

Regulation 6174: Education For English Learners

Status: DRAFT

Original Adopted Date: 09/20/2001 | **Last Revised Date:** 01/18/2024 | **Last Reviewed Date:** 01/18/2024

Definitions

English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

Long-term English learner means:

1. For the purpose of setting the local control and accountability plan (LCAP) priorities, a student who has not attained English language proficiency within seven years of initial classification as an English learner (Education Code 52052)
2. For the purpose of English language proficiency assessment, an English learner in grades 6-12 who has been enrolled in school in the United States for six years or more and who either: (Education Code 313.1)
 - a. Has remained at the same English language proficiency level for two or more consecutive years, or has regressed to a lower proficiency level; or
 - b. Is a student in grades 6-9 who has scored far below basic or below basic on the prior year's English language arts standards-based achievement test, or a score determined by the Superintendent of Public Instruction on any successor test

Native speaker of English means a student who has learned and used English at home from early childhood and English has been the primary means of concept formation and communication. (Education Code 306)

Identification and Assessment

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307, 11518.5)

Any student in kindergarten or grades 1-12, not including transitional kindergarten, who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). Prior to administering the ELPAC, the Superintendent or designee shall notify the student's parent/guardian in writing that the student will be administered the initial ELPAC. (Education Code 313, 52164.1; 5 CCR 11518.5)

Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and 5 CCR 11518.5-11518.37.

Based on the initial assessment, the student shall be classified either as ~~Initial Fluent~~ initially fluent in English Proficient or as an English learner. The Superintendent or designee shall notify the student's parent/guardian, in writing, of the results of the ELPAC initial assessment within 30 calendar days after the student's date of initial enrollment, or, if administered prior to the student's initial date of enrollment, up to 60 calendar days prior to such enrollment, but not before July 1 of the school year of the student's initial enrollment. The notice shall indicate whether the student met the ELPAC initial assessment criterion for proficiency and include the district's contact information for use if the parent/guardian has questions or concerns regarding the student's classification. (5 CCR 11518.5)

Each year after a student is identified as an English learner and until the student is redesignated as English proficient, the summative ~~assessment of the~~ ELPAC ~~assessment~~ shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The Superintendent or designee shall notify parents/guardians of their child's results on the summative assessment of the ELPAC within 30 calendar days following receipt of the results from the test contractor or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Education Code 52164.1; 5 CCR 11511.5)

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of the student's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
 - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
 - b. The manner in which the program will meet the educational strengths and needs of the student
 - c. The manner in which the program will help the student develop English proficiency and meet age-appropriate academic standards for grade promotion and graduation
 - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
 - e. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's ~~individualized education program (IEP)~~
4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

Language Acquisition Programs

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request.

As needed, the school shall assist the parent/guardian in clarifying the request.

All requests shall be maintained for at least three years from the date of the request in accordance with Board Policy 3580 - District Records.

2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program.

If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.

3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
 - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English Learner Parent Advisory Committee (DELAC) and parent advisory committee, in writing, of the requests for a language acquisition program
 - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals
 - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators

If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided. The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including dual language immersion program, for their child. The notice shall also include the following: (5CCR 11309, 11310)

~~The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)~~

1. A description of the programs provided, including structured English immersion (SEI)
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
4. The manner in which the district has allocated sufficient resources to effectively implement the program,

including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals

5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

The district shall provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers and academic deficits in other areas of the core curriculum. (5 CCR 11302)

Reclassification of English Language Learners

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom 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 criteria for determining whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC
2. Evaluation by the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student, including, but not limited to, a review of the student's curriculum mastery and academic performance
3. Parent/guardian involvement, including:
 - a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate
 - b. Encouragement of the parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process
 - c. Provision of an interpreter for the parent/guardian, when necessary
4. Comparison of student performance on an objective assessment of basic skills in English against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English

The student's language proficiency assessments, the participants in the reclassification process, and any decisions regarding reclassifications shall be retained in the student's permanent record. (5 CCR 11305)

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least four years following their reclassification to ensure the students have not prematurely exited, any academic deficit incurred through the participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instruction program compared to students who had never participated in an English learner program. (5 CCR 11304; 20-USC 6841)

Advisory Committees

A school-level English Learner Advisory Committee (SELAC) shall be established when there are more than 20

English learners at the school. Parents/guardians of English learners, elected by parents/guardians of English learners at the school, shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. The school may designate for this purpose an existing school-level advisory committee provided that it meets these criteria for committee membership. (Education Code 52176; 5 CCR 11308)

The SELAC shall be responsible for assisting in the development of a schoolwide needs assessment, recommending ways to make parents/guardians aware of the importance of regular school attendance, and advising the principal and school staff in the development of a detailed master plan for English learners for the individual school and submitting the plan to the Board for consideration for inclusion in the district master plan. (Education Code 52176)

