

**DEL MAR UNION SCHOOL DISTRICT  
INSTRUCTION**

**BOARD POLICY 6174 (was BP 6021): EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Governing Board will provide English language learners with challenging curriculum and instruction 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, grouping options and strategies for instructing English language learners that promote optimal learning regardless of demographic differences.

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 in an English language mainstream program. The classroom instruction in the district's English mainstream program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305, 306)

**Parental Exception Waivers**

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.

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**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 5

4320 Determination of funding to support program to overcome the linguistic difficulties of English learners

11300-11316 English Language Learner Education  
11510-11517 California English Language Development Test

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act  
6312 Local education agency plans  
6801-6871 Title III, Language instruction for limited English proficient and immigrant students

COURT DECISIONS

Valeria G. v. Wilson, (9<sup>th</sup> Circuit) 2002 U.S. App. Lexis 20956  
California Teachers Association et al. v. State Board of Education et al., (9<sup>th</sup> Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4<sup>th</sup> 196

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

ATTORNEY GENERAL OPINIONS

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

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidelines for Reclassification of English Learners, September 2002

Accommodations for the California English Language Development Test, Revised 8/13/01

WEB SITES

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

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

**DEL MAR UNION SCHOOL DISTRICT  
INSTRUCTION**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 6174 (was BP 6021):  
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 student. (Education Code 306)

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. (Education Code 306)

Sheltered English means an instructional approach for teaching English language learners using specific strategies to ensure the understanding of content while expanding English language development.

Identification and Assessment

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (5 CCR 11307)

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). (5 CCR 11511)

All students shall have sufficient time to complete the CELDT as provided in the directions for test administration. (5 CCR 11516)

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. (5 CCR 11516.5)

The District shall notify parents/guardians of their child's unofficial results on the CELDT within 30 calendar days. (5 CCR 11511.5)

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. (former Education Code 52164.1, 62002)

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)

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: (Education Code 440; 20 USC 6312)

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. 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

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

## Parental Exception Waivers

Parents/guardians shall be informed of the support services provided for placement of their children in an English mainstream classroom and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)

Upon request for a waiver, the Superintendent or designee shall provide to the parents/guardians: (Education Code 310, 311; 5 CCR 11309)

1. A full written description, and a spoken description upon request, of the intent of all educational opportunities offered by the district and available to the student and the educational materials
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

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. (Education Code 311)

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. (5 CCR 11309)

All 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 11309)

Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the students to transfer to a public school in which such a class is offered. (Education Code 310)

Students wishing to transfer shall be subject to the district's intradistrict and interdistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district's interdistrict attendance policies and administrative regulations.

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. (5 CCR 11309)

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

#### Reclassification/Redesignation

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 and who are in the regular course of study. (Education Code 52164.6) The reclassification process shall not commence until the spring of the second grade year.

The following measures shall be considered to determine whether an English language learner shall be reclassified as fluent English proficient: (5 CCR 11303)

1. Assessment of English language proficiency utilizing the CELDT as the primary criterion, and objective assessment of the student's English reading, writing, listening and speaking skills.
2. Recommendations of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions
3. Parent/guardian participation and consultation during a redesignation conference.

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.

*Board Policy/Administrative Regulation 6174 (was BP 6021 Approved by the Board of Trustees March 22, 2001): Approved by the Board of Trustees: January 23, 2008*

4. Proficient performance on the California Standards Test in English-Language Arts.
5. Objective data on the student's overall academic performance in English

The Superintendent or designee shall provide subsequent monitoring and support for redesignated students, including but not limited to monitoring for two years 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 District's program for English language learners. The District's program shall be modified as needed to help ensure language and academic success for each English language learner.

#### Advisory Committees

At the District level when there are more than 50 English language learners in the District 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. (5 CCR 11308)

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)

The District's English language advisory committee shall annually advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a District description of program goals, objectives and services for English learners, taking into consideration the school site needs for English learners
2. The district-wide needs assessment on a school-by-school basis
3. Review of teacher certification compliance
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 District'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. (5 CCR 11308)