

**Mt. Diablo Unified School District
Board Policy**

**Education for English Learners
BP 6174**

The Governing Board intends to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving the district's academic standards. The district's program shall be based on sound instructional theory and shall be adequately supported so that English learners can achieve results at the same academic level as their English-proficient peers.

Identification, Assessment, Placement and Reclassification

The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English learners; and for their reclassification to fluent-English proficient based on the following multiple reclassification criteria:

1. At least early-advanced proficiency in speaking, listening, reading, and writing English, as measured by the state's English language development test
2. A multi-tiered approach to demonstrate academic skills in meeting criteria.
 - a. Elementary: District-Adopted Benchmark Assessments, with a score of 52 percent
 - b. Secondary (Grades 6-9): CST Language Arts, 325 scale score (mid-point basic)
 - c. Secondary (Grades 10-12): High School Exit Exam, passing score of 350
3. Success in classroom English language arts and mathematics instruction, as indicated by teacher grades: "approaching proficiency" on the elementary report card and a "C" or better on the secondary report card

Parents/guardians shall receive notice and a description of the reclassification process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.

Program Evaluation

To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English learners' academic achievement, their progress towards proficiency in English and the progress of students who have been reclassified as fluent English proficient. The Superintendent or designee shall annually report these findings to the Board.

The Superintendent or designee shall ensure that there is a mechanism for using program evaluation results to improve program implementation and to modify the program, as needed, to support each English learner's language and academic success.

To assure that the district program for English learners is in full compliance with state and federal laws, the Superintendent or designee shall regularly monitor school implementation of district English learner program guidelines.

Types of Instruction

The district shall provide appropriate supplemental educational services to English learners in kindergarten 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.

All English learners shall be placed in English-language classrooms unless a parental exception waiver has been granted for an alternative program.

English learners at the beginner through intermediate levels of English proficiency, as measured by the state's English language development test, shall be educated through "structured English immersion". "Nearly all" of the classroom instruction through structured English immersion shall be in English, with curriculum and presentation designed for students who are learning English.

The district defines "nearly all" instruction in English as follows. Instruction provided through structured English immersion shall be in English, but with up to 40 percent of the required minutes of instruction permitted in a student's primary language.

An English learner who has reached at least the early-advanced level of English proficiency, as measured by the state's English language development test, has acquired "a good working knowledge of English". The student shall receive English language mainstream instruction, supported by appropriate supplementary services that are designed to help the student swiftly meet the district's reclassification criteria.

Upon the request of his/her parent/guardian, an English learner shall be placed in English language mainstream instruction.

Parental Exception Waivers

The requirement for placement in structured English immersion instruction may be waived with the prior written informed consent of the student's parents or guardian. Such informed consent shall require that the parent or guardian visit the school to apply annually for the waiver. Upon requesting the waiver, the parent/guardian shall be provided a full description of the educational materials to be used in the different educational program choices and of all the educational opportunities available to the student. Under such parental waiver conditions, students may be

transferred to classes where they are taught English and other subjects through bilingual education techniques.

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

Staffing and Professional Development

The district shall ensure that all teaching personnel assigned to provide English language development and other core content instruction to English learners are qualified to provide instructional services to English learners.

Parental Advisement

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

Legal Reference:

EDUCATION CODE

[300-340](#) English language education

[430-446](#) English Learner and Immigrant Pupil Federal Conformity Act

[33050](#) State Board of Education waiver authority

[42238.02-42238.03](#) Local control funding formula

[44253.1-44253.11](#) Qualifications for teaching English learners

[48985](#) Notices to parents in language other than English

[52052](#) Academic Performance Index; numerically significant student subgroups

[52060-52077](#) Local control and accountability plan

[52130-52135](#) Impacted Languages Act of 1984

[52160-52178](#) Bilingual Bicultural Act

[60200.7](#) Suspension of state instructional materials adoptions

[60605.87](#) Supplemental instructional materials, English language development

[60640](#) California Assessment of Student Performance and Progress

[60810-60812](#) Assessment of language development

[62005.5](#) Continuation of advisory committee after program sunsets

CODE OF REGULATIONS, TITLE 5

[853.5-853.7](#) Test administration; universal tools, designated supports, and accommodations

[11300-11316](#) English learner education

[11510-11517](#) California English Language Development Test

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

COURT DECISIONS

Valeria G. v. Wilson, (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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014

California English Language Development Test (CELDT): 2013-14 CELDT Information Guide, 2013

English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007

WEB SITES

California Department of Education: <http://www.cde.ca.gov/sp/el>

U.S. Department of Education: <http://www.ed.gov>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

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