

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.

English learners shall be provided differentiated English Language Development instruction targeted to their English proficiency level and aligned with state content standards. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

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 who 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 may be denied participation in any such course, if the course of study provided to the student is designed to remedy academic deficits incurred during participation and reasonably calculated 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 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 Assistant Superintendent shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or Assistant Superintendent 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.

Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or Assistant Superintendent 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, and
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or Assistant Superintendent 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 Assistant Superintendent 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 Assistant Superintendent shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Each LEA must properly identify and assess all students who have a home language other than English. (20 United States Code [U.S.C.] 6823[b][2]; *EC* sections 313, 60810)

At or before the time of a student's initial California enrollment, an LEA shall conduct, in writing, a home language survey (HLS) to identify whether the primary or native language of the student is a language other than English. (20 U.S.C. 6823[b][2]; 5 *CCR* Section 11518.5[a])

If a parent or guardian HLS response indicates a primary or native language other than English, and the LEA determines the student is eligible for initial assessment, the LEA shall promptly notify the parent or guardian, in writing, prior to the administration of the English Language Proficiency Assessments for California (ELPAC) initial assessment. (20 U.S.C. 6823[b][2]; 5 *CCR* Section 11518.5[c])

The LEA shall administer the ELPAC initial assessment to each student eligible for the initial assessment, locally produce the official score in accordance with the directions of the test contractor, and notify the parent or guardian, in writing, of the results of the initial assessment within 30 calendar days after the student's initial date of California enrollment. (20 U.S.C. 6823[b][2]; *EC* Section 313; 5 *CCR* Section 11518.5[d])

Each LEA must annually assess the English language proficiency (ELP) and academic progress of each EL. An LEA shall administer the ELPAC summative assessment during the annual summative assessment window. (20 U.S.C. sections 6311[b][2][G], 6823[b][3][B]; *EC* sections 313, 60810; 5 *CCR* sections 11306, 11518.15[a])

When administering an initial or summative ELPAC assessment to a pupil with a disability, the LEA shall

provide designated supports or accommodations, in accordance with the pupil's individualized education program (IEP) or Section 504 plan.

When a pupil's IEP or Section 504 plan specifies that the pupil has a disability that precludes assessment such that there are no appropriate accommodations for assessment in one or more of the domains (listening, speaking, reading, and writing), the pupil shall be assessed in the remaining domains in which it is possible to assess the pupil. (5 CCR Section 11518.25)

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 853. 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 853 854.1-854.3)

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

When a pupil's IEP team determines that the pupil has a significant cognitive disability such that the pupil is unable to participate in the initial or summative assessment, or a section of either test, even with resources, the pupil shall be assessed using the Alternate ELPAC, as specified in the pupil's IEP. (5 CCR Section 11518.30)

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)

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 Assistant Superintendent shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or Assistant Superintendent 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)

Until July 1, 2029, the Superintendent or Assistant Superintendent may, with Board approval, and as specified in BP 5117 - Interdistrict Attendance, enter into an instruction collaboration agreement (ICA) with another school district, county office of education, or charter school to offer the same or similar courses and coursework to students who have been impacted by teacher shortages, disruptions, or cancellations, or teacher shortages to dual language immersion 4 programs. (Education Code 48345)

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.

Staff Qualifications and Professional Development

The Superintendent or Assistant Superintendent 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.

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 notification 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 NON REGULATORY 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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Speaking Students) Revised: 1/13/99

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Revised: 9/09/09

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