When the district has more than 50 English learners, the Superintendent or designee shall establish a District English Learner Advisory Committee (DELAC), the majority of whose members shall be composed of parents/guardians of English learners who are not employed by the district. Alternatively, the district may use a subcommittee of an existing districtwide advisory committee on which parents/guardians of English learners have membership in at least the same percentage as English learners represented of the total number of students in the district. (Education Code 52176)

The DELAC shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a district plan, including policy(ies), of for education programs and services for English learners, taking into consideration the school site plans for English learners
2. Conducting a districtwide needs assessment on a school-by-school basis
3. Establishing a district program, goals, and objectives for programs and services for English learners
4. Developing a plan to ensure compliance with applicable teacher or instructional aide requirements
5. Administering the annual language census
6. Reviewing and commenting on the district's reclassification procedures
7. Reviewing and commenting on the required written parental notifications

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that DELAC and SELAC committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

Local Control and Accountability (LCAP) Advisory Committee

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English Learner Parent Advisory Committee shall be established to review and comment on the district's local control and accountability plan (LCAP). Such advisory committee shall provide input regarding the district's existing language acquisition programs and language programs, and, where possible, the establishment of other such programs, in accordance with Board Policy 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. If the DELAC acts as the SELAC pursuant to Education Code 52063 and 52062, the DELAC shall also review and comment on the development or annual update of the LCAP. (Education Code 52062, 52063; 5 CCR 11301, 15495)

The DELAC may also serve as the LCAP English learner advisory committee, as specified in Board Policy 0460-Local Control and Accountability Plan.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11300-11316	English learner education
5 CCR 11510-11517.5	California English Language Development Test

State

5 CCR 11517.6-11519.5

5 CCR 853

5 CCR 854.9

Ed. Code 200

Ed. Code 300-340

Ed. Code 310

Ed. Code 313-313.5

Ed. Code 33050

Ed. Code 361

Ed. Code 42238.02

Ed. Code 430-446

Ed. Code 44253.1-44253.11

Ed. Code 48345

Ed. Code 48980

Ed. Code 48985

Ed. Code 52052

Ed. Code 52060-52077

Ed. Code 52160-52178

Ed. Code 56305

Ed. Code 60603

Ed. Code 60640

Ed. Code 60811.8

Ed. Code 62002.5

Federal

20 USC 1412

20 USC 1701-1721

20 USC 6311

20 USC 6312

20 USC 6801-7014

20 USC 7011

20 USC 7801

34 CFR 100.3

Management Resources

Attorney General Opinion

California Department of Education
CommunicationCalifornia Department of Education
Communication

California Department of Education Publication

Description

English Language Proficiency Assessments for California

[Administration of CAASPP](#)[CAASPP and unlisted resources for students with disabilities](#)[Prohibition of discrimination](#)[English language education for immigrant children](#)[Language acquisition programs](#)[Assessment of English proficiency](#)[Nonwaivable provisions](#)

Statewide implementation plan for the "EL Roadmap Policy"

[Local Control Funding Formula](#)[English Learner and Immigrant Pupil Federal Conformity Act](#)[Qualifications of teachers of English learners](#)[Interdistrict instruction collaboration agreements](#)[Parent/Guardian notifications](#)[Notices to parents in language other than English](#)[Accountability; numerically significant student subgroups](#)[Local control and accountability plan](#)[Bilingual Bicultural Act of 1976](#)[CDE manual on English learners with disabilities](#)[Definition; recently arrived English learner](#)[California Assessment of Student Performance and Progress](#)

Newcomer student; definition

[Continuation of advisory committee after program sunsets](#)**Description**[State eligibility](#)[Equal Educational Opportunities Act](#)[State plan](#)[Local educational agency plan](#)

Limited English proficient and immigrant students

Definition of immigrant children and youth

[Definition of English learner](#)[Prohibition of discrimination on basis of race, color or national origin](#)**Description**

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

[Updated Reclassification Guidance for 2018-19](#)[Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing, June 2024](#)[EL Roadmap Policy](#)

Management Resources

California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
California Department of Education Publication
Commission on Teacher Credentialing Publication
Court Decision
Court Decision
Court Decision
Court Decision
CSBA Publication
CSBA Publication
CSBA Publication
CSBA Publication
CSBA Publication
The Education Trust- West Publication
The Education Trust- West Publication

