Education for English Language Learners

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The Board of Education intends to provide English learners with challenging curriculum and instruction to maximize the attainment of high levels of proficiency in English, to advance multilingual capabilities, and to facilitate student achievement in the district's regular course of study.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. 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:

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

   However, a middle or high school student who is a newcomer student or an immigrant child or youth, as defined in 20 USC 7011, or is a student participating in a program designed to meet the academic and transitional needs of newcomer students and that has as its primary objective the development of English language proficiency, may be denied enrollment in any of the courses stated above if the course of study provided to the student is designed to remedy academic deficits incurred during participation and is 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" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis or 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 learner and long-term English learner, in accordance with Board Policy and Rule 0460 -Local Control and Accountability Plan.

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 member so that they may better support students' English language development.

Staff Qualifications and Training

The Superintendent or designee shall ensure 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.

Identification and Assessment

The Superintendent or designee shall maintain procedures for the early identification and assessment of the proficiency of English learners at all grade levels, except transitional kindergarten, using the 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 11518.41-11518.45.

Once identified as English learner, a student shall be annually assessed for language proficiency until they are reclassified based on criteria specified in the accompanying Board rule.

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 allowable 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.

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

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.

For the purpose of determining the amount of instruction to be conducted in English, 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:

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

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. 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.

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.

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.

Reclassification

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom 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.

The criteria for determining whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to:

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

2. Evaluation by the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student, including, but not limited to, a review of the student's curriculum mastery and academic performance

3. Parent/guardian involvement, including:

    a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate

    b. Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process

    c. Provision of an interpreter for the parent/guardian, when necessary

4. Comparison of student performance on an objective assessment of basic skills in English against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English

The student's language proficiency assessments, the participants in the reclassification process, and any decisions regarding reclassification shall be retained in the student's permanent record.

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement.

The Superintendent or designee shall monitor students for at least four years following their reclassification to ensure the students have not prematurely exited, any academic deficit incurred through participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instructional program compared to students who had never participated in an English learner program.

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 as defined in Education Code 313.1

4. The achievement of English learners on 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 towards any other goals for English learners identified in the district's LCAP for English learners and long-term English learners as defined in Education Code 52052

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

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE
CALIFORNIA CODE OF REGULATIONS
5 CCR 11300-11316 English learner education
5 CCR 11510-11517.5 California English Language Development Test
5 CCR 11517.6-11519.5 English Language Proficiency Assessments for California
5 CCR 853 Administration of CAASPP
5 CCR 854.9 CAASPP and unlisted resources for students with disabilities
EDUCATION CODE
200 Prohibition of discrimination
300-340 English language education for immigrant children

310 Language acquisition programs
313-313.5 Assessment of English proficiency
33050 Nonwaivable provisions
361 Statewide implementation plan for the "EL Roadmap Policy"
42238.02 Local Control Funding Formula
430-446 English Learner and Immigrant Pupil Federal Conformity Act
44253.1-44253.11 Qualifications of teachers of English learners
48345 Interdistrict instruction collaboration agreements
48980 Parent/Guardian notifications
48985 Notices to parents/guardians in language other than English
52052 Accountability; numerically significant student subgroups
52060-52077 Local control and accountability plan
52160-52178 Bilingual Bicultural Act of 1976
56305 CDE manual on English learners with disabilities
60603 Definition; recently arrived English learner
60640 California Assessment of Student Performance and Progress
60811.8 Newcomer student; definition
62002.5 Continuation of advisory committee after program sunsets

FEDERAL

UNITED STATES CODES

20 USC 1412 State eligibility
20 USC 1701-1721 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 7011 Definition of immigrant children and youth
20 USC 7801 Definition of English learner

CODE OF FEDERAL REGULATIONS

34 CFR 100.3 Prohibition of discrimination on basis of race, color or national origin

MANAGEMENT RESOURCES

ATTORNEY GENERAL OPINION

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

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

Updated Reclassification Guidance for 2018-19
Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing, June 2024

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

EL Roadmap Policy
Summative English Language Proficiency Assessments for California, Assessment Fact Sheet, July 2023
Englisher Learner, Federal Program Monitoring Instrument
Monitoring Reclassified Students, December 2019
California Practitioners' Guide for Educating English Learners with Disabilities, 2019
English Language Proficiency Assessments for California Information Guide, July 2023
California Digital Learning Integration and Standards Guidance, May 2021
Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015
Accessibility Resources Matrix, 2022
Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015
Reclassification Guidance for 2020-21 and Statewide Testing Window Extension, CDE Correspondence, June 14, 2021
California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017
Common Core State Standards for Mathematics, 2013
English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012
English Language Arts/English Language Development Framework for California Public Schools: Kindergarten

through Grade Twelve, 2014
COMMISSION ON TEACHER CREDENTIALING PUBLICATION
Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021
COURT DECISIONS
Valeria 0. v. Davis (2002) 307 F.3d 1036
California Teachers Association 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
CSBA PUBLICATIONS
English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, September 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 PUBLICATIONS
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 PUBLICATIONS
English Learners and Title Ill of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), September 2016
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
WEBSITES
Observation Protocol for Teachers of English Learners (OPTEL) https://www.cde.ca.gov/sp/ml/optel.asp
California Department of Education Home Language Survey
https://www.cde.ca.gov/ta/cr/documents/hls2020.pdf
Bilingual teacher professional development program https://www.cde.ca.gov/ci/pl/btpdp24.asp
Bilingual teacher training programs https://www.ctc.ca.gov/credentials/leaflets/bilingual-teacher-training-programs-(cl-772)
California Department of Education, English Language Proficiency Assessments for California (ELPAC)
https://www.elpac.org/
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/
National Clearinghouse for English Language Acquisition http://www.ncela.us/
The Education Trust-West http://west.edtrust.org/
California Department of Education, English Learners http://www.cde.ca.gov/sp/el
California Association for Bilingual Education http://www.gocabe.org/
CSBA http://www.csba.org/
U.S. Department of Education http://www.ed.gov/

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