

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

The Governing Board intends to provide English language learners with challenging curriculum and instruction that develops proficiency in English as effectively and efficiently as possible in order to assist students in accessing the full educational program and achieving the district's academic standards. The district's program shall be based on sound educational theory and shall be adequately supported so that English language learners can achieve results at the same academic level as their English-proficient peers in the regular course of study.

The Board encourages staff to exchange information with other districts and the County Office of Education about programs, options, and strategies for English language learners that succeed under various demographic conditions.

The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their re-designation based on criteria adopted by the Board and specified in administrative regulations.

To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English and the progress of students who have been re-designated as fluent English proficient as delineated in the San Dieguito Union High School District Master Plan for English Learners. The Superintendent or designee shall annually report these findings to the Board and shall also provide the Board with regular reports from any district or school wide English learner advisory committees.

TYPE OF INSTRUCTION

Students who are English language learners shall be educated through "sheltered English Immersion" not normally intended to exceed one year. "Nearly all" of the classroom instruction in the district's sheltered English immersion program shall be in English, but with curriculum and presentation designed for students who are learning the language (Education Code 305, 306)

The district has defined the term "nearly all" as follows:

"Nearly all" as it pertains to the use of English in the sheltered immersion program is a minimum of seventy percent of the instructional day must be in English.

When an English language learner has acquired a reasonable level of English proficiency as measured by the California English Language Development Test (CELDT) he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in accordance with the district master plan for English language learners. Instruction in the English language mainstream program is "overwhelmingly" in English. (Education Code 305; 5 CCR 11301)

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

"Reasonable level of English proficiency" as it pertains to English language learners in the San Dieguito Union High School District is a California English Language Development Test (CELDT) overall proficiency

level of Early Advanced and no lower than Intermediate in any one CELDT sub-test.

Upon request of her/his parent/guardian, a student shall be placed in an English language mainstream classroom. (5 CCR 11301)

PARENTAL EXCEPTION WAIVERS

At any time during the school year, the parent/guardian of an English language learner may have her/his child moved into an English language mainstream program. Parent/guardian requests for waivers from Education Code 305 regarding placement from a sheltered immersion program to placement in an alternative program shall be granted in accordance with the law and administrative regulation.

If the Superintendent or designee denies the waiver request, she/he shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the Superintendent's decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.

LEGAL REFERENCE

CALIFORNIA EDUCATION CODE

300-340	English language education for immigrant children
430-466	English Learner And Immigrant Pupil Federal Conformity Act
33308.5	CDE guidelines not binding
44253.5-44253.10	Certification for bilingual-cross-cultural competence
48985	Notices to parents in language other than English
51101	Rights of parents to information
51101.1	Rights for parents of English learners
52015	Components of school improvement plan
52130 – 52135	Impacted languages act of 1984
52160-52178	Bilingual Bicultural act
52180-52186	Bilingual teacher training assistance program
54000-54041	Programs for disadvantaged children
60810-60812	Assessment of language development
62001-62005.5	Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

4304-4320	Bilingual education program requirements
11300-11305	English language education for immigrant children
11510-11516	California English Language Development Test

UNITED STATES CODE, TITLE 20

1701-1705	Equal Educational Opportunities
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PUBLIC LAW 107-110

1112 Local education agency plans
3001-3141 Title III, Language instruction for limited English proficient and immigrant students

COURT DECISIONS

Valeria G. v. Wilson, (9th Circuit) 2002 U.S. App. Lexis 20956
California Teachers Association et al. 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
Casteneda v. Pickard, (5th Cir. 1981) 648 F.2d 989

ATTORNEY GENERAL OPINIONS

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

MANAGEMENT RESOURCES**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Guidelines for Reclassification of English Learners, September 2002
Accommodations for the California English Language Development Test, Revised 8/13/01

WEBSITES

CDE: <http://www.cde.ca.gov>
CSBA: <http://www.csba.org>