



K - 5 English Learners in California – Frequently Asked Questions **California Department of Education, 2006**

English learners (ELs) face the daunting task of learning the academic curriculum and a new language concurrently. They need to learn English quickly enough and fluently enough to participate in academic work, and like all children, learn grade level mathematics, reading/language arts, social studies, and science.

The law governing the educational services for ELs is varied and consists of both state and federal requirements. Federal law clearly takes precedence over state law if there is a conflict. Therefore, districts must ensure that they comply with all federal requirements while also implementing state requirements.

Note: Answers in italics provide additional information on implementation in the Long Beach Unified School District.

Identification and Placement

1. Who is identified as an EL?

An EL is a K-12 student who, based on an objective assessment, has not developed listening, speaking, reading, and writing proficiencies in English sufficient for participation in the regular school program.

Any student new to LBUSD whose home language survey indicates a response other than “English” to the first three question is referred to the International Student Registration (ISR) for assessment.

2. What is the program placement for ELs in California?

An English language classroom is the placement for ELs in California, unless a parental exception waiver is granted for an alternative program. There are two types of English language classrooms: Structured English Immersion (SEI), known in LBUSD as Intensive Structured English (ISE), and English Language Mainstream. ISE classrooms are designed for students with “less than reasonable fluency” (scoring at Beginning or Early Intermediate on the California English Language Development Test-CELDT). An EL shall be transferred from an ISE classroom when the pupil has acquired a reasonable level of proficiency (Intermediate to Advanced on the CELDT).

3. Where may ISE take place?

ISE may take place in any educational setting where the teacher is qualified to provide it.

Intensive Structured English is an instructional program for students not meeting the criteria of reasonable fluency, not a place such as a self-contained classroom. This program must include English language development and access to the core content through Specially Designed Academic

Instruction in English (SDAIE), and, if necessary and reasonably possible, primary language support. Some sites, due to low numbers of students at the beginning levels of English-language proficiency, cannot maintain separate ISE classrooms; others choose not to do so in order to provide language models for the children.

4. Must all ELs be enrolled in an ISE program for one year?

English learners who lack reasonable fluency in English (defined as a CELDT score of Beginning – Early Intermediate) must be placed in an ISE program unless their parent/guardian requests placement in an English language mainstream classroom or is granted a parental exception waiver for an alternative program.

5. May EL students be re-enrolled in an ISE program?

Yes. An English learner may be re-enrolled in an ISE program not normally intended to exceed one year if the pupil has not achieved a reasonable level of English proficiency unless the parent/guardian of the pupil object to the extended placement.

6. What does a parent need to do to have his/her child placed in an English language mainstream classroom?

The parent/guardian of an EL need only request this placement. This does entail going through the waiver process. All English learners, regardless of placement, must receive ELD appropriate to their proficiency level and be administered the annual CELDT.

7. What does a parent need to do to have his/her child placed in an alternative program?

The parent/guardian may request a waiver to allow his/her child to participate in an alternative program, (e.j. dual immersion or native language instruction) following district waiver procedures. The final decision to grant or deny the request lies with the principal and educational staff. A detailed description of the waiver procedures is included in the District's *Master Plan for English Learner Education*.

Curriculum and Instruction

8. What are the ELD standards?

The *English-language Development Standards* are designed to supplement the English-language content arts standards to ensure English learners develop proficiency in both the English language and the concepts and skills contained in the English language arts content standards. The ELD standards were also used to develop the CELDT. The ELD standards can be downloaded at <http://www.cde.ca.gov/ta/tg/el/admin.asp>.

9. Must the language of instruction used by the teaching personnel in an English language classroom be “overwhelming” the English language?

Yes. In all English language classrooms, the language of instruction used by the teaching personnel must be “overwhelmingly” the English language.

State legislation leaves the definition of “overwhelmingly” to individual districts. LBUSD has determined that all instruction is to be in English. This does not preclude, however, the use of a student’s primary language to provide support (i.e. clarification, preview and review).

10. How long must districts provide services to ELs?

School districts are required to continue to provide additional and appropriate educational services to English learners until they have met reclassification criteria. This means that English learners must be provided with ELD and SDAIE as needed, until they are reclassified as fluent English proficient (FEP).

11. Does a district have any responsibility for monitoring redesignated/reclassified students?

Yes. Districts receiving Title III funds are required under No Child Left Behind (NCLB) to monitor students for two years after redesignation.

12. Are all ELs required to receive ELD appropriate to their English proficiency level?

Yes. During the regular day, differentiated ELD instruction appropriate to the English proficiency level of each EL must be provided by an authorized teacher until the student is reclassified. Districts are to provide ELs with instruction using whatever materials are deemed appropriate that are specifically designed to enable students to acquire academic English rapidly, efficiently, and effectively. The law does not require a specific number of minutes of ELD for all ELs. The district should determine the amount of time appropriate for students at different English language proficiency levels.

