

Mt. Diablo USD

Administrative Regulation

Education For English Language Learners

AR 6174

Instruction

Definitions

English learner is defined as a student with a home language other than English who does not speak, understand, read and write English proficiently and who is not currently able to perform ordinary grade-level classroom work in English. (Education Code 306)

Identification, Assessment, Classification, and Parental Notification

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (5 CCR 11307)

The district shall administer the California English Language Development Test (CELDT) to all newly enrolled students who have a primary language other than English, unless there is already a record of results from the CELDT. The district shall administer the CELDT and inform parents/guardians of the results within 30 calendar days of enrollment. (5 CCR 11511.5)

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. (Former Education Code 52164.1, 62002)

The district shall use the following multiple criteria to identify students as English learners:

1. The student has a home language other than English, as identified through the home language survey form
2. The student scores below early-advanced proficiency on the CEDLT in listening/speaking, reading and writing
3. The student is proficient in speaking the home language

The district shall use the following multiple criteria to identify students newly enrolled in California schools as I-FEP (Initial-Fluent English Proficient):

1. The student has a home language other than English, as identified through the home language survey form

2. The student scores at least early-advanced proficiency on the California English Language Development Test in listening/speaking, reading and writing

Kindergarten and first grade students identified as I-FEP based solely on a listening/speaking assessment shall be tested with the CELDT in reading and writing in second grade. At that time, if it is determined that the I-FEP student is not proficient in English reading and writing, the student will be classified as an English learner.

Schools shall inform the parents of I-FEP students of the results of their students' English-language assessment within thirty days of the assessment.

The district shall send the parents of each English learner, no later than 30 calendar days after the beginning of the school year (or within 30 days of the CELDT assessment for newly enrolled students), a notification of their child's CELDT results and the following additional information. (Education Code 440; 20 USC 6312)

1. The reason for the student's classification as English language learner
2. The level of English proficiency
3. A description of the program for English language development instruction, including a description of all of the following:
 - a. The manner in which the program will meet the educational strengths and needs of the student.
 - b. The manner in which the program will help the student develop his/her English proficiency and meet age appropriate academic standards.
 - c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learner students, and the expected rate of graduation from secondary school.
 - d. When the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP.
4. Information regarding a parent/guardian's option to request an alternative program or services.
5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

Reclassification

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they 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

The language and academic performance of all English learners shall be reviewed annually. An English learner shall be reclassified when they

1. Have achieved early-advanced English proficiency on the CELDT
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. Are succeeding at grade-level English and math instruction: "making progress" on the elementary report card and a "C" or better on the secondary report card

The school shall inform parents in writing that their student has met the reclassification criteria and shall invite the parents to a meeting where they will have the opportunity to provide input to the reclassification decision. (Education Code 52164.6)

The Superintendent or designee shall provide subsequent monitoring and support for reclassified students for a period of two years after reclassification, to ensure that the students have not been left with any substantive academic deficits. If needed, the schools shall provide reclassified students with interventions and other support to help them maintain grade-level achievement. (Coordinated Compliance Review Item I-EL1)

The district shall maintain data on the rate of reclassification for each school.

Program Evaluation

The district's Research and Evaluation Office shall annually evaluate the English Learner Program by gathering and analyzing data around four distinct areas of inquiry: (Coordinated Compliance Review Item I-EL2)

1. Acquisition of English
 - a. Are English learners making adequate yearly progress in acquiring English language proficiency?

- b. At what rate are students becoming proficient in English?
- 2. Academic Achievement
 - a. Are English learners making adequate yearly progress in academic subjects?
 - b. At what rate are English learners becoming fully proficient in mathematics, science, and social studies?
 - c. Are English learners successfully closing the gap in academic-subject proficiency between themselves and their English-speaking peers?
- 3. Participation in Advanced Course Work

How well represented are English learners in high school academic courses, and how successful are they in those courses?

