

Regulation 4112.22: Staff Teaching English Learners

Status: DRAFT

Original Adopted Date: 09/20/2001 | **Last Reviewed Date:** 09/20/2001

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)

Instruction for English language development (ELD) means instruction designed specifically for English learners to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

Specially designed academic instruction in English (SDAIE) means instruction in a subject area, delivered in English, that is specially designed to meet the needs of English learners. (Education Code 44253.2)

Primary language instruction includes both primary language development designed to develop English learners' listening, speaking, reading, and writing skills in their primary language and content instruction delivered in the primary language in any subject area. (Education Code 44253.2)

Teacher Qualifications

Only a teacher who possesses an appropriate authorization issued by the Commission on Teacher Credentialing (CTC) shall provide ELD, SDAIE, and/or primary language instruction in a class with one or more English learners.

The district may, for the purpose of providing primary language instruction, hire bilingual teachers who are employed in public or private schools of a foreign country, state, territory, or possession, provided such teachers speak English fluently and hold the necessary sojourn credential issued by the CTC. After the initial two-year sojourn credential expires, the teacher may annually apply to the CTC for an extension for a total period of not more than five years. Any application for renewal shall include verification by the Superintendent or designee that termination of the employment would adversely affect an existing bilingual program and that attempts to secure the employment of a qualified certificated California teacher have been unsuccessful. (Education Code 44856)

The Superintendent or designee shall ensure compliance with state staffing requirements for serving English language learners by:

Demonstration of Educational Results (CDE Option 1)

The district providing data demonstrating that limited English proficient (LEP) or former LEP students are performing at a level equal to or above that of all students statewide, or that current LEP students are learning at a sufficiently rapid pace to close the gap between their performance and that of all students.

Instruction by Credentialed Teachers (CDE Option 2)

Appropriately credentialed teachers providing English language development and/or primary language instruction:

A teacher shall be considered qualified to provide specially designed content instruction delivered in English if he/she meets both of the following conditions: (Education Code 44253.10)

1. The teacher, as of January 1, 1999, is a permanent employee of the district or was previously a permanent employee and then was employed in any California public school district within 39 months of the previous permanent status.
2. The teacher completes, prior to January 1, 2005, 45 hours of staff development in methods of specially designed content instruction delivered in English.

A teacher who has completed the above training may provide specially designed content instruction delivered in English and English language development in any departmentalized teaching assignment consistent with the teacher's basic credential. The teacher may provide instruction for English language development in a self-contained classroom if he/she has accomplished one or both of the following: (Education Code 44253.10)

1. Has taught for at least nine years in California public schools, certified that he/she has had experience or training in teaching LEP students, and authorized verification by the entity that issued a certificate of completion for the staff development
2. Has completed, within three years of completing the staff development described above, an additional 45 hours of staff development, including specially designed content instruction delivered in English and English language development training

During the period when the teacher is pursuing training in instruction for English language development or specially designed content instruction delivered in English, he/she may be provisionally assigned to provide that instruction. (Education Code 44253.10)

Local Designation of Qualified Teachers (CDE Option 3)

Teachers providing English language development and/or primary language instruction meeting district criteria for teacher proficiencies which have been approved by the California Department of Education.

Plan to Remedy the Shortage of Qualified Teachers (CDE Option 4)

The Superintendent or designee developing a plan to remedy the district's shortage of qualified teachers in accordance with law and with California Department of Education approval.

This plan shall include an appropriate staff development program designed to provide training in English language development teaching methodology, bilingual cross-cultural teaching methodology, and the acquisition of the primary languages of LEP students. As part of this plan, appropriately qualified bilingual paraprofessionals may be teamed with regular teachers. The plan shall specify the number of teachers to be trained and the number expected to meet certification or local designation standards each year. The training program also shall address the needs of teachers who instruct LEP students on an interim basis.

General Waiver Authority (CDE Option 5)

When the district is unable, after good faith efforts, to obtain the human and material resources necessary to provide instructional and support services for LEP students, the district requesting a waiver from the State Board of Education under the General Waiver Authority. (Education Code 33050)

Specially Designed Services and Training (CDE Option 6)

Whenever there are fewer than 51 students of a particular language group in the district or fewer than 21 students of a particular language group in any school, the Superintendent or designee designing special instructional services and staff training programs in concert with the California Department of Education's Bilingual Education Office.

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 80015	Requirements for the CLAD certification or English learner authorization
5 CCR 80015.1-80015.4	Requirements for the CLAD; English learner authorization or bilingual authorization

State

5 CCR 80021.1
 5 CCR 80024.7-80024.8
 5 CCR 80334
 Ed. Code 306
 Ed. Code 44253.1-44253.11
 Ed. Code 44258.9
 Ed. Code 44259.5
 Ed. Code 44380-44386
 Ed. Code 44856
 Ed. Code 52160-52178
 Ed. Code 62001-62005.5

Description

[Provisional internship permit](#)
[Emergency CLAD and bilingual permits](#)
[Unauthorized private gain or advantage](#)
[Definition; English learner](#)
[Qualifications of teachers of English learners](#)
[County superintendent review of teacher assignment](#)
[Standards for teacher preparation](#)
[Alternative certification](#)
[Employment of teachers from foreign countries](#)
[Bilingual Bicultural Act of 1976](#)
[Evaluation and sunseting of programs](#)

Federal

20 USC 6601-6651
 20 USC 6801-7014
 20 USC 7801

Description

Teacher and Principal Training and Recruiting Fund
 Limited English proficient and immigrant students
[Definition of English learner](#)

Management Resources

Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Court Decision
 Website
 Website
 Website
 Website
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Description

[Administrator's Assignment Manual](#)
[CL-568 The Sojourn Certificated Employee Credential](#)
[CL-626B Bilingual Authorizations](#)
[CL-626C Crosscultural, Language and Academic Development \(CLAD\) Certificate](#)
[CL-824 Certificate of Completion of Staff Development](#)
[Frequently Asked Questions Concerning Appropriate Assignment and Authorizations to Serve English Learners in California](#)
[CL-622 Serving English Learners](#)
[Teresa P. et al v. Berkeley Unified School District et al \(1989\) 724 F.Supp. 698](#)
[CSBA District and County Office of Education Legal Services](#)
[California Department of Education, English Learners](#)
[California Teachers of English to Speakers of Other Languages](#)
[California Association for Bilingual Education](#)
[Commission on Teacher Credentialing](#)
[CSBA](#)
[U.S. Department of Education](#)

Cross References

1312.4
 4111
 4112.2
 4112.2

Description

[Williams Uniform Complaint Procedures](#)
[Recruitment And Selection](#)
[Certification](#)
[Certification](#)

Cross References

4112.21

4112.21

4113

4113

4114

4117.3

4117.3

4131

4131

4211

4222

4222

4311

6142.2

6142.2

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