13. Is it mandatory to provide EL services to pupils whose parents do not want their children to receive those services?

Parents may request that their children be exempted from a specific instructional setting. However, districts still have an obligation to ensure that students receive ELD and access to other core content areas from teachers who are qualified to provide such instruction.

14. What materials should be provided to our ELs?

ELs must be provided standards-aligned instructional materials. For K-8, these are state-adopted instructional materials in mathematics, science, reading/language arts, and history-social science that

are consistent with the content and cycles of the curriculum frameworks and include universal access features that address the needs of ELs.

Staffing

15. Are the Bilingual Cross-cultural Language and Academic Development (BCLAD), Cross-cultural Language and Academic Development (CLAD), or their equivalent authorizations required to teach ELs?

Yes. The type of authorization depends on the type of instruction provided to ELs.

16. Does California state law require that teachers of ELs attain authorization to provide instruction to ELs?

Yes.

Testing and Accountability

17. What is the California ELD Test?

Federal and state laws require a state test of English language proficiency that school districts must give to students who are ELs. The California test is called the CELDT. All students whose primary language is not English must take the test when they enroll in a California public school for the first time. The CELDT must also be given once each year to ELs until they are reclassified as fluent English proficient.

18. Can parents opt to have their students exempted from taking the CELDT?

No. Parents cannot “opt out” of the CELDT because English language proficiency assessment is both a federal and state requirement.

19. Are ELs required to take the tests in the Standardized Testing and Reporting (STAR) program?

Yes. All students in grades two through eleven participate in the STAR program, including students with disabilities and students who are ELs. In addition to the tests administered in English, all Spanish-speaking ELs who have been enrolled in a school in the United States for less than 12 months or who receive instruction in Spanish regardless of how long they have been in school in the United States, must take the designated primary language test. Students whose parents or guardians have submitted written tests to exempt them from STAR program testing do not take any tests.

20. What assistance can be provided to ELs when taking the tests in the STAR program?

ELs may use translation glossaries or word lists (English-to-primary language) that do not include definitions or formulas for all subjects except English-language arts. They may also have the test directions translated for them and ask clarifying questions in their own language for all subjects, including English-language arts.

21. Are there established guidelines for school districts to use in reclassifying ELs to fluent English proficient?

The State Board of Education has established guidelines for school districts to use in reclassifying students.

LBUSD reclassification guidelines are delineated in the Master Plan for English Learner Education.

22. What are the Annual Measurable Achievement Objectives (AMAOs)?

Title III requires that states hold districts accountable for meeting three AMAOs for ELs. The AMAOs were approved by the State Board of Education. The first AMAO relates to making annual progress on the CELDT, the second relates to attaining English proficiency, and the third AMAO relates to meeting Adequate Yearly Progress by the EL subgroup.

Students with Disabilities

23. Will a student's Individualized Education Plan (IEP) or 504 Accommodation Plan take precedence over provisions of Proposition 227?

Yes. The requirements in a student's IEP or Section 504 Accommodation Plan are federal legal requirements and take precedence over the provisions of Proposition 227. If either plan calls for primary language instruction, the student does not need a parental exception waiver to receive such instruction.

24. What services and types of instruction must ELs receive when following an IEP or a Section 504 Accommodation Plan?

An IEP or Section 504 Accommodation team must determine which services are appropriate for ELs based on their particular disabilities and level of English proficiency. Regardless of services prescribed, ELs must also receive ELD instruction.

25. Who should refer an EL for Special Education and under what circumstances?

All instructional personnel are responsible for referring an English learner through the referral process if a disability is suspected. Parents also may request an assessment in writing. Students

should not be referred for special education solely on the basis that they do not understand English or are limited in their ability to understand English.

26. What credentials or qualifications are required for teachers of ELs with disabilities?

All linguistic and academic services for ELs with disabilities must be provided by qualified teachers who have credentials that authorize instruction to students with disabilities and English learners.

Other Questions

27. Are school and district English Learner Advisory Committees required?

Yes.

For a description of the legal requirements and tasks of these committees, see the LBUSD Master Plan for English Learner Education.

28. Are schools required to provide information to parents in their primary language?

Yes. When 15 percent or more of the pupils enrolled in the school speak a single primary language other than English, all notices, reports, statements, or records sent by the school or district to the parents/guardians of any such pupil must, in addition to being written in English, be written in such primary language, and may be responded to by the parent or guardian in English or in the primary language. In addition, federal law requires that schools and districts provide information in an understandable format and to the extent practicable in a language that is understandable to the parent, regardless of the percentage of students who speak a language other than English.

For a listing of LBUSD schools with 15 percent or more of students who speak a single primary language other than English, see the listing on the District's web site – PALMS, Interpretation and Translation.

Legal References:

California Education Code [EC] Section 305-306, 310, 313, 48985, and 60615

California Code of Regulations [CCR] Title 5, Section 11301-11302, and 11308-11309

Castaneda v. Pickard, 1981

NCLB, Section 3121[a][4]; Section 1111[b][7], 1111[h][C], and 3302[c]