

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

The Board of Education intends to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible while facilitating student achievement in the district's regular course of study.

The district has included in its Local Control and Accountability Plan (LCAP) specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

English learners shall be provided 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.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Language Learners)

The Superintendent or designee shall provide to teachers, administrators, and other school staff research-based professional development that is designed 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. (20 USC 6825)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall encourage parent/guardian and community involvement in the development, implementation, and evaluation of English language development programs.

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)**Identification and Assessment**

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment 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 specified in the accompanying administrative regulation.

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 allowable 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)

(cf. 6152.51 - State Academic Achievement Tests)

Placement of English Learners

Students who are English learners shall be educated through "structured English immersion" (also known as "Integrated and Designated English Language Development"), as defined in law and the accompanying administrative regulation. Nearly all of the classroom instruction in the district's structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305-306)

When an English learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education, any district assessments, and/or other criteria adopted by the Board, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is overwhelmingly in English. (Education Code 305-306; 5 CCR 11301)

(cf. 6162.5 - Student Assessment)

At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR 11301)

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Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, 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. Progress toward any other goals for English learners identified in the district's LCAP
6. A comparison of current data with data from at least the previous year.

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

(Amended by Stats. 2014, Ch. 753, Sec.5. Approved in Proposition 58 at the November 8, 2016, election. Operative July 1, 2017 by Sec. 9 of Proposition 58.)

Effective and appropriate instructional methods for students; establishment of language acquisition programs; structured English immersion program for English learners; opportunities to be instructed in another language (Education Code 305).

1. As part of the parent and community engagement process required for development of the Local Control and Accountability Plan (LCAP), the district shall solicit input on, and shall provide to students, effective and appropriate instructional methods, including, but not limited to establishing language acquisition programs. This requirement is intended to ensure that all students, including English learners and native speakers of English, have access to the core academic content standards, including the English language development standards, as applicable, and become proficient in English.

The district shall, at a minimum, provide English learners with a structured English immersion program, for purposes of ensuring that English learners have access to the core academic content standards, including the English language development standards, and become proficient in English.

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2. The district shall consult with the proper school personnel, including, but not limited to, administrators and certificated teachers with the appropriate authorizations and experience.
3. The district encourages the provision of opportunities to students who are native speakers of English to be instructed in another language to a degree sufficient to produce proficiency in that language. The non-English language should be at the discretion of the parents, community, and school, depending upon the linguistic and financial resources of the school community and other local considerations.

Parents or guardians; choice of language acquisition program; implementation requirements (Education Code 310).

1. Parents or legal guardians of students enrolled in the school may choose a language acquisition program that best suits their child pursuant to this section. Schools in which the parents or legal guardians of 30 students or more per school or the parents or legal guardians of 20 students or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible.
2. The district shall comply with the Kindergarten and Grades 1 to 3, inclusive, class size requirements.
3. The district shall provide, as part of the annual parent notice upon enrollment, the parent or legal guardian of a minor student with information on the types of language programs available to students enrolled in the district, including, but not limited to, a description of each program.

Right to be provided with free public education and English language public education.

As detailed in Section 5 of Article 9 of the California Constitution, and Article 2 and Article 3, respectively, all California school children have the right to be provided with a free public education and an English language public education.

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*

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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
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SAN DIEGO UNIFIED SCHOOL DISTRICT
San Diego, California