

## RANCHO SANTA FE SCHOOL DISTRICT

### **Board Policy No. 6021: EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

A. It is the policy of the Governing Board to provide English language learners with a challenging core curriculum and instruction that develops proficiency in English as rapidly and effectively as possible in order to assist pupils in becoming productive members of our society. The District's program shall 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.

#### B. Definitions

The following definitions are found in Education Code sections 300-340.

1. "English 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 Proficiency or LEP child.
2. "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.
3. "English language mainstream classroom" means a classroom in which the pupils either are native English language speakers or already have acquired reasonable fluency in English.
4. "Sheltered English immersion" or "structured English immersion" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.
5. "Bilingual education/native language instruction" means a language acquisition process for pupils in which much or all instruction, textbooks, and teaching materials are in the child's native language.

C. Except as provided in Education Code sections 310 and 311, all pupils shall be taught in English. In particular, this shall require that all pupils be placed in English language classrooms. Pupils who are English learners shall be educated through structured English immersion during a temporary transition period not normally intended to exceed one (1) year.

D. Identification And Assessment

Upon enrollment, each pupil's primary language shall be determined. Within thirty (30) days of their initial enrollment, pupils who are identified as having a primary language other than English shall be assessed for English proficiency in comprehension, speaking, reading and writing. Within ninety (90) days of initial enrollment, pupils identified as having limited English proficiency shall be further assessed for primary language proficiency in comprehension, speaking, reading and writing. The Superintendent or designee shall develop criteria for determining pupil needs on the basis of these assessments. Pupils in grades K-2 may be assessed only in comprehension and speaking. Thereafter, pupils identified as English learners shall be assessed at least annually until each pupil is re-designated as English proficient.

Assessments shall primarily utilize the English language development test developed pursuant to Education Code section 60810 *et. seq.*

E. Notice To Parents Or Guardian

The Superintendent or designee shall send a notification of the results of English proficiency assessments to all parents/guardians of pupils who are assessed. The notice shall include:

1. The reason for the pupil's classification as limited English proficient;
2. The level of English proficiency;
3. A description of the program for the English language development instruction, including a description of the following:
  - a. The manner in which the program will meet the educational strengths and needs of the pupil;
  - b. The manner in which the program will help the pupil develop his or her English proficiency and meet age appropriate academic standards;
  - c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms that are not tailored for limited-English proficient pupils; and
  - d. Where the child has been identified as having exceptional needs, the manner in which the program meets the requirements of the child's individualized education plan.
4. Whether the pupil is a long-term English learner or English learner at risk of becoming a long-term English learner.

5. The manner in which the program for English language development instruction will meet the educational strengths and needs of long-term English learners or English learners at risk of becoming long-term English learners.
6. The manner in which the program for English language development instruction will help long-term English learners or English learners at risk of becoming long-term English learners develop English proficiency and meet age-appropriate academic standards.

Parents/guardians also shall be notified of the results of any reassessments. Before pupils are enrolled in a program for English language learners, parents/guardians shall receive information about the program and their opportunities for parental involvement. This information shall include the fact that an individual pupil's participation in the program is voluntary on the part of the parent/guardian. At the beginning of each school year, parents/guardians shall be informed of the placement of their children in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver.

- F. Pupils who are identified as English language learners shall be educated through structured English immersion during a temporary transition period not normally intended to exceed one year. Nearly all of the classroom instruction in the District's sheltered English immersion program shall be in English. However, clarification, explanation and support, as needed, may be in a pupil's primary language. An English learner shall be transferred from a structured English immersion classroom to an English language mainstream classroom when the pupil has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education or any locally developed assessments.

Upon the request of his/her parent/guardian, a pupil shall be placed in an English language mainstream classroom.

G. Re-Designation

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 pupils of the same age or grade whose primary language is English. This proficiency shall be assessed by means of the following criteria:

1. Teacher evaluation of the pupil's English language proficiency including, but not limited to, curriculum mastery;
2. Objective assessment of the pupil's English comprehension, speaking proficiency and writing skills using an objective assessment instrument including, but not limited to, the English language development test pursuant to Education Code section 60810;

3. Parental opinion and consultation during a re-designation interview;
4. Objective data on the pupil's academic performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrates whether the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

The Superintendent or designee shall provide subsequent monitoring and support of re-designated pupils.

#### H. Special Needs Waivers And Right To Appeal

1. Education Code section 311 (c) provides that a waiver may be granted when the pupil has already been placed for a period of not less than thirty (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 child has such special physical, emotional, psychological or educational needs that an alternate course of study would be better suited to the pupil's overall educational development. Education Code section 311 (c) requires local Boards to establish and review guidelines for the granting/denying of "special needs" waivers by the Superintendent. The following "guidelines" should be modified to reflect the Board's deliberations and staffs recommendations as to the procedures appropriate for the District. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.
2. Pursuant to Title 5, C.C.R. section 11309, the District is required to grant all waiver requests, unless the Principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the pupil. Therefore, the burden is on the District staff to show why a waiver request should not be granted. Parent/guardian requests for waivers from Education Code section 305 shall be granted in accordance with law and administrative regulation.
3. The Superintendent shall consider all waiver requests made pursuant to Education Code section 311 (c) (Special Needs). When determining whether or not to recommend the approval of the waiver request, the Superintendent shall assume that the facts justifying the request attested by the parent/guardian are a true representation of the child's condition. All such waiver requests shall be granted unless: (1) the Superintendent and educational staffs determine that the alternative program requested by the parent/guardian would not be better suited for the overall educational development of the pupil or; (2) the program requested by the parent/guardian is not offered at the school.

