

**Tulare Joint Union High School District**  
**Board Policies**  
**Education for English Learners**



The Board of Trustees intends to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible while facilitating student achievement in the district's regular course of study.

The district shall identify in its local control and accountability plan (LCAP) specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with state content standards. The district's program shall be based on sound instructional theory and adequately supported in order to assist students in accessing the full educational program.

(cf. [6011](#) - Academic Standards)

(cf. [6141](#) - Curriculum Development and Evaluation)

(cf. [6161.1](#) - Selection and Evaluation of Instructional Materials)

(cf. [6161.11](#) - Supplementary Instructional Materials)

(cf. [6171](#) - Title I Programs)

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

(cf. [4112.22](#) - Staff Teaching English Language Learners)

The Superintendent or designee shall provide to teachers, administrators, and other school staff research-based professional development that is designed to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. (20 USC [6825](#))

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

The Superintendent or designee shall encourage parent and community involvement in the development, implementation, and evaluation of English language development programs. In addition, to support students' English language development, the Superintendent or designee may provide an adult literacy training program for parents/guardians and community members that leads to English fluency.

(cf. [0420](#) - School Plans/Site Councils)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [6020](#) - Parent Involvement)

## Identification and Assessment

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with allowable testing variations in accordance with 5 CCR [853.5](#) and [853.7](#). English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code [60603](#), [60640](#); 5 CCR [853.5](#), [853.7](#))

(cf. 6152.51 - State Academic Achievement Tests)

## Placement of English Learners

Students who are English learners shall be educated through "sheltered English immersion" or (also known as "structured English immersion"), as defined in law and the accompanying administrative regulation, for a temporary transition period not normally intended to exceed one year. Nearly all of the classroom instruction in the district's English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code [305-306](#))

"Nearly all," for the purpose of determining the amount of instruction to be conducted in English, means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

When an English 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, any district assessments, and/or other criteria adopted by the Board, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is overwhelmingly in English. (Education Code [305-306](#); 5 CCR [11301](#))

(cf. [6162.5](#) - Student Assessment)

An English learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following:

1. Has scored a 4 or 5 on the CELDT
2. Has passed the ELA section of the CAHSEE

At any time during the school year, the parent/guardian of an English learner may have his/her child

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moved into an English language mainstream classroom. (5 CCR [11301](#))

### **Parental Exception Waivers**

When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code [310-311](#))

Each waiver request shall be considered on its individual merits with deference given to parental preference for student placement.

A waiver request shall be granted in accordance with law unless the principal and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR [11309](#))

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 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.

### **Program Evaluation**

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code [313.1](#)
4. The achievement of English learners on standards-based tests in core curricular areas
5. Progress toward any other goals for English learners identified in the district's LCAP
6. A comparison of current data with data from at least the previous year.

The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.

## Legal Reference:

### EDUCATION CODE

300-340 English language education

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33050 State Board of Education waiver authority

42238.02-42238.03 Local control funding formula

44253.1-44253.11 Qualifications for teaching English learners

48985 Notices to parents in language other than English

52052 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

52130-52135 Impacted Languages Act of 1984

52160-52178 Bilingual Bicultural Act

60200.7 Suspension of state instructional materials adoptions

60605.87 Supplemental instructional materials, English language development

60640 California Assessment of Student Performance and Progress

60810-60812 Assessment of language development

62005.5 Continuation of advisory committee after program sunsets

### CODE OF REGULATIONS, TITLE 5

853.5-853.7 Test administration; universal tools, designated supports, and accommodations

11300-11316 English 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

7012 Parental notification

### COURT DECISIONS

Valeria G. v. Wilson, (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

### ATTORNEY GENERAL OPINIONS

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

## Management Resources:

### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014

California English Language Development Test (CELDT): 2013-14 CELDT Information Guide, 2013

English Language Arts/English Language Development Framework for California Public Schools:

Transitional Kindergarten Through Grade Twelve, 2014

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

Statement of Non-Discrimination (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972 section 504 of the Rehabilitation Act of 1973): Tulare Joint Union High School District (TJUHS) does not discriminate against any person on the basis of gender, race, color, religion, national origin, ethnic group, actual or perceived sexual orientation, marital or parental status, physical or mental disability. TJUHS will take steps to assure that the lack of English will not be a barrier to admission and participation in District programs.

