

## **Policy 6174: Education For English Learners**

The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and 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: (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" course 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 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 members 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. 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.

### **Identification and Assessment**

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

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is 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 854.1-854.3. 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 854.1-854.3)

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. (Education Code 306; 5 CCR 11300)

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 Two Way 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 socio-cultural competency

2. A One Way 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 first and second language proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards. ~~high academic achievement, and socio-cultural competency.~~

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

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. (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 designee 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 cancelations, or teacher shortages to dual language immersion programs. (Education Code 48345)

~~When an English learner is determined pursuant to 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 a regular program of instruction. However, English Learners will continue receiving English Language Development.~~

The district shall provide appropriate supplemental educational services in addition to Dedicated and Integrated ELD to English Learners in TK through grade twelve in all classroom situations. The purpose of these services is to enable English learners to overcome language barriers. These services must be provided until English learners have demonstrated English language proficiency comparable to that of the district's average native English speakers and recouped any academic deficits that may have been incurred in other areas of the core curriculum.

## **Reclassification**

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. Reclassification criteria will include:

1. Assessment of English Language Proficiency. (An ELPAC Overall level 4 is the statewide standardized criterion used to determine whether a student has met Proficiency in English);
2. Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery;
3. Parent/guardian consultation; and
4. Comparison of student performance in basic skills against an empirically established range of performance in basic skills of English proficient students of the same age.

### **Program Evaluation**

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board through the LCAP approval process 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 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 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
8. A comparison of data between the different language acquisition programs offered by the district

### **Parental Advisement**

The district and school sites, as required, shall have functioning English learner advisory committees that meet all legal requirements.

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

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### **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.

### **State**

5 CCR 11300-11316

### **Description**

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
Ed. Code 200	Prohibition of discrimination
Ed. Code 300-340	<a href="#">English language education for immigrant children</a>
Ed. Code 310	<a href="#">Language acquisition programs</a>
Ed. Code 313-313.5	<a href="#">Assessment of English proficiency</a>
Ed. Code 33050	<a href="#">Nonwaivable provisions</a>
Ed. Code 42238.02	<a href="#">Local Control Funding Formula</a>
Ed. Code 430-446	<a href="#">English Learner and Immigrant Pupil Federal Conformity Act</a>
Ed. Code 44253.1-44253.11	<a href="#">Qualifications of teachers of English learners</a>
Ed. Code 48345	Interdistrict instruction collaboration agreements
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 52052	<a href="#">Accountability; numerically significant student subgroups</a>
Ed. Code 52060-52077	<a href="#">Local control and accountability plan</a>
Ed. Code 52160-52178	<a href="#">Bilingual Bicultural Act of 1976</a>
Ed. Code 56305	<a href="#">CDE manual on English learners with disabilities</a>
Ed. Code 60603	<a href="#">Definition; recently arrived English learner</a>
Ed. Code 60640	<a href="#">California Assessment of Student Performance and Progress</a>
Ed. Code 62002.5	<a href="#">Continuation of advisory committee after program sunsets</a>
<b>Federal</b>	<b>Description</b>
20 USC 1412	State eligibility
20 USC 1701-1721	<a href="#">Equal Educational Opportunities Act</a>
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	<a href="#">Definition of English learner</a>
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 40 (2000)

California Department of Education Publication	<a href="#">Summative English Language Proficiency Assessments for California, Assessment Fact Sheet, July 2023</a>
California Department of Education Publication	<a href="#">English Learner, Federal Program Monitoring Instrument</a>
California Department of Education Publication	<a href="#">Monitoring Reclassified Students, December 2019</a>
California Department of Education Publication	<a href="#">California Practitioners' Guide for Educating English Learners with Disabilities, 2019</a>
California Department of Education Publication	<a href="#">English Language Proficiency Assessments for California Information Guide, July 2023</a>
California Department of Education Publication	<a href="#">California Digital Learning Integration and Standards Guidance, May 2021</a>
California Department of Education Publication	<a href="#">Reclassification Guidance for 2020-21 and Statewide Testing Window Extension, CDE Correspondence, June 14, 2021</a>
California Department of Education Publication	<a href="#">Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015</a>
California Department of Education Publication	<a href="#">Accessibility Resources Matrix, 2022</a>
California Department of Education Publication	<a href="#">Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015</a>
California Department of Education Publication	<a href="#">English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012</a>
California Department of Education Publication	<a href="#">California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017</a>
California Department of Education Publication	<a href="#">Common Core State Standards for Mathematics, 2013</a>
California Department of Education Publication	<a href="#">English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014</a>
Commission on Teacher Credentialing Publication	<a href="#">Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021</a>
Court Decision	Valeria O. v. Davis (2002) 307 F.3d 1036
Court Decision	California Teachers Association v. State Board of Education et al. (9th Circuit, 2001) 271 F.3d 1141
Court Decision	McLaughlin v. State Board of Education (1999) 75 Cal.App.4th 196
Court Decision	Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698

