

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Board of Education 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.

The Board 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.

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

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 shall 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 follows:

"Nearly all" could be cautiously defined as to provide that all classroom instruction be conducted in English except for clarification, explanation and support as needed.

## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

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 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; 5 CCR 11301)

An English language learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following:

Redesignation is the process of changing an English Language Learner's Program status from EL (English Learner) to R-FEP (Re-designated Fluent English Proficient). ELs shall be designated as Fluent English Proficient when they are able to comprehend, speak, read, and write English. They must also be able to receive instruction in the regular program and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English. (EC 52164.6).

*(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.

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.

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)**

*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  
54000-54028 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  
11510-11517 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

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) 271 F.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

*Guidelines for Reclassification of English Learners*, September 2002  
*Accommodations for the California English Language Development Test*, Revised 8/13/01

WEB SITES

CDE: <http://www.cde.ca.gov>  
CSBA: <http://www.csba.org>

Policy  
adopted:

**PALO ALTO UNIFIED SCHOOL DISTRICT**  
Palo Alto, California