Description

[Summative English Language Proficiency Assessments for California, Assessment Fact Sheet, July 2023](#)
[English Learner, Federal Program Monitoring Instrument](#)
[Monitoring Reclassified Students, December 2019](#)
[California Practitioners' Guide for Educating English Learners with Disabilities, 2019](#)
[English Language Proficiency Assessments for California Information Guide, July 2023](#)
[California Digital Learning Integration and Standards Guidance, May 2021](#)
[Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015](#)
[Accessibility Resources Matrix, 2022](#)
[Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015](#)
[Reclassification Guidance for 2020-21 and Statewide Testing Window Extension, CDE Correspondence, June 14, 2021](#)
[California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017](#)
[Common Core State Standards for Mathematics, 2013](#)
[English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012](#)
[English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014](#)
[Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021](#)
Valeria O. v. Davis (2002) 307 F.3d 1036
California Teachers Association v. State Board of Education et al. (9th Circuit, 2001) 271 F.3d 1141
McLaughlin v. State Board of Education (1999) 75 Cal.App.4th 196
Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698
[English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, September 2016](#)
[English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016](#)
[English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017](#)
[English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018](#)
[English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014](#)
[Unlocking Learning: Science as a Lever for English Learner Equity, January 2017](#)
[Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018](#)

Management Resources

U.S. Department of Education Publication
 U.S. Department of Education Publication
 U.S. Department of Education Publication
 U.S. Department of Education Publication
 Website
 Website
 Website
 Website
 Website
 Website
 Website
 Website
 Website
 Website
 Website
 Website
 Website

Description

[English Learners and Title III of the Elementary and Secondary Education Act \(ESEA\), as Amended by the Every Student Succeeds Act \(ESSA\), September 2016](#)
[Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017](#)
[English Learner Tool Kit for State and Local Educational Agencies \(SEAs and LEAs\), rev. November 2016](#)
[Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015](#)
[Observation Protocol for Teachers of English Learners \(OPTEL\)](#)
[California Department of Education home language survey](#)
[Bilingual teacher professional development program](#)
[Bilingual teacher training programs](#)
[California Department of Education, English Language Proficiency Assessments for California \(ELPAC\)](#)
[CSBA District and County Office of Education Legal Services](#)
[National Clearinghouse for English Language Acquisition](#)
[The Education Trust-West](#)
[California Department of Education, English Learners](#)
[California Association for Bilingual Education](#)
[CSBA](#)
[U.S. Department of Education](#)

Cross References

0200
 0415
 0415
 0420
 0420
 0460
 1220
 1220
 3100
 3100
 3580
 3580
 4112.22
 4131
 4131
 4231
 4231
 4331

Description

[Goals For The School District](#)
[Equity](#)
[Equity](#)
[School Plans/Site Councils](#)
[School Plans/Site Councils](#)
[Local Control And Accountability Plan](#)
[Citizen Advisory Committees](#)
[Citizen Advisory Committees](#)
[Budget](#)
[Budget](#)
[District Records](#)
[District Records](#)
[Staff Teaching English Learners](#)
[Staff Development](#)
[Staff Development](#)
[Staff Development](#)
[Staff Development](#)
[Staff Development](#)

Cross References

5020
5020
5126
5126
5148
5148
6000
6011
6020
6020
6141
6141
6142.1
6142.1
6142.2
6142.2
6142.91
6142.91
6151
6151
6152.1
6159
6159
6161.1
6161.1
6161.1-E PDF(1)
6161.11
6162.5
6162.5
6164.5
6164.5
6164.6
6164.6
6170.1
6171
6171
6172
6173
6173

Description

[Parent Rights And Responsibilities](#)
[Parent Rights And Responsibilities](#)
[Awards For Achievement](#)
[Awards For Achievement](#)
[Child Care And Development](#)
[Child Care And Development](#)
[Concepts And Roles](#)
[Academic Standards](#)
[Parent Involvement](#)
[Parent Involvement](#)
[Curriculum Development And Evaluation](#)
[Curriculum Development And Evaluation](#)
[Sexual Health And HIV/AIDS Prevention Instruction](#)
[Sexual Health And HIV/AIDS Prevention Instruction](#)
[World Language Instruction](#)
[World Language Instruction](#)
[Reading/Language Arts Instruction](#)
[Reading/Language Arts Instruction](#)
[Class Size](#)
[Class Size](#)
[Placement In Mathematics Courses](#)
[Individualized Education Program](#)
[Individualized Education Program](#)
[Selection And Evaluation Of Instructional Materials](#)
[Selection And Evaluation Of Instructional Materials](#)
[Selection And Evaluation Of Instructional Materials](#)
[Supplementary Instructional Materials](#)
[Student Assessment](#)
[Student Assessment](#)
[Student Success Teams](#)
[Student Success Teams](#)
[Identification And Education Under Section 504](#)
[Identification And Education Under Section 504](#)
[Transitional Kindergarten](#)
[Title I Programs](#)
[Title I Programs](#)
[Gifted And Talented Student Program](#)
[Education For Homeless Children](#)
[Education For Homeless Children](#)

Cross References

6175

6190

Description

[Migrant Education Program](#)

[Evaluation Of The Instructional Program](#)