

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

Except as provided in Education Code 310 and 311, all students shall be taught in English. In particular, this shall require that all students be placed in English language classrooms. Students who are English language learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. (Education Code 305)

**Definitions**

The definitions of the terms used in Education Code 300-340 are as follows: (Education Code 306)

“English learner” 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 Limited English Proficiency or LEP child.

“English language classroom” 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.

1. “English language mainstream classroom” means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English.
2. “Sheltered English immersion” or “structured English immersion” means an English language acquisition process for young children 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. Within 30 days of their initial enrollment, students who are identified as having a primary language other than English shall be assessed for English proficiency in comprehension, speaking, reading and writing. Within 90 days of initial enrollment, students identified as having limited English proficiency shall be further assessed for primary language proficiency in comprehension, speaking, reading and writing. The Superintendent or designee shall develop criteria for determining student needs on the basis of these assessments. (Education Code 52164.1,

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

62002; 5 CCR 4304)

Students in grades K-2 may be assessed only in comprehension and speaking.

The Superintendent or designee shall send a notification of the results of English proficiency assessments to all parents/guardians of students who are assessed, whether the student is designated fluent English proficient or limited English proficient. (Education Code 48985)

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

*(cf. 5145.6 - Parental Notifications)*

Before students are enrolled in a 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)

**Parental Exception Waivers**

A parent/guardian may request that the District waive the requirements of Education Code 305 if the one of the following circumstances exists: (Education Code 310, 311):

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.
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.
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 FOR ENGLISH LANGUAGE LEARNERS**

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 11303)

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 principal shall provide to the parents/guardians a full written description of: (Education Code 310, 311; 5 CCR 11303)

1. The intent and content of the structured English immersion program
2. Any alternative courses of study offered by the District and available to the student
3. All educational opportunities offered by the District and available to the student
4. The educational materials to be used in the different educational program choices

In addition, upon a request for a waiver, the principal may provide to parents/guardians:

1. Alternative course descriptions and education options offered at each District school
2. Transfer criteria for students moving from a structured English immersion program to an English language mainstream classroom

Upon request of the parent/guardian, a spoken explanation of items #1-4 above shall also be provided. (5 CCR 11303)

For a request for waiver pursuant to Education Code 311(c) (Students with Special Needs), parents/guardians shall also be informed 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 these Board-established guidelines. (5 CCR 11303)

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. (Education Code 311)

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

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

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. (5 CCR 11303)

Parental exception waivers shall be granted unless the principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student. (5 CCR 11303)

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 11303)

In cases where a parental exception waiver is denied, the parent/ guardian shall be informed in writing of the reason for the denial and, if relevant, any procedures that exist to appeal the decision to the Board. (5 CCR 11303)

**Re-designation**

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 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. This proficiency shall be assessed by means of the following criteria: (Education Code 52164.6)

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

1. Teacher evaluation of the student's English language proficiency and curriculum mastery
2. Objective assessment of the student's English comprehension, speaking proficiency and writing skills
3. Parental opinion during a re-designation interview
4. Objective data on the student's academic performance in English

The Superintendent or designee shall provide subsequent monitoring and support of re-designated students.

**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. 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, 62002.5)

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 6020 - Parent Involvement)*

Regulation  
Approved: October 23, 2000

**BREA OLINDA UNIFIED SCHOOL DISTRICT**  
Brea, California