CSBA Publication	<a href="#"><u>English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016</u></a>
CSBA Publication	<a href="#"><u>English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017</u></a>
CSBA Publication	<a href="#"><u>English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018</u></a>
CSBA Publication	<a href="#"><u>English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, September 2016</u></a>
CSBA Publication	<a href="#"><u>English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014</u></a>
The Education Trust- West Publication	<a href="#"><u>Unlocking Learning: Science as a Lever for English Learner Equity, January 2017</u></a>
The Education Trust- West Publication	<a href="#"><u>Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018</u></a>
U.S. Department of Education Publication	<a href="#"><u>English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), September 2016</u></a>
U.S. Department of Education Publication	<a href="#"><u>English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016</u></a>
U.S. Department of Education Publication	<a href="#"><u>Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017</u></a>
U.S. Department of Education Publication	<a href="#"><u>Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015</u></a>
Website	<a href="#"><u>California Department of Education, English Language Proficiency Assessments for California (ELPAC)</u></a>
Website	<a href="#"><u>California Digital Learning Integration and Standards Guidance</u></a>
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>National Clearinghouse for English Language Acquisition</u></a>
Website	<a href="#"><u>The Education Trust-West</u></a>
Website	<a href="#"><u>California Department of Education, English Learners</u></a>
Website	<a href="#"><u>California Association for Bilingual Education</u></a>
Website	<a href="#"><u>CSBA</u></a>
Website	<a href="#"><u>U.S. Department of Education</u></a>

## Cross References

<b>Code</b>	<b>Description</b>
0200	<a href="#">Goals For The School District</a>
0415	<a href="#">Equity</a>
0420	<a href="#">School Plans/Site Councils</a>
0420	<a href="#">School Plans/Site Councils</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0470	<a href="#">COVID-19 Mitigation Plan</a>
1220	<a href="#">Citizen Advisory Committees</a>
1220	<a href="#">Citizen Advisory Committees</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
4112.22	<a href="#">Staff Teaching English Learners</a>
4131	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4331	<a href="#">Staff Development</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
6000	<a href="#">Concepts And Roles</a>
6011	<a href="#">Academic Standards</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6120	<a href="#">Response To Instruction And Intervention</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6142.1	<a href="#">Sexual Health And HIV/AIDS Prevention Instruction</a>
6142.1	<a href="#">Sexual Health And HIV/AIDS Prevention Instruction</a>
6142.2	<a href="#">World Language Instruction</a>

6142.2	<a href="#">World Language Instruction</a>
6142.91	<a href="#">Reading/Language Arts Instruction</a>
6151	<a href="#">Class Size</a>
6152.1	<a href="#">Placement In Mathematics Courses</a>
6152.1	<a href="#">Placement In Mathematics Courses</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1-E PDF(2)	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.11	<a href="#">Supplementary Instructional Materials</a>
6162.5	<a href="#">Student Assessment</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>
6170.1	<a href="#">Transitional Kindergarten</a>
6171	<a href="#">Title I Programs</a>
6171	<a href="#">Title I Programs</a>
6172	<a href="#">Gifted And Talented Student Program</a>
6173	<a href="#">Education For Homeless Children</a>
6173	<a href="#">Education For Homeless Children</a>
6173-E PDF(1)	<a href="#">Education For Homeless Children</a>
6173-E PDF(2)	<a href="#">Education For Homeless Children</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6175	<a href="#">Migrant Education Program</a>
6175	<a href="#">Migrant Education Program</a>
6190	<a href="#">Evaluation Of The Instructional Program</a>

