



CATEGORY: **Instruction, Special Programs**

EFFECTIVE: **8-22-79**

SUBJECT: **English Learner Program Compliance**

REVISED: **4-15-05**

A. PURPOSE AND SCOPE

1. To outline administrative procedures concerning: (a) initial identification and instructional program placement of students with primary home languages other than English, (b) the parental election and parent notification processes, and (c) reclassification of English Learners to fluent English proficient status.
2. **Related Procedures:**

General instructional programs	4000
Instructional programs for English learners	4250

B. LEGAL AND POLICY BASIS

1. **Reference:** California Education Code Sections 300-313, 52161-52165, 60810-60812; *Lau v. Nichols* (1974 Federal Court Decision; *Castañeda v. Pickard* (1981 Federal Court Decision)

C. GENERAL

1. **Originating Office:** Suggestions or questions concerning this procedure should be directed to the Biliteracy and English Learner Support Department, Instruction and Curriculum Division, Office of School Site Support.
2. **Definitions**
 - a. **Biliteracy for Spanish Speakers Program (or “Biliteracy Program”):** An instructional program for Spanish-speaking English Learners in which students learn in both English and Spanish. An approved Parental Election Application is required for each year of participation in this program.
 - b. **Biliterate:** A term to describe those students who are fully proficient in both English and a second language.
 - c. **California English Language Development Test (CELDT):** A state-mandated test of English proficiency consisting of three portions: Listening and Speaking, Reading, and Writing.

- d. **English Learner (EL):** A student with a language other than English indicated on the Home Language Survey and who is determined, by the CELDT assessment, to be less than fully proficient in English. ELs qualify for enriched English instructional services until they are able to demonstrate full academic proficiency in English and are meeting or approaching grade level standards in core subject areas.
- e. **English Language Development (ELD):** A program or course of instruction that targets each EL's specific linguistic needs according to his/her assessed level of English language proficiency and the English Language Development Standards.
- f. **Exit Criteria:** Acceptable standards on multiple measures (including, but not limited to, the CELDT and the California Standards Test of English Language Arts) are required to reclassify an EL to fluent English proficient status.
- g. **Home Language Survey (HLS):** A questionnaire completed by parents/guardians when students first enroll in the district to identify languages used in each student's home.
- h. **English as a Second Language (ESL):** A term used (mainly by secondary schools) to describe a course of English Language Development appropriate for ELs at the earlier levels of English proficiency.
- i. **English Only:** A term used to describe students with no language other than English indicated on the Home Language Survey. Typically these students are native speakers of English.
- j. **Initially Fluent English Proficient (IFEP):** A student who had a language other than English shown on his/her Home Language Survey and was initially assessed as fluent English proficient.
- k. **Language Proficiency Levels:** Five stages of English language proficiency ranging from very little English ability to nearly proficient in English. The levels are used to describe the following skill areas: listening and speaking, reading, and writing. The levels are: Beginning (B), Early Intermediate (EI), Intermediate (I), Early Advanced (EA), and Advanced (A).
- l. **Limited-English Proficiency:** An inclusive term that describes English skill levels of non-and limited-English proficient ELs.

- m. **Overall Proficiency Level (OPL):** A combination of a student's CELDT-assessed English proficiency in listening and speaking, reading, and writing.
- n. **Parental Election:** The process by which a parent/guardian applies and is approved or denied for an instructional program that includes instruction in the student's primary language (e.g., Bilingual for Spanish Speakers).
- o. **Primary Language (or Primary Home Language):** Any language other than English listed on a student's Home Language Survey as being used in the home.
- p. **Mainstream English Cluster (MEC):** An enriched English program for ELs at the higher levels of English language proficiency. A "cluster" of these ELs makes up about one-third of the grade level class. ELs in this program receive specialized instructional services, appropriate for their proficiency levels, from specially trained teacher(s).
- q. **Reclassified Fluent English Proficient (RFEP):** A former EL who has met established multiple criteria demonstrating he/she has attained or is approaching attainment of full academic proficiency in English and can participate equally with average native speakers of English in grade-level core academic subjects.
- r. **Regular English Program:** A program designed for native and fluent speakers of English.
- s. **Structured English Immersion (SEI):** An enriched English program for ELs at the earlier levels of English language proficiency. ELs are either grouped together in full grade-level SEI classrooms or clustered together according to proficiency level in grade-level English classrooms. ELs in an SEI cluster should make up about one-third of the class. ELs in this program receive specialized instructional services, appropriate for their proficiency levels, from specially trained teacher(s).

