Instruction

# EDUCATION FOR ENGLISH LEARNERS

## Definition

English Learner (EL) means a student who 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 EL 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)

Native speaker of English means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication. (Education Code 306)

The District shall offer the following language acquisition instructional programs and language acquisition services for ELs:

Structured English Immersion is an instructional service for ELs in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English. (Education Code 306)

The Dual Language Immersion Instructional Program 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.

## Identification and Assessment

Upon enrollment in the District, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

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Any student who is identified as having a primary language other than English, as determined by the home language survey, and who has not previously been identified as an EL by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English proficiency using the state's designated English language proficiency test for initial identification. (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an EL and until he/she is reclassified as fluent English proficient (R-FEP), the summative assessment of the state's designated English language proficiency test shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The state assessment shall be administered in accordance with test publisher instructions and 5 CCR 11511-11516.6. Variations and accommodations in test administration may be provided to ELs pursuant to 5 CCR 11516-11516.6.

Any student with a disability who is identified as an EL shall be allowed to take the assessment 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. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR 11516 - 11516.7; 20 USC 1412)

*(cf. 6159 - IEP)*
*(cf. 6164.6 - Identification and Education Under Section 504)*

The Superintendent/designee shall notify parents/guardians of their child's results on the state's English language proficiency assessment within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

The parent/guardian of a student participating in, or identified for participation in, services for ELs as supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year. If the student is identified as EL during the school year, within two weeks of

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the student's identification, parents shall be notified. The notice shall include all of the following: (Education Code 440; 20 USC 6312)

1. The reason for the identification of the student as an EL and the need for a language acquisition instructional program and EL services.

2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement.

3. A description of the language acquisition instructional program or services for ELs in which the student is, or will be, participating, including a description of all the following:

   a. The methods of instruction used in addressing the language and academic needs of the student, including how such programs and services differ in content, instructional goals, and the use of English and a native language in instruction.

   b. The manner in which the program and services will meet the educational strengths and needs of the student.

   c. The manner in which the program and services will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation.

   d. The specific exit requirements for reclassification and the expected rate of graduation from secondary school if applicable.

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

4. Information about the parent/guardian's right to have the student immediately removed from a program and/or services upon the parent/guardian's request.

5. Information regarding a parent/guardian's option to decline to enroll the student in the program and/or services or to choose another method of instruction, if available.

6. Information designed to assist a parent/guardian in selecting among available programs or services, if more than one program or method is offered.

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Regardless of the language acquisition instructional program, all ELs will receive Structured English Immersion services through daily Integrated and Designated English Language Development.

Reclassification/Redesignation

The District shall continue to provide additional and appropriate educational services to ELs for the purposes of overcoming language barriers until the ELs have: (5 CCR 11302)

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

2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers.

ELs in Grades K-12 shall be R-FEP when they are able to comprehend, speak, read, and write English well enough to receive instruction in English and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The measures used to determine whether an EL in Grades K-12 shall be R-FEP shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using the English Language Proficiency Assessments for California (ELPAC).

Summative ELPAC K-12: Overall Proficiency Level 4
Summative Alternate ELPAC K-12: Overall Proficiency Level 3

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching decisions related to the student.

Summative ELPAC: Teacher agrees that the student is performing successfully in all academic areas and is at the Bridging level on the English Language Development Report Card.

Summative Alternate ELPAC: The teacher has identified that the student has performed at least at an Overall Level 4 (substantial progress) out of the 5 possible levels of student progress towards their IEP goals.

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3. Parent/guardian opinion and consultation. Parent/guardian agrees that reclassification is appropriate. The Superintendent/designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level.

Summative ELPAC:

The District shall use the California Assessment of Student Performance and Progress (CAASPP) and/or a Locally Determined Assessment.

Grade K-1 District Approved Assessment
Minimum expectation and above for grade level.

Grades 2-12 District Approved Assessment
Minimum expectation and above for grade level.

Grades 3-8 and 11 CAASPP – English Language Arts
Midpoint of Standard Nearly Met and above for grade level

Summative Alternate ELPAC:

In grades K-2, the multidisciplinary IEP team identifies a local assessment to determine whether the student has reached the level of proficiency to meet the academic achievement goals. The performance range and/or level selected by the team corresponds to English only students with similar disabilities in the grade or grade span and shall be in alignment with the student's IEP goals.

In Grades 3-8 and 11, the multidisciplinary IEP team identifies a local assessment or state alternate assessment (California Alternate Assessment English Language Arts) to determine whether the student has reached the level of proficiency to meet the academic achievement goals. The performance range and/or level selected by the team corresponds to English only students with similar disabilities in the grade or grade span and shall be in alignment with the student's IEP goals.

The Superintendent/designee shall monitor the language and academic progress of reclassified students. (5 CCR 11304)

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The Superintendent/designee shall monitor students for a period of four years following their reclassification to determine whether the student needs any additional academic support to ensure his/her language and academic success.

The Superintendent/designee shall develop a process to monitor the effectiveness of the District's programs and services for ELs. The District's programs and services shall be modified as needed to help ensure language and academic success for each EL.

Advisory Committees

A parent/guardian advisory committee shall be established at the District level when there are more than 50 ELs in the District and at the school level when there are more than 20 ELs at the school, site EL Advisory Committee and the District EL Advisory Committee shall be maintained to serve the advisory functions specified in law.

Parents/guardians of ELs shall constitute committee membership in at least the same percentage as ELs represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The District's English Language Advisory Committee shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a District EL Roadmap Multilingual EL Master Plan of education programs and services for ELs, taking into consideration the school site plans for ELs.

2. The Districtwide needs assessment on a school-by-school basis.

3. Establishment of District programs, services, goals, and objectives for programs and services for ELs.

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

5. Administration of the annual language census.

6. Review of and comment on the District's reclassification procedures.

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*(cf. 0420 - School Plans/Site Councils)*
*(cf. 1220 - Citizen Advisory Committees)*
*(cf. 5020 - Parent-Guardian Rights and Responsibilities)*
*(cf. 6020 - Parent-Guardian Involvement)*

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent/designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

Local Control and Accountability Plan Advisory (LCAP) Committee

When there are at least 15 percent ELs in the District, with at least 50 students who are ELs, a District-level EL Parent Advisory Committee shall be established to review and comment on the District's LCAP in accordance with BP 0460 LCAP.

The committee shall be composed of a majority of parents/guardians of ELs. (Education Code 52063; 5 CCR 15495)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP EL Advisory Committee if its composition includes a majority of parents/guardians of ELs.