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE  
Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP)  
Students, May 2007

WEB SITES

California Department of Education: <http://www.cde.ca.gov/sp/el>

U.S. Department of Education: <http://www.ed.gov>

Policy TULARE JOINT UNION HIGH SCHOOL DISTRICT

adopted: July 15, 2009 Tulare, California

revised: September 5, 2013

revised: August 20, 2015

**Definitions**

English learner, also known as a limited English proficient student, 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. (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](#))

Structured English immersion (also known as "sheltered English immersion") means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education Code [306](#))

Bilingual education/native language instruction means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code [306](#))

**Identification and Assessment**

Upon enrollment in the district, each student's primary language shall be determined through 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 been previously 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 assessed for English proficiency using the state's designated English language proficiency test. (Education Code [313](#), [52164.1](#); 5 CCR [11511](#))

(cf. 6152.51 - State Academic Achievement Tests )

(cf. [6159](#) - Individualized Education Program)

(cf. [6164.6](#) - Identification and Education Under Section 504)

Statement of Non-Discrimination (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972 section 504 of the Rehabilitation Act of 1973): Tulare Joint Union High School District (TJUHSD) does not discriminate against any person on the basis of gender, race, color, religion, national origin, ethnic group, actual or perceived sexual orientation, marital or parental status, physical or mental disability. TJUHSD will take steps to assure that the lack of English will not be a barrier to admission and participation in District programs.

## Parental Notifications

The Superintendent or designee shall provide the following written notifications to parents/guardians of English learners:

1. Assessment Notification: the district shall notify parents/guardians of their child's results on the state's English language proficiency assessment within 30 calendar days following receipt of the results from the test contractor. (Education Code [52164.1](#); 5 CCR [11511.5](#))

(cf. [5145.6](#) - Parental Notifications)

2. 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 provided of an opportunity to apply for a parental exception waiver. (Education code [310](#); 5 CCR [11309](#))

3. Title III Notifications: 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. 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 [440](#); 20 USC [7012](#))

a. The reason for the student's classification as an English learner

b. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement

c. A description of the program for English language development instruction, including a description of all of the following:

(1) The manner in which the program will meet the educational strengths and needs of the student

(2) The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards

(3) 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 transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable

(4) Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

d. Information regarding a parent/guardian's option to decline to allow the student to be enrolled in the program or to choose to allow the student to be enrolled in an alternative program

e. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

4. Annual Measurable Objectives Notification: If the district fails to make progress on the annual measurable achievement objectives for English learners established pursuant to 20 USC [6842](#), the Superintendent or designee shall, within 30 days after such failure occurs, send a notification regarding such failure to the parents/guardians of each student identified for participation in a language instruction educational program supported by title III funds. (20 USC [7012](#))

### **Parental Exception Waivers**

A parent/guardian may, by personally visiting the school, request that the district waive the requirements pertaining to the placement of his/her student in a structured English immersion program if the one of the following circumstances exists: (Education Code [310-311](#))

1. The student already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower.

2. The student is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills.

3. The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the principal and educational staff that the student has special physical, emotional, psychological, or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development.

Upon request for a waiver, the Superintendent or designee shall provide parents/guardians with a full written description and, upon request, a spoken description of the intent and content of the structured English immersion program, any alternative courses of study, all educational opportunities offered by the district and available to the student, and the educational materials to be used in the different educational program choices. For a request for waiver pursuant to item #3 above, the Superintendent or designee shall notify the parent/guardian that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the waiver must be approved by the Superintendent pursuant to any guidelines established by the Board of Trustees. (Education Code [310, 311](#); 5 CCR [11309](#))

The principal and educational staff may recommend a waiver to a parent/guardian pursuant to item #2 or #3 above. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district

procedures and requirements otherwise applicable to a parental exception waiver, including Education Code [310](#). (Education Code [311](#); 5 CCR [11309](#))

When evaluating waiver requests pursuant to item #1 above and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include district standards and assessment and teacher evaluations of students.

Parental exception waivers pursuant to item #2 above shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code [311](#))

Parental exception waivers pursuant to item #3 above shall be granted by the Superintendent 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](#))

All parental exception waivers shall be acted upon within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to item #3 above shall not be acted upon during the 30-day placement in an English language classroom. Such 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](#))

Any individual school in which 20 students or more of a given grade level receive a waiver shall offer an alternative class where the students are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Otherwise, the students shall be allowed to transfer to a public school in which such a class is offered. (Education Code [310](#))

In cases where a parental exception waiver pursuant to item #2 or #3 above 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 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. Recouped 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,

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speak, read, and write English well enough to receive instruction in an English language 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 following measures shall be used to determine whether an English learner shall be reclassified as fluent English proficient: (Education Code [313](#); 5 CCR [11303](#))

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the CELDT.
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 a statewide assessment of basic skills in English.

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 to ensure his/her language and academic success.

### **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 their children represent of the total number of students in the school. (Education Code [52176](#))

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

1. The development of a district master plan of 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
7. Review of and comments on the written notification required to be sent to parents/guardians pursuant to 5 CCR [11300-11316](#)

(cf. [0420](#) - School Plans/Site Councils)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [6020](#) - Parent Involvement)

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](#))

Regulation TULARE JOINT UNION HIGH SCHOOL DISTRICT

approved: July 15, 2009 Tulare, California

revised: September 5, 2013

revised: August 20, 2015

**Please See District Manual At The District Office For  
Exhibit 6174 Titled  
"Education For English Language Learners"**