

English Learners in California Frequently Asked Questions*

The frequently asked questions are intended to assist local educational agencies (LEAs) in implementing the provision of services to English Learners (ELs). This collection represents commonly asked questions, but is not intended to be a complete list of all possible questions or scenarios. Click on the links below to reach each topic.

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* Please note that the November 2016 election ballot may affect some of the statutes cited below (e.g., *Education Code* sections (EC §§ 305, 306, 311). If Proposition 58 is passed, some of the FAQs may be modified during the 2017-18 school year.

Identification and Placement

1. Who is identified as an English Learner?

An EL is a K–12 student who, based on the results of the California English Language Development Test (CELDT), has not developed listening, speaking, reading, and writing proficiencies in English sufficient for participation in the regular school program. These students were previously referred to as Limited English Proficient (LEP). The process for identification of ELs is described on the CDE CELDT Information Guide Web page found at <http://www.cde.ca.gov/ta/tg/ep/documents/celdt1618guide.pdf>. (See page 8.)

2. What are the program placement options for ELs in California?

The three placement options are Structured English Immersion (SEI), English Language Mainstream (ELM), and Alternative Programs. English learners are placed in classrooms in which the instruction is given in English, unless a parental exception waiver is granted for an alternative program in which some or most of the instruction is in the student's primary language. There are two types of English language classrooms: SEI and ELM. SEI classrooms are designed for students with less than "reasonable fluency," as defined by the

LEA. English language mainstream classrooms are designed for native English speakers or students with reasonable fluency or that have already acquired a “good working knowledge of English” as defined by the LEA. (5 CCR § 11301.)

When ELs have acquired a reasonable level of English proficiency, they are transferred from an SEI classroom to an ELM classroom. (However, at any time, including during the school year, parents or guardians may have their child moved into an ELM classroom by requesting the move.) (EC §§ 305, 306; 5 CCR § 11301.)

3. What is SEI?

SEI, also known as “Structured English Immersion,” is a program designed to promote language acquisition in which nearly all classroom instruction is given in English, but with the curriculum and presentation designed for children who are learning the language (EC § 306.)

Typically, SEI includes: (1) English language development (ELD) instruction appropriate to each student’s level of English proficiency, (2) content instruction utilizing specially designed academic instruction in English (SDAIE) whenever needed for full access to the core, and (3) may include primary language support if needed. Usually, ELs scoring at the beginning through intermediate levels on CELDT are placed in SEI. See questions 12 and 21 for additional information regarding ELD.

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

ELs who lack reasonable fluency in English, as defined by the LEA, must be placed in a SEI program. The SEI program is designed to normally not exceed one year. However, a student may be re-enrolled if necessary. The parent/guardian may request placement in an ELM classroom at any time or may be granted a parental exception waiver for an alternative program in which some of the instruction is the student’s primary language. All ELs must receive additional and appropriate educational services until they are reclassified. (EC § 305, 5 CCR §§ 11301, 11302.)

5. May EL students be re-enrolled in a SEI program?

Yes. An English learner may be re-enrolled in a SEI program not normally to exceed one year if the pupil has not achieved a reasonable level of English proficiency unless the parents or guardians of the pupil object to the extended placement. (5 CCR § 11301.)

6. What is a Dual Language Program or Two-Way Immersion Program?

Two-way immersion programs integrate ELs and native English speaking students in order to develop their bilingualism and biliteracy in English and another language. In two-way programs, the model selected generally prescribes the amount of time spent in the target (non-English) language. The Dual Language Program or Two-Way Immersion Program is one of the instructional delivery approaches under the alternative program. It may refer to students from one language group developing full literacy skills in two languages. For more information, please visit <http://www.cde.ca.gov/sp/el/ip/>.

7. 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 requests the placement at the school level. This does not require a waiver. (5 CCR § 11301(b).)

8. What does a parent need to do to have his/her child placed in an alternative program in which some or most of the instruction is in the student's primary language?

The parent/guardian may request a waiver to allow his/her child to participate in an alternative program following local district waiver procedures. The final decision to grant or deny the request lies with the principal and educational staff who must apply the standard found at (5 CCR § 11309(b)(4).) Consider each waiver on its individual merits.

9. Must students in alternative programs under waiver option EC § 311(c) be placed in an English language classroom for 30 days each year?

No. EL students with approved waivers need only be placed in an English language classroom for 30 days in their first school year in California. Although the waiver request must be submitted annually, in subsequent years the student need not repeat the 30 day trial period.

