

**Regulation 6174: Education For English Learners**

**Status: ADOPTED**

**Original Adopted Date:** 01/10/2020 | **Last Reviewed Date:** 01/10/2020

**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)

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

**Identification and Assessments**

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)

Any student 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). (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ELPAC 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 ELPAC shall be administered in accordance with test publisher instructions and 5 CCR 11518.5-11518.20. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR 11518.30-11518.35.

Any student with a disability who is identified as an English learner shall be allowed to take the assessment 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. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR 11518.25-11518.35; 20 USC 1412)

The Alternate ELPAC will replace all locally determined alternate assessments and provide a consistent, standardized measurement of ELP across the state for students with the most significant cognitive disabilities. Until the release of the Alternate ELPAC, expected Spring 2021, Santa Rosa City Schools will use the Ventura County Comprehensive Alternate Language Proficiency Survey (VCCALPS) for those students with disabilities who meet the criteria of the CDE Alternate Assessment Decision Confirmation Worksheet (attached).

The Superintendent or designee shall notify parents/guardians of their child's results on the ELPAC within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

Placement Notification: At the beginning of each school year, parents/guardians shall be informed of the placement of their child in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver.

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 his/her child'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 his/her 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 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.
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 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

- d. 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 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
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.

### **Reclassification/Redesignation**

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

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 ELPAC Information Guide states that students with disabilities, including severe cognitive

disabilities, are to be provided the same opportunities to be reclassified as students without disabilities. IEP teams in collaboration with Santa Rosa City Schools English Learner Services, therefore, may determine appropriate measures of English Language Proficiency and performance in basic skills and minimum levels of proficiency on these measures that would be equivalent to an English proficient peer with similar disabilities, in accordance with local reclassification policies based on the state definition of ELP (EC 313[f])

The measures used to determine 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. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student
3. Parent/guardian opinion and consultation

The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

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 two years following their reclassification to determine whether the student needs any additional academic support.

### **Advisory Committee**

A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

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

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

In order to assist the advisory committee in carrying out its 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)

### **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) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 15495)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

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#### **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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### **State**

5 CCR 11300-11316

5 CCR 11510-11517.5

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 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 62002.5

#### **Federal**

20 USC 1412

20 USC 1701-1721

#### **Description**

English learner education

California English Language Development Test

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

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

Continuation of advisory committee after program  
sunsets

#### **Description**

State eligibility

Equal Educational Opportunities Act

20 USC 6311  
20 USC 6312  
20 USC 6801-7014  
20 USC 7801  
34 CFR 100.3

State plan  
Local educational agency plan  
Limited English proficient and immigrant students  
Definition of English learner  
Prohibition of discrimination on basis of race, color or national origin

### **Management Resources**

### **Description**

|   |   |
|---|---|
| Attorney General Opinion                        | 83 Ops.Cal.Atty.Gen. 40 (2000)  |
| California Department of Education Publication  | Summative English Language Proficiency Assessments for California, Assessment Fact Sheet, July 2023   |
| California Department of Education Publication  | Englisher Learner, Federal Program Monitoring Instrument  |
| California Department of Education Publication  | Monitoring Reclassified Students, December 2019   |
| California Department of Education Publication  | California Practitioners' Guide for Educating English Learners with Disabilities, 2019  |
| California Department of Education Publication  | English Language Proficiency Assessments for California Information Guide, July 2023  |
| California Department of Education Publication  | California Digital Learning Integration and Standards Guidance, May 2021  |
| California Department of Education Publication  | Reclassification Guidance for 2020-21 and Statewide Testing Window Extension, CDE Correspondence, June 14, 2021                               |
| California Department of Education Publication  | Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015                                       |
| California Department of Education Publication  | Accessibility Resources Matrix, 2022  |
| California Department of Education Publication  | Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015                           |
| California Department of Education Publication  | English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012                                 |
| California Department of Education Publication  | California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017       |
| California Department of Education Publication  | Common Core State Standards for Mathematics, 2013   |
| California Department of Education Publication  | English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014           |
| Commission on Teacher Credentialing Publication | Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021 |
| Court Decision                                  | Valeria O. v. Davis (2002) 307 F.3d 1036  |
| Court Decision                                  | California Teachers Association v. State Board of Education et al. (9th Circuit, 2001) 271 F.3d 1141  |
| Court Decision                                  | McLaughlin v. State Board of Education (1999) 75 Cal.App.4th 196  |

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| Court Decision                           | Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698   |
| CSBA Publication                         | English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016  |
| CSBA Publication                         | English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017                       |
| CSBA Publication                         | English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018                 |
| CSBA Publication                         | English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, September 2016       |
| CSBA Publication                         | English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014  |
| The Education Trust- West Publication    | Unlocking Learning: Science as a Lever for English Learner Equity, January 2017  |
| The Education Trust- West Publication    | Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018  |
| U.S. Department of Education Publication | English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), September 2016 |
| U.S. Department of Education Publication | English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016  |
| U.S. Department of Education Publication | Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017                   |
| U.S. Department of Education Publication | Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015  |
| Website                                  | California Department of Education, English Language Proficiency Assessments for California (ELPAC)  |
| Website                                  | California Digital Learning Integration and Standards Guidance   |
| Website                                  | CSBA District and County Office of Education Legal Services  |
| Website                                  | <a href="#">National Clearinghouse for English Language Acquisition</a>  |
| Website                                  | <a href="#">The Education Trust-West</a>   |
| Website                                  | <a href="#">California Department of Education, English Learners</a>   |
| Website                                  | <a href="#">California Association for Bilingual Education</a>   |
| Website                                  | <a href="#">CSBA</a>   |
| Website                                  | <a href="#">U.S. Department of Education</a>   |

