

**INSTRUCTION**

**AR 6174      Education for English Language Learners**

Definitions

English learner means a student 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 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.

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.

Sheltered English immersion or structured English immersion means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students 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 student's native language.

Identification and Assessment

Upon enrollment, each student's primary language shall be determined through use of a home language survey.

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

All students shall have sufficient time to complete the CELDT as provided in the directions for test administration.

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. A student's IEP team can determine that the student is severely disabled and that an alternate assessment is to be used for all or any portion of the CELDT or that a student is to be assessed with the CELDT using appropriate accommodations or modifications.

The county office of education shall notify parents/guardians of their child's results on the CELDT within 30 calendar days.

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.

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.

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 all of the following:

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.

#### 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.

A parent/guardian may request that the county office of education waive the requirements of Education Code 305, pertaining to the placement of a student in a structured English immersion program 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.

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.

The parent/guardian shall personally visit the school to apply for the waiver.

Upon request for a waiver, the Superintendent or designee shall provide to the parents/guardians:

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 county office of education 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

Pursuant to Education Code 311(b) and 311(c), the principal and educational staff may recommend a waiver to a parent/guardian for a student 10 years or older and a student with special needs. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with county office of education procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310.

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) for 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) for 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.

Each waiver shall be considered on its individual merits with great deference given to parental preference for student placement.

The principal or designee 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) for 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.

All parental exception waivers shall be granted unless the principal and educational staff has determined that an alternative program offered at the school would not be better suited for the overall educational development of the student.

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 advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court.

Waiver requests shall be renewed annually by the parent/guardian.

#### Reclassification/Redesignation

The county office of education 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:

1. Demonstrated English language proficiency comparable to that of the county office of education'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 and who are in the regular course of study.

The following measures shall be used to determine whether an English language learner shall be reclassified as fluent English proficient:

1. Assessment of English language proficiency utilizing the CELDT as the primary criterion, and objective assessment of the student's English reading and writing skills.
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions.
3. Parent/guardian opinion and consultation during a redesignation interview. Parents/guardians shall receive notice and a description of the redesignation process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.

4. Comparison of performance in basic skills, including performance on the English-Language Arts section of the California Standards Test of a scale score of 325 or higher.
5. Objective data on the student's academic performance in English.

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

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

#### Advisory Committees

When there are more than 50 English language learners in the county office of education's student programs 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.

The county office of education's English language advisory committee shall advise the Board on at least the following tasks:

1. The development of a county office of education master plan of education programs and services for English learners, taking into consideration the school site plans for English learners.
2. The county office of education needs assessment on a school-by-school basis.
3. Establishment of a county office of education 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 county office of education'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.

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. This training shall be planned in full consultation with the members.

#### Legal References:

20 USC 6312; 5 CCR 11302-11303; 11307-11309; 5 CCR 11511-11516  
Education Code 306, 310, 311, 440, former EC 52164.1, 52164.3, 52164.6, 52173, 52176, 62002