4. Dropout Rate

What is the dropout rate for EL and R-FEP students compared to English-only students?

The Research and Evaluation Office will share results of the annual evaluation with the Board of Education and with the schools of the district.

Schools shall set annual targets for the language and academic achievement of English learners. If schools do not meet these targets, they shall describe the actions they will be taking to modify their instructional and professional development programs, including the implementation of appropriate intervention programs, which will ensure each English learner's sustained language and academic success. Schools may select to identify the achievement targets and program modifications in their single plans for student achievement or in some other school-planning document. (Coordinated Compliance Review Item I-EL2b)

The Superintendent or designee shall monitor the implementation of the district's English Learner Program in order to assure that all elements of the program are being implemented according to district guidelines. Site and district administrators shall have specific responsibilities that will assure continuing compliance with state and federal regulations related to the instruction of English learners. There will be a system of site- and district-level monitoring of program implementation that includes periodic reviews of schools. (Coordinated Compliance Review Item I-EL2b)

Teaching and Learning

All English learners at beginning to intermediate level of English proficiency on the CELDT shall be enrolled in designated English language classrooms where they receive instruction through structured English immersion (SEI). Structured English immersion shall include the following:

1. Primary-language support: At a minimum, this would include bilingual dictionaries and primary-language materials; in schools with sizeable enrollments of English learners, primary-language support would also include BCLAD teachers and/or bilingual instructional paraprofessionals.
2. Content-based English language development (ELD)
3. Specially designed academic instruction in English (SDAIE)
4. English language development

Structured English immersion shall be implemented to ensure that English learners acquire English and learn grade-level academic content simultaneously. Exception: A high school program shall be implemented for recently arrived immigrant students with years of interrupted schooling, in which the school for one year first will concentrate on teaching English and pre-high school math and science. The school shall subsequently bring these students to grade level in all areas of the curriculum within a reasonable amount of time, by meeting the district's benchmarks of adequate yearly progress designed specifically for under schooled immigrant students. (Coordinated Compliance Review Item II-EL3; III-EL5)

English learners at the early-advanced/advanced levels of English proficiency on the CELDT shall be enrolled in English language classrooms where they will receive mainstream English language instruction, which includes:

1. English language development, until the student has met the reclassification criteria related to English proficiency
2. Math support, if needed to meet the reclassification criteria related to math proficiency: Such support may take the form of during-school or before/after-school interventions. There are two objectives: Enable the student to recoup any mathematical deficits incurred during years of limited English proficiency and to meet district reclassification criteria for mathematics. (Coordinated Compliance Review Item III-EL5b)

Schools shall provide all English learners with daily systematic ELD instruction, whether a student is enrolled in an English language classroom or bilingual education program classroom. Systematic ELD instruction shall occur in ELD classes which consist of English learners only. Each ELD class will have no more than two contiguous English proficiency levels. Elementary schools shall provide an amount of ELD instruction necessary to enable English learners to meet the annual targets of achievement. Such instruction shall be offered no less than 30 minutes daily. Secondary schools shall provide at least one class period of ELD daily. (Coordinated Compliance Review Item II-EL3a)

Parental Exception Waivers

Students may be waived out of English language classrooms and enrolled in bilingual education

program classrooms by means of an approved parental exception waiver.

At the beginning of each academic year, schools shall inform parents/guardians of the placement of their EL students in an English language classroom and shall be notified of their option to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309) District schools shall inform parents of this option in writing and by holding an evening informational meeting.

A parent/guardian may request that the district waive the requirements of Education Code 305, pertaining to the placement of a student in a structured English immersion program if the one of the following circumstances exists:

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. (Education Code 311(a))
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. (Education Code 311(b))
3. Students with special circumstances: A student under age 10 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. (Education Code 311(c))

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

Upon request for a waiver, the school principal shall provide to the parents/guardians: (Education Code 310, 311; 5 CCR 11309)

1. A full written description, and a spoken description upon request, of the intent and content of the structured English immersion program, any alternative courses of study and all educational opportunities offered by the district and available to the student, and the educational materials to be used in the different educational program choices
2. Notification that students under age 10 must be placed for a period of not less than 30 calendar days in an English language classroom in their first year of schooling, before the principal and staff can approve or reject the parent's waiver request.