## Cross References

| <b>Code</b> | <b>Description</b>                            |
|-------------|---|
| 0200        | <a href="#">Goals For The School District</a> |
| 0415        | <a href="#">Equity</a>                        |
| 0415        | <a href="#">Equity</a>                        |
| 0420        | <a href="#">School Plans/Site Councils</a>    |
| 0420        | <a href="#">School Plans/Site Councils</a>    |

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|-----------------|---|
| 0460            | <a href="#">Local Control And Accountability Plan</a>   |
| 0460            | <a href="#">Local Control And Accountability Plan</a>   |
| 0470            | <a href="#">COVID-19 Mitigation Plan</a>  |
| 0470            | <a href="#">COVID-19 Mitigation Plan</a>  |
| 1220            | <a href="#">Citizen Advisory Committees</a>   |
| 1220            | <a href="#">Citizen Advisory Committees</a>   |
| 3100            | <a href="#">Budget</a>  |
| 3100            | <a href="#">Budget</a>  |
| 4131            | <a href="#">Staff Development</a>   |
| 4131            | <a href="#">Staff Development</a>   |
| 4231            | <a href="#">Staff Development</a>   |
| 4331            | <a href="#">Staff Development</a>   |
| 5020            | <a href="#">Parent Rights And Responsibilities</a>  |
| 5020            | <a href="#">Parent Rights And Responsibilities</a>  |
| 5126            | <a href="#">Awards For Achievement</a>  |
| 5126            | <a href="#">Awards For Achievement</a>  |
| 5148            | <a href="#">Child Care And Development</a>  |
| 5148            | <a href="#">Child Care And Development</a>  |
| 5148.3          | <a href="#">Preschool/Early Childhood Education</a>   |
| 5148.3          | <a href="#">Preschool/Early Childhood Education</a>   |
| 6000            | <a href="#">Concepts And Roles</a>  |
| 6011            | <a href="#">Academic Standards</a>  |
| 6020            | <a href="#">Parent Involvement</a>  |
| 6020            | <a href="#">Parent Involvement</a>  |
| 6020-E PDF(1)   | <a href="#">Parent Involvement</a>  |
| 6120            | <a href="#">Response To Instruction And Intervention</a>  |
| 6141            | <a href="#">Curriculum Development And Evaluation</a>   |
| 6141            | <a href="#">Curriculum Development And Evaluation</a>   |
| 6142.1          | <a href="#">Sexual Health And HIV/AIDS Prevention Instruction</a>   |
| 6142.1          | <a href="#">Sexual Health And HIV/AIDS Prevention Instruction</a>   |
| 6142.91         | <a href="#">Reading/Language Arts Instruction</a>   |
| 6152.1          | <a href="#">Placement In Mathematics Courses</a>  |
| 6159            | <a href="#">Individualized Education Program</a>  |
| 6159            | <a href="#">Individualized Education Program</a>  |
| 6161.1          | <a href="#">Selection And Evaluation Of Instructional Materials</a>   |
| 6161.1          | <a href="#">Selection And Evaluation Of Instructional Materials</a>   |
| 6161.1-E PDF(1) | <a href="#">Selection And Evaluation Of Instructional Materials -<br/>Please See District Material In District Office</a> |
| 6161.11         | <a href="#">Supplementary Instructional Materials</a>   |
| 6162.5          | <a href="#">Student Assessment</a>  |
| 6162.51         | <a href="#">State Academic Achievement Tests</a>  |
| 6162.51         | <a href="#">State Academic Achievement Tests</a>  |
| 6164.5          | <a href="#">Student Success Teams</a>   |
| 6164.5          | <a href="#">Student Success Teams</a>   |
| 6164.6          | <a href="#">Identification And Education Under Section 504</a>  |
| 6164.6          | <a href="#">Identification And Education Under Section 504</a>  |
| 6170.1          | <a href="#">Transitional Kindergarten</a>   |
| 6171            | <a href="#">Title I Programs</a>  |
| 6171            | <a href="#">Title I Programs</a>  |
| 6172            | <a href="#">Gifted And Talented Student Program</a>   |
| 6172            | <a href="#">Gifted And Talented Student Program</a>   |

|               |   |
|---------------|---|
| 6173          | <a href="#"><u>Education For Homeless Children</u></a>            |
| 6173          | <a href="#"><u>Education For Homeless Children</u></a>            |
| 6173-E PDF(1) | <a href="#"><u>Education For Homeless Children</u></a>            |
| 6173.1        | <a href="#"><u>Education For Foster Youth</u></a>                 |
| 6173.2        | <a href="#"><u>Education Of Children Of Military Families</u></a> |
| 6173.2        | <a href="#"><u>Education Of Children Of Military Families</u></a> |
| 6175          | <a href="#"><u>Migrant Education Program</u></a>                  |
| 6175          | <a href="#"><u>Migrant Education Program</u></a>                  |
| 6190          | <a href="#"><u>Evaluation Of The Instructional Program</u></a>    |