

# **FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT**

## **Instruction**

### **EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**AR 6174**

#### **Definitions (Education Code 306)**

“English learner” (EL) means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English; also known as a Limited English Proficient (LEP) child.

“English language classroom” (ELMC) means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. In an English language mainstream classroom the students either are native English language speakers or already have acquired reasonable fluency in English.

“Sheltered English immersion” or “structured English immersion” (SEI) means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.

“Bilingual education”/“native language instruction” means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the child's native language.

#### **Identification and Assessment**

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (5 CCR 11307)

Within 30 calendar days of their initial enrollment, students who are identified as having a primary language other than English, and for whom there is no record of results from the state's English language development test, shall be assessed using the California English Language Development Test (CELDT). (5 CCR 11511)

Any student with a disability shall take the CELDT with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. (5 CCR 11516.5)

(cf. 6159 – Individualized Education Plan)

(cf. 6164.6 – Identification and Education under Section 504)

The District shall notify parents/guardians of their child's results on the CELDT within 30 calendar days. (5 CCR 11511.5)

(cf. 5145.6 – Parental Notifications)

Within 90 days of initial enrollment, students identified as having limited English proficiency shall have their proficiencies in listening, speaking, and reading/writing the other language identified. (former EducationCode52164.1,62002)

Before students are enrolled in a Structured English Immersion program for English language learners, parents/guardians shall receive information about the program and their opportunities for parental involvement. This information shall include the fact that an individual student's participation in the program is voluntary on the part of the parent/guardian. (Education Code 52173)

Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child’s English proficiency. The notice shall include the following: (Education Code 440; 20 USC 6312)

1. The reason for the student's classification as English language learner
2. The level of English proficiency
3. A description of the program for English language development instruction, including a description of all of the following:
  - a. The manner in which the program will meet the educational strengths and needs of the student
  - b. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards
  - c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learner students, and the expected rate of graduation from secondary school if Title I funds are used for students in secondary schools
  - d. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. Information regarding a parent/guardian's option to decline to allow the student to become enrolled in the program or to choose to allow the student to become enrolled in an alternative program
5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered.

Parent/guardians also shall be notified of the results of any reassessments. (Education Code 52164.3)

**Parental Exception Waivers**

At the beginning of each school year, parents/guardians shall be informed of the placement of their children in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)

A parent/guardian may request that the District waive the requirements of Education Code 305 if the one of the following circumstances exists:

1. Students who already know English: The student already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower. (Education Code 311(a))
2. Older students: The student is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills. (Education Code 311(b))
3. Students with special needs: The student already has been placed for a period of not less than 30 calendar days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the student has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311(c))

The parent/guardian shall personally visit the school to apply for the waiver. (Education Code 310)

Upon request for an application for a "Parental Exception Waiver," the Superintendent or designee shall provide to the parents/guardians: (Education Code 310, 311; 5 CCR 11309)

1. A full written description, and a spoken description upon request, of the intent and content of the structured English immersion program, any alternative courses of study and all educational opportunities offered by the District and available to the student, and the educational materials to be used in the different educational program choices
2. For a request for waiver pursuant to Education Code 311(c) for students with special needs, notification that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the Superintendent must approve the waiver pursuant to Governing Board guidelines.

When evaluating waiver requests 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 assessment measures may be used.

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

Parental exception waivers pursuant to Education Code 311(b) (Students 10 Years or Older) shall be granted if it is the "informed belief" of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills.

Parental exception waivers pursuant to Education Code 311(c) (Students with Special Needs) shall be granted if it is the "informed belief" of the principal and educational staff that, due to the student's special physical, emotional, psychological or educational needs, an alternate course of educational study would be better suited to the student's overall educational development.

The school shall act upon all parental exception waivers within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to Education Code 311(c) (Students with Special Needs) shall not be acted upon during the 30-day placement in an English language classroom. These waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)

Individual schools in which 20 students or more of a given grade level and of the same language receive a waiver shall be required to offer such a class; otherwise they must allow the students to transfer to a public school in which such a class is offered. (Education Code 310)

Students wishing to transfer shall be subject to the District's intradistrict and interdistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district's interdistrict attendance policies and administrative regulations.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

In cases where a parental exception waiver pursuant to Education Code 311(b) or (c) is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and, if relevant, any procedures that exist to appeal the decision to the Board or to the court (5 CCR 11309)

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

Reclassification (Redesignation)

The District shall continue to provide additional and appropriate educational services to English language learners for the purposes of overcoming language barriers until the English language learners have: (5 CCR 11302)

1. Demonstrated English language proficiency comparable to that of the District's average native English language speakers
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum (math, science, or social studies) as a result of language barriers

English language learners shall be redesignated as fluent English proficient when they are able to comprehend, speak, read and write English well enough 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 and who are in the regular course of study. (Education Code 52164.6)

The following measures shall be used to determine whether an English language learner shall be reclassified as fluent English proficient: (5 CCR 11303)

1. Assessment of English language proficiency utilizing the CELDT as the primary criterion
2. Objective assessment of the student's English reading and writing skills (i.e, California Standards Test for English Language Arts, or comparable test)
3. Evaluation by the student's classroom teacher of performance in reading and writing that is substantially equivalent to their average English-only peers.
4. Opportunity for parent/guardian opinion and consultation.

The Superintendent or designee shall provide subsequent monitoring and support of reclassified students, including but not limited to monitoring the performance of reclassified students in the core curriculum in comparison with their native-English speaking peers, monitoring the rate of reclassification, and ensuring correct classification and placement.

The Superintendent or designee shall develop a process to monitor the effectiveness of the District's program for English language learners. The District's program shall be modified as needed to help ensure language and academic success for each English language learner.

### **Advisory Committees**

At the District level when there are more than 50 English language learners and at each school with more than 20 English language learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law. (5 CCR 11308)

Parents/guardians of English language learners shall constitute committee membership in at least the same percentage as their children represent of the total number of students in the school. (Education Code 52176,)

The District's English Language Advisory Committee (DELAC) shall have an opportunity to advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a District master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The District wide needs assessment on a school-by-school basis
3. Establishment of a District program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the District's reclassification procedures

7. Review of and comments on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316

The school's English Language Advisory Committee (ELAC) shall have an opportunity to advise the principal and staff on the school's program for English language learners and assist in the following tasks: (5 CCR 11308)

1. Needs assessment
2. Language census (R-30LC)
3. Efforts to make parents aware of the importance of regular school attendance.

The school's ELAC has the opportunity to elect at least one member to the DELAC.

- (cf. 0420 - School Plans/Site Councils)
- (cf. 1220 - Citizen Advisory Committees)
- (cf. 5020 - Parent Rights and Responsibilities)
- (cf. 6020 - Parent Involvement)

In order to assist advisory members in carrying out their responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. (5 CCR 11308)

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