

# Mt. Diablo USD

## Board Policy

### Education For English Language Learners

BP 6174

#### Instruction

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~~ regular course of study. 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.

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

English Learner TK-12 shall be provided Designated and Integrated English language development instruction targeted to their English proficiency level and aligned with the state content standards and curriculum framework. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, and assist students in accessing the full educational program.

#### Identification and Assessment ~~Placement and Reclassification~~

The Superintendent or designee shall maintain procedures ~~which provide~~ for the accurate identification of English Learners and an assessment and placement of English learners; and for their reclassification to fluent English proficient based on the following multiple reclassification criteria ~~of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.~~

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria adopted by the district and based on State regulations.

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 853.5 and 853.7. 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 853.5,

853.7)

### Placement and Reclassification

The measures used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313,52164.4; 5 CCR 11303)

1. At least early advanced proficiency in speaking, listening, reading, and writing English, as measured by the state's English language development test Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the state's English language proficiency assessment
2. A multi-tiered approach to demonstrate academic skills in meeting criteria. to demonstrate that student is performing at or near grade level on an objective assessment of basic skills in English.
  - a. Elementary: English Language Arts District-Adopted Benchmark Assessment scoring at the 52% or English Language Arts SBAC Meeting Standards performance level
  - b. Secondary (Grades 6-9): CST Language Arts, 325 scale score (mid-point basic) Middle School (6-8): English Language Arts District-Adopted Benchmark Assessment or English Language Arts SBAC meeting Standards performance level
  - c. Secondary (Grades 10-12 9-12): English Language Arts District-Adopted Benchmark Assessment or English Language Arts SBAC meeting Standards performance level.
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 Language Acquisition Programs

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. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

Language acquisition programs are educational 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. The language acquisition programs provided to students shall be informed by research and shall lead to grade-level proficiency and academic achievement in English or in English and another language depending on the instructional program. (Education Code 306)

The district shall offer English learners a structured English immersion program to ensure that English learners have access to the core academic content standards, including the English language development standards, and become proficient in English. 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)

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.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

- 1- The district may offer a Two-Way 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: bilingualism and biliteracy, high academic achievement, and socio-cultural competency.
- 2- The district may offer a developmental bilingual program for English learners that provides literacy and academic instruction in English and a student's native language with the goals of: bilingualism and biliteracy, high academic achievement and socio-cultural competency.

Parent/guardians of English learners 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)

The district's language acquisition programs for grades k-3 shall comply with class size requirement specified in Education code 42238.02. (Education Code 310) (cf. 6151 –Class Size)

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. (Education Code 310) (cf. 5145.6 – Parental Notifications)

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.

~~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.~~

~~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 Staff employed to teach English language learners possess the appropriate authorization from the Commission on Teacher Credentialing. development and other core content instruction to English learners are qualified to provide instructional services to English learners. ( cf. 4112.22 – Staff Teaching English Learners)~~

The district shall provide effective professional development to teachers ( including teachers in classroom settings that are not the settings of language instruction educational program), 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 6925) (cf. 4131 – Staff Development) (cf. 4231 –Staff Development) (cf. 4331 – Staff Development)

To support students’ English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

### 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

305-310 Language acquisition programs

313-313.5 Assessment of English proficiency

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

48980 Parental notifications

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

56305 CDE manual on English learners with disabilities

60603 Definition, recently arrived English learner

~~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**

1412 Individuals with Disabilities Education Act; state eligibility

1701-1705 Equal Educational Opportunities Act

6311 Title I state plan

6312 Local education agency plans

6801-7014 Title III, Language instruction for English learners and immigrant students

~~7012 Parental notification~~

7801 Definitions

**CODE OF FEDERAL REGULATIONS, TITLE 34**

100.3 Discrimination prohibited

200.16 Assessment of English learners

**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:**

**CSBA PUBLICATIONS**

English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of

California's English Learners, Governance Brief, rev. September 2016  
English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016  
English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014  
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015  
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  
Common Core State Standards for Mathematics, rev. 2013  
Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, 2013  
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  
Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017  
English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016  
English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016  
Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015  
Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007  
WEB SITES  
CSBA:<http://www.csba.org>  
California Association for Bilingual Education: <http://www.gocabe.org>  
California Department of Education: <http://www.cde.ca.gov/sp/el>  
National Clearinghouse for English Language Acquisition: <http://www.ncela.us>  
U.S. Department of Education: <http://www.ed.gov>

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