10. Where can we get information about developing programs for linguistically and culturally diverse students?

CDE has a list of resources with information about developing programs for linguistically and culturally diverse students at <http://www.cde.ca.gov/sp/el/er/>.

Curriculum and Instruction

11. What responsibilities do LEAs have to provide full access to grade-level core curriculum for ELs?

LEAs must ensure that all students meet grade-level core curriculum standards within a reasonable amount of time. The LEA defines "a

reasonable amount of time” in their program descriptions. (5 CCR § 11302(a).)

12. What are the ELD standards?

In 2012, the California State Board of Education adopted the new *California English Language Development Standards*. The ELD standards guide teachers in supporting English learners in the acquisition of English needed for success in content areas. These ELD Standards are also aligned to the rigor of the California Common Core State Standards (CCSS) for English Language Arts (ELA/Literacy, Mathematics, Literacy in History/Social Studies, Science, and Technical subjects). The new ELD standards amplify areas of English language development that research has shown are crucial for academic learning. They also correspond to the Mathematics and Science content standards. The ELD standards are designed to supplement the ELA content standards to ensure that English learners develop proficiency in both the English language and the concepts and skills contained in all content standards.

13. What is the difference between the ELD standards and the ELA/ELD Framework?

The ELD standards describe the knowledge, skills, and abilities that ELs will need in order to demonstrate mastery of English, however, the standards are not a curriculum. The ELA/ELD Framework is a detailed guide to teachers and course developers in how to implement instruction (i.e. curriculum) that is coherent and sequenced to facilitate students’ mastery of both the ELD and the ELA state standards.

14. What materials must be used when working with EL students?

Instructional materials, at minimum, must align to State content standards. Refer to the CDE Curriculum Resources Web page at <http://www.cde.ca.gov/ci/cr/> for guidance in selecting appropriate materials.

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

Yes. In all English language classrooms, instruction is delivered “overwhelmingly” in the English language. In SEI programs, however, “nearly all” classroom instruction is in English. It is the responsibility of each LEA to define “overwhelmingly” and “nearly all”. (EC § 306.)

16. May primary language literacy development take place in California schools?

Although instruction in English language classrooms must be overwhelmingly in English, instruction need not be exclusively in English. In alternative programs, instruction may be provided in English as well as in a language other than English.

17. How long must LEAs provide services to ELs?

LEAs are required to continue to provide additional and appropriate educational services to ELs until they have demonstrated English language skills comparable to that of the LEA's average native English speakers and have recouped any academic deficits which may have been incurred in other areas of the core curriculum while learning English (5 CCR, § 11302.) Services must continue until ELs meet objective reclassification criteria. (EC § 313.) This means that EL students must be provided with ELD and SDAIE, and/or primary language instruction until they are reclassified (RFEP).

18. Does an LEA have any responsibility for monitoring redesignated/reclassified students?

Yes. LEAs receiving Title I or Title III funds are required to monitor students for four years after redesignation. (20 U.S.C. § 6841.) California's regulations also require LEAs to continue to monitor pupils who are reclassified, in order to ensure correct classification and placement. (5 CCR § 11304.)

19. May SDAIE in content classes be considered part of SEI?

Yes. However, ELD must also be part of the defined SEI program. SDAIE is defined, for the purpose of teacher credentialing, as *instruction in a subject area, delivered in English that is specially designed to meet the needs of limited-English-proficient pupils*. SDAIE is an instructional methodology, not a program. (EC §§ 305, 306, 44253.2(b).)

20. Are LEAs required to provide ELs with ELD appropriate to their English proficiency level?

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

language proficiency levels, but should be equivalent to the requirement of any other subject matter,

21. When is ELD taught?

The 2014 English Language Arts/English Language Development Framework (<http://www.cde.ca.gov/ci/cr/cf/allfwks.asp>) identifies two ways that ELD can be incorporated into the student's daily schedule. **Designated** ELD instruction is a protected time during the school day in which teachers group ELs according to particular English language development needs (e.g., by CELDT proficiency level, or discrete skills such as reading, writing, speaking/listening). **Integrated** ELD instruction, on the other hand, is ELD provided throughout the school day by all teachers and emerges from the text and materials of content subject matter. Previously used terms such as sheltered instruction, SDAIE, and content ELD are terms incorporated into the Integrated ELD definition. (See Chapter 2 of the ELA/ELD Framework.)

