

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Board of Education intends to provide English language learners with a challenging core curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist students in becoming productive members of our society.

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.

To ensure that the District is using sound methods that effectively serve the needs of English language learners, the Superintendent or designee shall annually examine program results, including reports of the students' academic achievement and their progress towards proficiency in English. The Superintendent shall ensure that schools compile data on programs for English language learners in order to help determine program effectiveness.

*(cf. 4112.22/4212.22 - Staff Teaching Students of Limited-English Proficiency)*  
*(cf. 6190 - Evaluation of the Instructional Program)*

The Board encourages staff to exchange information with other Districts and the county office of education about programs, options and strategies for English language learners that succeed under various demographic conditions.

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

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. Nearly all of the classroom instruction in the District's sheltered English immersion program shall be in English. (Education Code 305, 306)

In the sheltered English immersion program, at least 80% of classroom instructional time per day shall be conducted in English.

An English language learner shall be transferred from a structured English immersion classroom to an English language mainstream classroom when the student 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. (Education Code 305; 5 CCR 11301)

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

A student has acquired a “reasonable level of English proficiency” when he/she has achieved the following:

A score that designates a student FES (Fluent English Speaking) on the District adopted IPT oral language test.

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

**Parental Exception Waivers**

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

Parent/guardian requests for waivers from Education Code 305 shall be granted in accordance with law and administrative regulation.

The principal shall consider all waiver requests made pursuant to Education Code 311(c) Special Needs and shall submit a rationale of the decision regarding the waiver to the Superintendent. 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) and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment 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 310)

## EDUCATION FOR ENGLISH LANGUAGE LEARNERS

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

*(cf. 5116.1 – Intra-district Open Enrollment)*

*(cf. 5117 – Inter-district Attendance)*

*(cf. 5117.1 – Inter-district Attendance Agreements)*

*(cf. 5117.2 – Alternative Inter-district Attendance Program)*

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.

### Legal Reference:

#### EDUCATION CODE

300-340 English language education for immigrant children

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

52015 Components of school improvement plan

52130-52136 Impacted languages act of 1984

52160-52178 Bilingual Bi-cultural Act especially:

52164.6 Reclassification criteria

52169 Requirements for establishment of program

52171 Evaluations of student progress

52171.6 Annual report to legislature

52177 Administration of article

52180-52186 Bilingual teacher training assistance program

54000-54041 Programs for disadvantaged children

62000-62005.5 Evaluation and sunseting of programs

#### CODE OF REGULATIONS, TITLE 5

4301-4320 Bilingual education program requirements

11300-11305 English language education for immigrant children

#### UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

#### COURT DECISIONS

Valeria G. v. Wilson, C-98-2252-CAL (July, 1998)

Teresa P. et al v. Berkeley Unified School District et al. (1989) 724 F.Supp. 698

Casteneda v. Pickard. (5th Cir. 1981) 648 F.2d 989

Legal Reference: (see next page)

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

*Legal Reference: (continued)*

*Management Resources:*

CDE PROGRAM ADVISORIES

*0408.98 Policy for English Language Learners*

*0125.90 Procedures for requesting guidance from the US Department of Education*

*0515.89 Limited English Proficient Programs*

CSBA ADVISORIES

*0812.98 Proposition 227 Advisory*

WEB SITES

*CDE: <http://www.cde.ca.gov>*

*CSBA: <http://www.csba.org>.*

Policy

Adopted: March 22, 1999

Revised: October 23, 2000

**BREA OLINDA UNIFIED SCHOOL DISTRICT**

Brea, California