

Instruction

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

The Governing Board intends to provide English language learners with challenging curriculum and instruction designed to develop proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving the District's academic standards. 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 in the regular course of study.

The Board encourages staff to exchange information with staff in 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 redesignation based on criteria adopted by the Board and specified in administrative regulations.

To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English and the progress of students who have been redesignated as fluent English proficient. The Superintendent or designee shall annually report these findings to the Board and shall also provide the Board with regular reports from any District or schoolwide English learner advisory committees.

Type of Instruction

Students who are English language learners shall be educated through "sheltered English immersion" or "structured 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, but with the curriculum and presentation designed for students who are learning the language.

When an English language learner 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 and using other criteria developed by the District, he/she shall be transferred the following year from a structured English immersion classroom to an English language mainstream classroom in which the instruction is "overwhelmingly" in English.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

Parental Exception Waivers

At any time during the school year, the parent/guardian of an English language learner may have his/her child moved into an English language mainstream program.

Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.

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: (See next page)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

Legal Reference:

Education Code

300-340 English language education for immigrant children

430-446 English Learner and Immigrant Pupil Federal
Conformity Act

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

51101 Rights of parents to information

51101.1 Rights for parents of English learners

52015 Components of school improvement plan

52130-52135 Impacted languages act of 1984

52160-52178 Bilingual Bicultural Act

52180-52186 Bilingual teacher training assistance program

54000-54041 Programs for disadvantaged children

60810-60812 Assessment of language development

62001-62005.5 Evaluation and sunseting of programs

Code of Regulations, Title 54320 Determination of funding to support program to
overcome the linguistic difficulties of English learners

11300-11316 English Language Learner Education

11510-11516 California English Language Development Test

United States Code, Title 20

1701-1705 Equal Educational Opportunities Act

Public Law 107-110

1112 Local education agency plans

3001-3141 Title III, Language instruction for limited English
proficient and immigrant studentsCourt Decisions

Valeria G. v. Wilson, (9th Circuit) 2002 U.S. App. Lexis 20956

California Teachers Association et al. v. State Board of
Education et al., (9th Circuit, 2001) 271 F.3d 1141McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th
196Teresa P. et al v. Berkeley Unified School District et al, (1989)
724 F.Supp. 69

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

Attorney General Opinions

83 Ops.Cal.Atty.Gen. 40 (2000)