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

According to joint guidance provided in the *January 7, 2015 Dear Colleague Letter* (<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>) from the U.S. Department of Justice and U.S. Department of Education, "...parents have the right to decline or opt their children out of a school district's EL program or out of particular EL services within an EL program." However, appropriate documentation of the parental choice is to be kept by the LEA. (34 C.F.R. § 100.3(b)(1), (2); 5 CCR § 11301 (b).)

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. (January 7, Dear Colleague Letter at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>)

23. What are the options for introducing English Literacy?

In English Language classrooms (SEI and mainstream) English literacy is introduced immediately. In alternative classrooms, English literacy is also introduced along with literacy in the student's primary language. The formal introduction of English literacy depends on the program design.

24. What instructional materials can LEAs use to provide ELD instruction?

LEAs have a variety of resources and instructional materials available to support ELD instruction.

For grades kindergarten through grade eight, state-adopted materials contain ELD support components. In addition, the current list includes intervention materials for ELs. The list of state-adopted reading/language arts materials based on the new ELD standards is available on the CDE 2015 ELA/ELD Adoption Web page at <http://www.cde.ca.gov/ci/cr/cf/>.

For grades nine through twelve, there are no state-adopted instructional materials. Local LEA governing boards adopt instructional materials for use in their respective high schools.

25. What materials should be provided to our ELs?

ELs must be provided standards-aligned instructional materials. For kindergarten through grade eight, 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 design for learning features that address the needs of ELs. For grades nine through twelve, local governing boards should adopt standards-aligned materials for all students that include universal access features. More information is available on the CDE Instructional Materials FAQ Web page at <http://www.cde.ca.gov/ci/cr/cf/imfrpfaq1.asp>.

PARENTAL EXCEPTION WAIVERS

26. When are parental exception waivers required?

When the parent/guardian of an EL wishes to have his/her student placed in a program that is an alternative to being taught in English, per *EC* § 305, a waiver is required. Individual schools in which 20 pupils or more of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the pupils to transfer to a public school in which such a class is offered. (*EC* §§ 305, 310, 311.) An alternative program is likely to be some form of bilingual education such as a Dual Language or Two-Way Program

27. Are LEAs obligated to establish a parental exception waiver process?

Yes. LEAs must establish procedures for granting or denying parental exception waivers. The LEA must define an appeal process for denials. These procedures must be approved by the local governing board. (5 *CCR* § 11309.)

28. What is the standard that schools and districts must use in making decisions to grant or deny a parent's waiver request?

Parental exception waivers shall be granted unless the school principal and educational staff have determined that an alternative program . . . would not be better suited for the overall educational development of the pupil (5 CCR § 11309 (b)(4).) Individual schools in which 20 pupils or more of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the pupils to transfer to a public school in which such a class is offered. (EC § 310.)

29. If I am denied a parental exception waiver, what are my options?

In cases where a parental exception waiver is denied, parents/guardians must be informed in writing of the reason(s) for denial and advised of the procedures to appeal the decision to the local board of education or their right to appeal to a court. A parent may also request an SBE review of the district's waiver procedure. (5 CCR § 11309 (d).)

30. If an alternative program is not offered at a specific school site, is the LEA obligated to provide transportation to a district school where an alternative program is available?

If the district provides transportation to other optional or voluntary programs, such as magnet programs, academies, or other alternative programs, it must also provide transportation to the alternative program that is available.

31. Are there resources to assist LEA staff in locating parental notification documents translated into non-English languages?

Yes. The Clearinghouse for Multilingual Documents (CMD) is a Web-based resource that provides information about public and secondary educational documents translated into non-English languages by California educational agencies. The CMD helps LEAs locate useful translations of parental notification documents and reduce redundant translation efforts. More information is available at the CDE Clearinghouse for Multilingual Documents Web page at <http://www.cde.ca.gov/ls/pf/cm/>.

STAFFING

32. 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 required depends on the type of instruction provided to ELs. More information on EL authorizations is available at the Commission on Teacher Credentialing Web page at <http://www.ctc.ca.gov/> and at EC sections 44253.1 – 44253.11.

33. Does California state law require that teachers of ELs obtain authorization to provide instruction to ELs?

Yes. Specific requirements are provided on the Commission on Teacher Credentialing Web site at <http://www.ctc.ca.gov/>. Also, refer to *EC* sections 44253.1 – 44253.11.

