

## **Instruction**

### **Education For English Language Learners**

The Board of Trustees intends to provide English language 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. The district's program shall be based on sound instructional theory and shall be adequately supported so that English language learners can achieve results at the same academic level as their English-proficient peers in the regular course of study.

(cf. 4112.22/4212.22 - Staff Teaching Students of Limited English Proficiency)

### **Identification and Assessment**

The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their redesignation based on criteria adopted by the Board and specified in administrative regulations.

To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English and the progress of students who have been redesignated as fluent English proficient. The Superintendent or designee shall annually report these findings to the Board and shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

(cf. 6190 - Evaluation of the Instructional Program)

### **Type of Instruction**

Students who are English language learners may be educated through "sheltered English immersion" or "structured English immersion" during a temporary transition period not normally intended to exceed one year. "Nearly all" of the classroom instruction in the district's sheltered 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)

The district has defined the term "nearly all" as providing that all classroom instruction be conducted in English except for clarification, explanation and support as needed.

When an English language 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 or any locally developed assessments and using other criteria developed by the district, he/she may be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is in English. (Education Code 305; 5 CCR 11301)

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An English language learner has acquired a "reasonable level of English proficiency" based on the English language proficiency (ELP) summative assessment threshold between level 3 and level 4 and Initial Fluent English Proficient (IFEP) at or above the same threshold.

(cf. 6011 - Academic Standards) (cf. 6162.5 - Student Assessment)  
(cf. 6171 – Title I Programs)

Upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom. (5 CCR 11301)

#### **Parental Exception Waivers**

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

Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.

The principal shall consider all waiver requests made pursuant to Education Code 311(c) for students with special needs and shall submit a rationale of the decision regarding the waiver to the Superintendent or designee. When determining whether or not to recommend the approval of the waiver request, the principal shall assume that the facts justifying the request attested by the parent/guardian are a true representation of the child's condition. All such waiver requests shall be granted unless: (1) the principal and educational staff determine that the alternative program requested by the parent/guardian would not be better suited for the overall educational development of the student, or (2) the program requested by the parent/guardian is not offered at the school.

When evaluating a waiver request 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 measures shall be used.

These equivalent measures may include local assessments, local standards and teacher evaluations.

If the waiver requested by the parent/guardian is granted, and less than 20 students at the same school receive a waiver, the student shall be allowed to transfer to another public school in which such a class is offered. (Education Code 311)

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If the Superintendent or designee denies the waiver request, he/she shall provide 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.

## 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

44253.5-44253.10 Certification for bilingual-cross-cultural competence

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

54000-54041 Programs for disadvantaged children

60810-60812 Assessment of language development

62001-62005.5 Evaluation and sunseting of programs

## 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

11510-11516 California English Language Development Test

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Legal Reference: (continued)

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

Policy Adopted: March 23, 1987; June 26, 2017

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