4. When evaluating a waiver request pursuant to Education Code section 311(a) and other waiver requests for those pupils for whom standardized assessment data is not available, other equivalent assessment measures shall be used. These equivalent measures may include local assessments, local standards and teacher evaluations.
  5. If the waiver requested by the parent/guardian is granted, and less than twenty (20) pupils at the same school receive a waiver, the pupil shall be allowed to transfer to another public school in which such a class is offered.
- I. Pupils wishing to transfer shall be subject to the District's inter-district attendance policies. Pupils wishing to transfer to another District shall also be subject to the receiving District's inter-district attendance policies and administrative regulations. If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the Superintendent's decision to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven (7) working days.
- J. Parental Exception Waivers

A parent/guardian may request that the District waive the requirements of Education Code section 305 on an annual basis if one of the following circumstances exists:

1. Pupil already knows English: The pupil already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading and writing, in which the pupil scores at or above the State average for his/her grade level or at or above the fifth grade average, whichever is lower.
2. Older pupil: The pupil is age ten (10) years or older, and it is the informed belief of the school principal and educational staff that an alternate course of study would be better suited to the pupil's rapid acquisition of basic English skills.
3. Pupil with special needs: The pupil already has been placed for a period of not less than thirty (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 pupil has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the pupil's overall educational development.
4. The parent/guardian shall personally visit the school to apply for the waiver. (Education Code section 310)

5. Upon request for an application for a "Parental Exception Waiver," the Principal shall provide to the parents/guardians a full written description of:
  - a. The intent and content of the structured English immersion program;
  - b. Any alternative courses of study offered by the District and available to the pupil;
  - c. All educational opportunities offered by the District and available to the pupil;
  - d. The educational materials to be used in the different educational program choices provided.

Upon request of the parent/guardian, a spoken explanation of items a-d above shall be provided.

Upon granting a waiver, pupils may be transferred to classes where they are taught English and other subjects through bilingual education/native language instruction techniques or other generally recognized educational methodologies permitted by law. Individual schools in which twenty (20) pupils or more of a given grade level receive a waiver shall be required to offer such a class. Otherwise, pupils will be permitted to transfer to a public school in which such class is offered.

- K. To ensure that the District is using sound methods that effectively serve the needs of English language learners, the Superintendent or designee shall annually examine program results, including reports of the pupils' academic achievement and their progress towards proficiency in English. The Superintendent shall ensure that the school compiles data on programs for English language learners in order to help determine program effectiveness.
- L. The Board encourages staff to exchange information with other districts and the County Office of education about programs, options and strategies for English language learners that succeed under various demographic conditions.
- M. The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their re- designation based on criteria adopted by the Board.
- N. Participation In Standard Instructional Program
  1. Commencing in the 2019–20 school year, any middle school pupil who is classified as an English learner shall not be denied participation in any of the following:

- a. Enrollment in courses that are part of the Standard Instructional Program of District. The “Standard Instructional Program” includes enrollment in core curriculum courses, courses required to meet state and local graduation requirements, and courses required for middle school grade promotion; and
  - b. Enrollment in a full course load of courses that are part of the Standard Instructional Program.
2. Provided that, pursuant to federal law, the pupil’s course of study is designed to remedy any academic deficits incurred during participation and that the pupil’s course of study is reasonably calculated to enable that pupil to attain parity of participation in the Standard Instructional Program within a reasonable length of time after he or she enters the school system, the District may deny a middle school English Learner access to enrollment in the Standard Instructional Program when the pupil:
- a. Has recently arrived in the United States and has been enrolled as student in the United States for less than twelve months; or
  - b. Is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.

Legal Reference:

Education Code Sections:

300-340 English language education for immigrant children  
 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  
 52015 Components of school improvement  
 plan 52130-52180 Impacted languages act of  
 1984  
 52164.6 Reclassification criteria  
 52169 Requirements for establishment of program  
 52171 Evaluations of pupil progress  
 52171.6 Annual report to legislature  
 52177 Administration of article  
 52180-52186 Bilingual teacher training assistance program  
 54000 *et. seq.* Programs for disadvantaged children  
 60810 *et. seq.* Assessment of Language Development  
 60811.8 English learners: participation in standard instructional program.  
 62000-62005.5 Evaluation and sunseting of programs

California Code of Regulations, Title 5 sections:

4320 Bilingual education program requirements  
 11300-11316 English language education for immigrant children

Title 20, U.S.C. sections:

1701-1705 Equal Educational Opportunities Act

Court decisions:

*Valeria G. v. Wilson* (N.D. Cal. 1998) 12 F. Supp. 2d 1007

Proposition 227

Advisory WEB SITES: CDE: <http://www.cde.ca.gov>

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

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