D. IMPLEMENTATION

Each site, using a system and resources determined by the principal, is required to properly identify, assess, and report all newly enrolled students who have a language other than English shown on their Home Language Survey. Students from this group who are identified and assessed as ELs must be placed in one of two appropriate programs: Structured English Immersion (SEI) or Mainstream English Cluster (MEC). Parents/guardians have the right to seek placement of their child in the Bilingual for Spanish Speakers Program through the Parental Election process. Parents/guardians of

students who have a language other than English shown on their Home Language Survey must be notified in writing of their children's initial language assessment results and instructional program placement, as well as the opportunity to seek a parental election waiver through the Parent Election process. In addition, they must be afforded the opportunity to learn about all program options available for their children.

1. **Home Language Survey (HLS).** Upon initial enrollment in the district, the parent/guardian of each student is to answer questions about language usage in the home by completing the HLS. If a language other than English is indicated on the HLS, the student must be assessed with the California English Language Development Test (CELDT) within 30 calendar days of enrollment. This information is entered in the district data system *and* a signed, dated copy of the completed HLS should be filed in each student's cumulative folder.

2. **Initial Identification of English Learners**
 - a. **Initial English Assessment.** Students with home languages other than English are designated as ELs or Initially Fluent English Proficient (IFEP) based on CELDT results. All portions of the CELDT must be scored on-site for these initially identified students, and the results must be entered into the district data system and provided to the assigned English teacher. Completed CELDT student answer documents used for initial assessment/identification are to be delivered to the Testing Unit, Office of the Superintendent, on a monthly basis. Students enrolling in the district with a valid CELDT score from another California school do not need to be reassessed for the purpose of initial identification. However, the CELDT scores must be entered into the district data system.

 - b. **Language Proficiency Codes.** Each designated language proficiency level has a corresponding language proficiency code. These levels are based on CELDT assessment. All possible codes and the corresponding student designations are listed in the table below.

Student Designation	Code	Specific Overall English Language Proficiency Level (OPL) Descriptor	Explanation
English Learner	B	Beginning	Reflects overall English proficiency level based on most recent CELDT assessment.
	EI	Early Intermediate	
	I	Intermediate	
	EA	Early Advanced	
	A	Advanced	
	ILEP	Initially Limited English Proficient	Only for ELs who have insufficient CELDT data to calculate a more descriptive proficiency level.
Fluent English Proficient	IFEP	Initially Fluent English Proficient	Assessed as fluent in English at enrollment and had home language other than English indicated on Home Language Survey.
	RFEP	Reclassified Fluent English Proficient	Former EL who has been reclassified to fluent English proficient status.
	(Blank)	English Only	Native English speaker whose parent/guardian indicated no other home language on Home Language Survey
Not Assessed	NASP	Not (unable to be) Assessed/Special Education	Student lacking any language skills that would permit assessment or deaf/hard of hearing student not in need of EL services.
	TEST	Not yet assessed	Needs to be assessed with CELDT; language other than English is listed on Home Language Survey; might possibly be designated an English Learner upon CELDT assessment.

c. **Initial Primary Language Assessment.** Any newly enrolled (to the district) student designated an EL based on CELDT results must be further assessed in the language other than English indicated on the student’s HLS. This assessment must occur within 90 calendar days after the student’s enrollment date. Results of the initial primary language assessment must be entered on-site into the district data system, and the actual student test booklets/forms should be filed in the student’s cumulative folder. The district uses the primary language assessment instruments listed below.

- (1) **Spanish.** The Spanish Idea Proficiency Test (IPT) is used for Spanish speaking ELs. Students in grades K-2 take only the Spanish Oral IPT; students in grades 3-6 are further assessed in Spanish reading and writing if they are assessed as being orally fluent with the Spanish Oral IPT. Students in grades 7-12 take all portions of the Spanish IPT: Oral, Reading, and Writing.

