

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

The Governing Board intends to provide English language learners with a challenging core curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist students 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.

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 students' academic achievement and their progress towards proficiency in English. The Superintendent shall ensure that schools compile data on programs for English language learners in order to help determine program effectiveness.

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.

The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their redesignation based on criteria adopted by the Board and specified in administrative regulations.

Students who are English language learners shall be educated through sheltered 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. (Education Code 305, 306)

In the structured English immersion program, classroom instruction shall be in English. However, clarification, explanation and support, as needed, may be in a student's primary language.

An English language learner shall be transferred from a structured English immersion classroom to an English language mainstream classroom when the student 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. (Education Code 305; 5 CCR 11301)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

A student has acquired a “reasonable level of English proficiency” when he/she has achieved a score level of 4 or 5 on the California English Language Development Test (CELDT).

(cf. 6162.5 - Student Assessment)

Parental Exception Waivers

Upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom. (5 CCR 11301)

Parent/guardian requests for waivers from Education Code 305 shall be granted in accordance with law and administrative regulation.

The principal shall consider all waiver requests made pursuant to Education Code 311(c) for students with special needs and shall submit a rationale of the decision regarding the waiver to the Superintendent. When determining whether or not to recommend the approval of the waiver request, the principal 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 principal and educational staff determine that the alternative program requested by the parent/guardian would not be better suited for the overall educational development of the student, or (2) the program requested by the parent/guardian is not offered at the school.

When evaluating a waiver request pursuant to Education Code 311(a) for students who already know English and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment measures shall be used.

These equivalent measures may include local assessments, local standards and teacher evaluations.

If the waiver requested by the parent/guardian is granted, and less than 20 students at the same school receive a waiver, the student shall be allowed to transfer to another public school in which such a class is offered. (Education Code 310)

Students wishing to transfer shall be subject to the district’s intradistrict and interdistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district’s interdistrict attendance policies and administrative regulations.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

(cf. 5116.1 – Intradistrict Open Enrollment)
(cf. 5117 – Interdistrict Attendance)

Legal Reference:

EDUCATION CODE

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
52130-52135 Impacted languages act of 1984
52160-52178 Bilingual Bicultural Act especially:
52164.6 Reclassification criteria
52169 Requirements for establishment of program
52171 Evaluations of student progress
52171.6 Annual report to legislature
52177 Administration of article
52180-52186 Bilingual teacher training assistance program
54000-54041 Programs for disadvantaged children
62001-62005.5 Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

4301-4320 Bilingual education program requirements
11300-11305 English language education for immigrant children

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

COURT DECISIONS

Valeria G. v. Wilson, C-98-2252-CAL (July, 1998)
Teresa P. et al v. Berkeley Unified School District et al. (1989) 724 F.Supp. 698
Casteneda v. Pickard. (5th Cir. 1981) 648 F.2d 989

Management Resources:

CDE PROGRAM ADVISORIES

0408.98 Policy for English Language Learners
0125.90 Procedures for requesting guidance from the US Department of Education
0515.89 Limited English Proficient Programs

CSBA ADVISORIES

0812.98 Proposition 227 Advisory

WEB SITES

CDE: <http://www.cde.ca.gov>
CSBA: <http://www.csba.org>.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

Except as provided in Education Code 310 and 311, all students shall be taught in English. In particular, this shall require that all students be placed in English language classrooms. Students who are English language learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. (Education Code 305)

Definitions

The definitions of the terms used in Education Code 300-340 are as follows: (Education Code 306)

“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.

“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.

1. *“English language mainstream classroom”* means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English.
2. *“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.

“Bilingual education/native language instruction” means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the child’s native language.

Identification and Assessment

Upon enrollment, each student's primary language shall be determined. Within 30 days of their initial enrollment, students who are identified as having a primary language other than English shall be assessed for English proficiency in comprehension, speaking, reading and writing. Within 90 days of initial enrollment, students 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 student needs on the basis of these assessments. (Education Code 52164.1, 62002; 5 CCR 4304)

Students in grades K-2 may be assessed only in comprehension and speaking.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

The Superintendent or designee shall send a notification of the results of English proficiency assessments to all parents/guardians of students who are assessed, whether the student is designated fluent English proficient or limited English proficient. (Education Code 48985)

Parent/guardians also shall be notified of the results of any reassessments. (Education Code 52164.3)

(cf. 5145.6 - Parental Notifications)

Before students 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 student's participation in the program is voluntary on the part of the parent/guardian. (Education Code 52173)

Parental Exception Waivers

A parent/guardian may request that the district waive the requirements of Education Code 305 if one of the following circumstances exists: (Education Code 310, 311):

1. Students who already know English: The student already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading and writing, in which the student 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 students: The student is age 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 student's rapid acquisition of basic English skills.
3. Students with special needs: The student already has been placed for a period of not less than 30 calendar 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 student has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development.

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. (Education Code 310; 5 CCR 11303)

The parent/guardian shall personally visit the school to apply for the waiver. (Education Code 310)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

Upon request for an application for a “Parental Exception Waiver,” the principal shall provide to the parents/guardians a full written description of: (Education Code 310, 311; 5 CCR 11303)

1. The intent and content of the structured English immersion program
2. Any alternative courses of study offered by the district and available to the student
3. All educational opportunities offered by the district and available to the student
4. The educational materials to be used in the different educational program choices

Upon request of the parent/guardian, a spoken explanation of items #1-4 above shall also be provided. (5 CCR 11303)

For a request for waiver pursuant to Education Code 311(c) (Students with Special Needs), parents/guardians shall also be informed that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the Superintendent must approve the waiver pursuant to these Board-established guidelines. (5 CCR 11303)

Parental exception waivers pursuant to Education Code 311(b) (Students 10 Years or Older) shall be granted if it is the “informed belief” of the principal and educational staff that an alternate course of educational study would be better suited to the student’s rapid acquisition of basic English language skills. (Education Code 311)

Parental exception waivers pursuant to Education Code 311(c)(Students with Special Needs) shall be granted if it is the “informed belief” of the principal and educational staff that, due to the student’s special physical, emotional, psychological or educational needs, an alternate course of educational study would be better suited to the student’s overall educational development. (5 CCR 11303)

Parental exception waivers shall be granted 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 student. (5 CCR 11303)

The school shall act upon all parental exception waivers within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to Education Code 311(c)(Students with Special Needs) shall not be acted upon during the 30-day placement in an English language classroom. These waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11303)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

In cases where a parental exception waiver is denied, the parent/ guardian shall be informed in writing of the reason for the denial and, if relevant, any procedures that exist to appeal the decision to the Board. (5 CCR 11303)

Redesignation

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

1. Demonstrated English language proficiency comparable to that of the district's average native English language speakers
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English language learners shall be redesignated 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 students of the same age or grade whose primary language is English. This proficiency shall be assessed by means of the following criteria: (Education Code 52164.6)

1. Teacher evaluation of the student's English language proficiency and curriculum mastery
2. Objective assessment of the student's English comprehension, speaking proficiency and writing skills
3. Parental opinion during a redesignation interview
4. Objective data on the student's academic performance in English

The Superintendent or designee shall provide subsequent monitoring and support of redesignated students.

Advisory Committees

At the district level when there are more than 50 English language learners and at each school with more than 20 English language learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law. Parents/guardians of English language learners shall constitute committee membership in at least the same percentage as their children represent of the total number of students in the school. (Education Code 52176, 62002.5)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)