

## INSTRUCTION

Education for English Learners

The Board of Education intends to provide English learners with challenging curriculum and instruction that develop full proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and meeting state standards for academic achievement. The district's program is based on sound instructional theory and is adequately supported so that English learners can achieve results at the same academic level as their English-proficient peers in the regular course of study while facilitating student achievement in the district's regular course of study.

The Board of Education encourages staff to exchange information with staff in other districts and the county office of education about programs, options, and strategies for English language learners that succeed under various demographic conditions.

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with state content standards. The district's program shall be based on sound instructional theory and adequately supported in order to 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)

## 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 administrative regulation.

## Placement of English Learners

Students who are English learners shall be educated through "sheltered English immersion" or "structured English immersion," as defined in law and administrative regulation, during a temporary transition period not normally intended to exceed one year. 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)

For purposes of determining the amount of instruction conducted in English in the structured English immersion classroom, "nearly all" shall be defined as follows: all classroom instruction be conducted in English except for clarification, explanation, and support as needed.

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)

An English learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following: a score of Intermediate or above on the California English Language Development Test (CELDT).

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)

#### Parental Exception Waivers

When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code 310.311)

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

The district shall grant parental exception waivers from the requirements of Education Code 305 regarding placement in the structured English language immersion program Any waiver request shall be granted in accordance with the law 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. All requests for waivers are granted in accordance with law and administrative regulations. (5 CCR 11309)

If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the Superintendent's decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the

Superintendent shall send the Board's decision to the parent/guardian within seven working days.

## Program Evaluation

To evaluate the effectiveness of the district's educational program effectiveness, for English learners, the Superintendent or designee shall regularly examine program results, report to the Board, at least annually, regarding the progress of including English learners' academic achievement, progress towards proficiency in English and the progress of students the number and percentage of English learners who have been reclassified as fluent English proficient, the number and percentage of English learners who are or are at risk of being classified as long-term English learners, the achievement of English learners on standards-based tests in core curricular areas, and a comparison of current data from at least the previous year. The Superintendent or designee also shall annually report these findings to the Board and shall provide the Board with regular annual reports from any district or school-wide English learner advisory committees.

## Legal Reference:

### EDUCATION CODE

300-340 English language education for immigrant children  
430-446 English Learner and Immigrant Pupil Federal Conformity Act  
33308.5 CDE guidelines not binding  
33050 State Board of Education waiver authority  
44253.5-44253.10 Certification for bilingual-cross-cultural competence  
44253.1-44253.11 Qualifications for teaching English learners  
48985 Notices to parents in language other than English  
51101 Rights of parents to information  
51101.1 Rights for parents of English learners  
52130-52135 Impacted languages act of 1984  
52160-52178 Bilingual Bicultural Act  
52180-52186 Bilingual teacher training assistance program  
54000-5404128 Programs for disadvantaged children  
60200.7 Suspension of state instructional materials adoptions  
60605.87 Supplemental instructional materials, English language development  
60810-60812 Assessment of language development  
62001-62005.5 Evaluations and sunseting programs  
62005.5 Continuation of advisory committee after program sunsets

### CODE OF REGULATIONS, TITLE 5

4320 Determination of funding to support program to overcome the linguistic difficulties of English learners

11300-11316 English Language Learner Education  
11510-115167 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 (9<sup>th</sup> Circuit) 2002 U.S. App. Lexis 20956

California Teachers Association et al. v. State Board of Education et al., (9<sup>th</sup> Circuit, 2001) 271F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4<sup>th</sup> 196

Teresa P. et al. v. Berkeley Unified School District et al., (1989) 724 F.Supp. 698

Casteneda v. Pickard (5<sup>th</sup> Cir. 1981) 648 F.2d 989

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California English Language Development Test (CELDT): 2012-13 CELDT Information Guide, 2012

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

Guidelines for Reclassification of English Learners, September 2002

Accommodations for the California English Language Development Test, Revised 8/13/01

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

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

WEB SITES

CDE: <http://www.cde.ca.gov>

CSBA: <http://www.csba.org>

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

Adopted: January 7, 1991  
Revised: February 7, 2006  
April 20, 2010  
September 17, 2013

DISTRICT

LONG BEACH UNIFIED SCHOOL