Pursuant to Education Code 311(b) and 311(c), the principal and educational staff may recommend a waiver to a parent/guardian. The principal shall consider such recommendation especially for students who are at the beginner to first stage of intermediate English proficiency. Parents/guardians shall be informed in writing of any recommendation for an alternative program

made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310. (5 CCR 11309)

When evaluating waiver requests 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 may be used. These equivalent measures may include local assessments, local standards and teacher evaluations.

Parental exception waivers pursuant to Education Code 311(b) for 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) for students with special circumstances 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. (Education Code 311)

The principal or designee 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) for students with special circumstances 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 11309)

Each waiver shall be considered on its individual merits with great deference given to parental preference for student placement. All 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 11309)

Individual schools in which 20 students or more of a given language and grade level receive a waiver shall be required to offer an alternative program; otherwise they must allow the students to transfer to a public school in which such a program is offered. (Education Code 310)

Students wishing to transfer shall be subject to the district's intra-district and inter-district attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district's inter-district attendance policies and administrative regulations.

In cases where a parental exception waiver pursuant to Education Code 311(b) or (c) is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the principal's decision to the district administration. (5 CCR 11309)

District schools shall maintain logs of parental requests received and decisions made. The school will report this information on the annual language census submitted to the California Department of Education.

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

Staffing and Professional Development

All teachers of ELD and other core-content subjects (English language arts, math, science, social studies) must have a CLAD or BCLAD certificate or the equivalent. (Ed Code 44253, 44253.1, 44253.2, 44253.3, 4253.10)

Principals who assign non-CLAD or non-BCLAD teachers to instruct English learners in ELD or other core-content subjects shall have teachers sign a Memorandum of Understanding that documents the teacher's commitment to complete the certificate by the end of the academic year. The Memorandum of Understanding shall include the teacher's specific coursework, exams, or other steps the teacher will be taking to complete the certificate within the academic year. Principals shall monitor the progress that teachers on Memos of Understanding are making toward completing their certificates. Principals shall consult with the Director of Certificated Personnel or the Assistant Director of Curriculum and Instruction before re-assigning a non-CLAD or non-BCLAD teacher who has not met the terms of the Memo of Understanding to teach English learners. (Coordinated Compliance Review Item IV-EL6a-6b)

The Curriculum and Instruction Office shall annually implement a professional development program for teachers and paraprofessionals who are instructing ELD, SDAIE, and bilingual education, and for school administrators charged with implementation of the English Learner Program. The teacher professional development program shall include opportunities for teachers to take coursework to complete their CLAD/BCLAD certification.

Advisory Committees

All district schools with more than 20 English learners shall have a functioning English Learner Advisory Committee (ELAC) that meets all legal requirements. An ELAC may exercise its option to turn its responsibilities over to the school site council, but only after the ELAC has been formed according to district English Learner Program Guidelines and has been trained by the district in its responsibilities. Each ELAC (or school site council that may have ELAC responsibilities) shall elect a representative to the District English Learner Advisory Committee (DELAC). (5 CCR 11308; Coordinated Compliance Review Item VI-EL9)

The DELAC shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a district master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The district wide needs assessment on a school-by-school basis
3. Establishment of a district program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures
7. Review of and comments on the written notification required to be sent to parents/guardians. (5 CCR 11300-11316)

The Superintendent or designee shall monitor the formation and functioning of the ELAC's to ensure that parents of English learners have the opportunity to advise, and consult with, the school administration and teachers on matters regarding the instruction and school experience of their students.

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT
approved: May 25, 2004 Concord, California
revised: September 10, 2014