learners with disabilities
60603 Definition, recently arrived English learner
60640 California Assessment of Student Performance and Progress
60605.87 Supplemental instructional materials, English language development
62005.5 Continuation of advisory committee after program sunsets

FEDERAL CODE

20 USC 1412 State eligibility
20 USC 1701-1705 Equal Educational Opportunities Act
20 USC 6311 State plan
20 USC 6312 Local educational agency plan
20 USC 6801-7014 Limited English proficient and immigrant students
20 USC 7801 Definition of English learner
34 CFR 100.3 Discrimination prohibited
34 CFR 200.16 Assessment of English learners

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
11510-11517 California English Language Development Test
5 CCR 11517.6-11519.5 English Language Proficiency Assessments for California
5 CCR 854.1-854.3 CAASPP and universal tools, designated supports, and accommodations
5 CCR 854.9 CAASPP and unlisted resources for students with disabilities

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act
6312 Local education agency plans
6801-6871 Title III, Language instruction for limited English proficient and immigrant students
7012 Parental notification

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015

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

Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018

Common Core State Standards for Mathematics, rev. 2013

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

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

English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve

CSBA Publications

English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. Sep 2016

English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016

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

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

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

The Education Trust- West Publication

Unlocking Learning: Science as a Lever for English Learner Equity, January 2017

Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018

U.S. Department of Education Publication

English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by Every Student Succeeds Act (ESSA)

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

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

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

WEB SITES

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

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

U.S. Department of Education: <http://www.ed.gov> (10/98 11/02) 11/12

National Clearinghouse for English Language Acquisition

The Education Trust-West

California Department of Education, English Learners

California Association for Bilingual Education

COURT DECISIONS

Valeria O. v. Wilson, (9th Circuit) 2002 U.S. App. Lexis 20956

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

Castaneda v. Pickard, (5th Cir. 1981) 648 F.2d 989

ATTORNEY GENERAL OPINIONS

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

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