Testing, Assessment and Accountability

34. What is the CELDT?

Federal and state laws require that LEAs administer a state approved test of English language proficiency to students who are potential ELs or already classified as ELs. Students whose parents/guardians list a language other than English on the Home Language Survey (HLS) must take the test within 30 calendar days after they are enrolled for the first time in a California public school to determine if they are to be classified EL or as an initially fluent English proficient (IFEP) student. The CELDT must also be given annually to ELs until they are reclassified as fluent English proficient (RFEP). More information on the CELDT is available on the CDE Resources Web page at <http://www.cde.ca.gov/ta/tg/el/resources.asp>.

Transition to the English Learner Proficiency Assessments for California (ELPAC) takes place in the 2017–18 school year. For more information, visit the ELPAC Web page at <http://www.elpac.org>.

35. What is the purpose of the CELDT?

The purpose of the CELDT is: (1) to identify K-12 students new to California who are ELs; (2) to determine their level of English proficiency; (3) to monitor annually their progress in learning English; and (4) to determine when students have met one of the four criteria for reclassification (assessment of English language proficiency, using an objective assessment instrument, including, but not limited to, the state test of English language development; teacher evaluation, including, but not limited to, a review of the student's curriculum mastery; parent opinion and consultation; and comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.) Information about the CELDT including release dates of test results, accommodations, reclassification, and communication of results to parents/guardians is available on the CDE Resources Web page at <http://www.cde.ca.gov/ta/tg/el/resources.asp>.

36. 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 (ESSA Title I. section 1111(b)(2)(G)) and state (*EC* § 313) requirement.

37. Are ELs required to take the California Assessment of Student Performance and Progress (CAASPP) tests?

English learners who have been enrolled in school in the United States for less than 12 months may be exempted from the ELA portion of the test. For ELs taking the tests, there are a variety of designated supports and accommodations that may be activated to assist ELs and ELs with disabilities in taking the tests. For more information, see the CAASPP Web site at <http://www.cde.ca.gov/ta/tg/ca/>.

38. How can LEAs evaluate ELs to get a comprehensive view of the student’s academic standing?

To get a comprehensive view of a student’s academic standing, LEAs should utilize all available standardized assessments (i.e. CAASPP and CELDT results) as well as local assessments, academic coursework, and relevant program information. The goal should be to monitor EL student progress to ensure that they are gaining English proficiency and subject matter knowledge according to the LEA’s expected program progress.

39. What are Annual Measurable Achievement Objectives (AMAOs)?

The AMAO reports have been suspended as we transition to the Every Student Succeeds Act (ESSA) requirements. Beginning in 2016–17, a Progress and Proficiency report is being sent to LEAs. New accountability measures will be adopted by the State Board of Education in 2016–17 and will take effect in 2017–18.

STUDENTS WITH DISABILITIES

(Special Education and Section 504 Accommodation Plan)

40. Does a student’s Individualized Education Program (IEP) or 504 Plan take precedence over provisions for ELs in the California Education Code?

The requirements in a student’s IEP or Section 504 Plan are federal requirements. If either the IEP or 504 Plan calls for primary language instruction, the student does not need a parental exception waiver to receive such instruction. The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504) require that an LEA provide to ELs with disabilities both the language assistance and disability-related services to which they are entitled under federal law. The LEA must

inform parents of EL students with IEPs how the language instruction education program meets the objectives of the child's IEP. Even if the parent declines disability-related services under IDEA or Section 504, that student with a disability remains entitled to all EL rights and services as described in this guidance: January 7, Dear Colleague Letter, p. 25, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

41. Who should be a part of the IEP team?

To ensure that ELs with disabilities receive services that meet their language and special education needs, at least one member of the IEP team should be a professional with training and expertise in second language acquisition and with an understanding of how to differentiate between the student's limited English proficiency and the student's disability.

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

An IEP or Section 504 team must determine which services are appropriate based on the EL's particular disability and level of English proficiency. Regardless of services prescribed, ELs must also receive ELD instruction.

43. For ELs with an IEP or Section 504 Accommodation Plan, can administration of assessments, parent notifications, and evaluation results be provided only in English?

No. State and federal laws continue to require that parent notifications for ELs be provided in a language and/or format the parent understands, unless it is not practicable. Student assessments must be conducted in the language most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally. Even where it is clearly not feasible or appropriate to comply with the above requirements, the student must receive valid alternative assessments. The results of the assessments must be presented to the parents in a language and/or format that they can understand (5 CCR § 3040 (b); EC § 56320(a); 20 U.S.C. §§ 6312(g)(1)(A)(vii)).

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

All instructional personnel are responsible for referring an EL student through the locally adopted referral process if a disability is suspected. Parents may also request an assessment in writing. IEP teams must determine (1) whether an EL student meets the eligibility criteria for special education; (2) what special education services are required; and (3) that the learning difficulty is

not an aspect of cultural or linguistic diversity. Students should not be referred for special education solely on the basis of not understanding or being limited in their ability to understand English.

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

All linguistic and academic services for ELs with disabilities described in their IEPs or Section 504 Accommodation Plans must be provided by qualified teachers who have credentials that authorize instruction to students with disabilities and ELs. Special education instruction must be provided by: (1) a teacher with both a special education and the appropriate EL authorization or certificate (BCLAD, CLAD, SB 1969, or SB 2913); or (2) a team of teachers who collectively possess the appropriate credentials.

MISCELLANEOUS

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

Yes. English Learner Advisory Committee (ELAC) is required in a school that enrolls at least 21 ELs. District English Learner Advisory Committee (DELAC) is required in LEAs that enroll at least 51 ELs. (*EC* §62002.5; 5 *CCR* § 11308.)

47. Does the CDE review LEAs' compliance with EL State and Federal regulations?

All LEAs are subject to review through the Federal Program Monitoring process. More information can be found at <http://www.cde.ca.gov/ta/crl/>.

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

Yes. When 15 percent or more of the pupils enrolled in a public school speak a single primary language other than English, all notices, reports, statements, or records sent by the school or LEA to the parent/guardian of those pupils shall be written in the primary language, in addition to English, 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 LEAs provide information in an understandable format and to the extent practicable in a language that is understandable to the parent, regardless of percentage of students that speak a language other than English (*EC* § 48985; ESSA Title I, Part A and Title III, Section 3302).

49. When is the use of primary language permitted for instruction in pre-school for ELs?

There are no statutory provisions that address the use of the primary language in programs designed for pre-school pupils. LEAs, unless otherwise required by the provisions of a specific funding source, have flexibility in choosing instructional approaches that use the primary language as a medium of instruction or the objective of instruction. Several resources and information to implement dual-language programs are available through the California First 5 Commission Web site at <http://www.cafc.ca.gov/> and the CDE Child Development Resources Web page at <http://www.cde.ca.gov/sp/cd/>.

50. Are LEAs required to provide English Learner services (primary language instruction, English language development, or specially designed academic instruction in English) in courses that do not fall in the core academic subject areas (e.g., English, mathematics, history/social science, science)?

Yes. LEAs, with students identified as ELs, are required by federal law to provide services to help the students attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic standards as all other students. LEAs are required to provide supplementary services as part of the language instruction program including, but not limited to:

- English language development instruction
- Enhanced instruction in the core academic subjects
- High quality professional development for teachers and other staff

(20 U.S.C. §§ 1703(f), 6823, 6841; also see, *Castaneda v. Pickard* (5th Cir. 1981) 648 F.2d 989.)

For more information on individual-level data including student demographics, course data, discipline, assessments, staff assignments, and other data for state and federal reporting, visit the CDE Longitudinal Pupil Achievement Data Systems (CALPADS) Web page at <http://www.cde.ca.gov/ds/sp/cl/>.

ACRONYMS

AMAO:	Annual Measurable Achievement Objective
BCLAD:	Bilingual Cross-cultural Language and Academic Development
CAASPP:	California Assessment of Student Performance and Progress
CALPADS:	California Longitudinal Pupil Achievement Data System
CDE:	California Department of Education
CELDT:	California English Language Development Test
CLAD:	Cross-cultural Language and Academic Development
DELAC:	District English Learner Advisory Committee
EIA-LEP:	Economic Impact Aid-Limited-English Proficient
EL:	English Learner
ELD:	English Language Development
ELAC:	English Learner Advisory Committee
ELPAC:	English Language Proficiency Assessments for California
ESEA:	Elementary and Secondary Education Act
ESSA:	Every Student Succeeds Act
FEP:	Fluent-English Proficient
IFEP:	Initial Fluent-English Proficient
IEP:	Individualized Education Plan
LEA:	Local Educational Agency (school district, independent charter school, county office of education, community alternative or special education district)
LEP:	Limited-English Proficient

- L1:** Primary Language
- RFEP:** Redesignated or Reclassified Fluent-English Proficient
- SDAIE:** Specially-Designed Academic Instruction in English
- SEI:** Structured English Immersion