- (2) **Cambodian, Chinese, Hmong, Lao, Somali Tagalog, Vietnamese.** The San Diego Observation Assessment Instrument (SDOAI) is used to assess oral language proficiency of ELs in grades K-12 entering the district from homes where the Cambodian, Chinese, Hmong, Lao, Somali, Tagalog, or Vietnamese language is shown on the Home Language Survey. Use of the SDOAI depends on the availability of bilingual personnel. The Primary Language Informal Assessment (described immediately below) must also be conducted for students in grades 3-12 taking the SDOAI.
 - (3) **Additional Languages.** The district Primary Language Informal Assessment serves to gather information about a student's primary language usage/ability in cases where no bilingual person or no formal language assessment tool is available for the particular language shown on the HLS. The Informal Assessment is also used in conjunction with the SDOAI for students in grades 3-12. It is a simple questionnaire that, in many cases, can be conducted directly with the student.
3. **Instructional Program Placement.** State law requires that all children in California public schools be placed in English language classrooms. Newly enrolling students who have been assessed and found to be ELs are placed in either the Structured English Immersion (SEI) program or the Mainstream English Cluster (MEC), depending on their level of English language proficiency as measured with the CELDT. Generally, ELs at the earlier levels of English proficiency are to participate in an SEI program, while ELs at the higher levels (but not assessed as fully proficient in English) participate in MEC. Parents/guardians are then notified of assessment results. Parents/guardians may at any time request that their children be placed in the MEC program. Such requests must be granted. Program placement information must be entered and/or verified in the district data system.
4. **Parent Notification of Initial Assessment.** Parents/guardians must be informed of the placement of their children in the SEI or MEC program and must be notified of the opportunity to apply to participate in a bilingual program. The district's "Parent Notification of Initial English Language Proficiency Assessment and Placement" forms are used for this purpose. These forms are completed in triplicate and should be distributed as follows: (a) parent/guardian, (b) English teacher, and (c) student's cumulative folder. The date of parent notification or consultation must be entered in the district data system. Additional opportunities for informing parents/guardians of their right to request alternative programs may include providing program brochures with parental notification forms, inviting parents/guardians to informational meetings, conferencing with parents/guardians upon initial enrollment, or making other personal contacts.

5. **Parent Election Process: Requesting the Biliteracy Program.** Parents/guardians must be informed of the placement of their children in a mostly English program and be notified of the opportunity to apply for the Biliteracy for Spanish Speakers Program by submitting a parental election application. Procedures for informing parents and granting parental elections (as permitted by Education Code Sections 310 and 311) must be established at each school site and must include:
- a. **Informing parents/guardians.** Parents/guardians of ELs must be fully informed regarding all program options and the process for obtaining and granting parental election applications. A full written (and, upon request, a spoken) description of the English program options (SEI, MEC), the Biliteracy for Spanish Speakers Program option, and any other available district educational opportunities must be provided to parents/guardians. This description needs to address the educational materials used in the different options. Parents/guardians can be informed using a variety of strategies and tools, such as:
- (1) District parent notification forms (as noted above, these provide basic information).
 - (2) District and site-developed brochures and program descriptions.
 - (3) Parent/guardian meetings. Schools should establish parent/guardian meetings to fully inform parents/guardians of the program options.
 - (4) Parent conferences. Conferring with parents/guardians upon initial enrollment or other personal contacts.
 - (5) School staff. The office staff and teachers should be prepared to properly inform parents/guardians of program options, answer questions, and provide parental election applications.
- b. **Visiting the school to request application.** Parents/guardians must personally visit the school to request a “Parental Election Application” form. In the case where visiting the school will present a hardship, parents/guardians may send the parental election form to the school, along with the completed “Hardship” form. Each school should have parental election forms readily available and be prepared to answer any questions.

- c. **Thirty (30) days in English Requirement.** Parents/guardians must also be informed that, even with an approved “Parental Election Application” form, a student may not be placed in the Biliteracy for Spanish Speakers Program before completing a 30-day placement in a mostly English language classroom. This 30-day placement in an English classroom is required only for the initial enrollment in a California school and need not be repeated each subsequent year.
- d. **Renewal.** Parental election requests are valid for that school year only and must be renewed annually. To continue in the Biliteracy for Spanish Speakers Program, parents/guardians renew their choice each year by visiting the school and submitting a new “Parental Election Application” form for the principal’s consideration. Schools should schedule informational parent meetings and notify parents/guardians of the renewal requirement each spring, to better plan for the next school year.
- e. **Criteria for approval.** Parental election applications for ELs may be granted under any one the following circumstances:
- (1) *Students who already know English:* The student scores at or above the state average for his/her grade level or at or above the 5th grade average, whichever is lower, on a standardized test of English vocabulary, comprehension, reading and writing.
 - (2) *Older students:* The student is 10 years or older, and the principal and staff believe that the Biliteracy for Spanish Speakers Program would be better in helping the student learn English and accessing core curricula.
 - (3) *Students with special needs:* The student has already been placed for at least 30 calendar days in an English language classroom (anywhere in the state of California) and it is the informed belief of the principal and staff that the child has educational, physical, emotional, or psychological needs that are better met through the Biliteracy for Spanish Speakers Program.
Note: A “Special Needs” form must be completed and filed for any student for whom a parental election has been granted under this circumstance.

f. **Approval/denial of parental election requests**

- (1) Parental election requests must be acted upon within 20 instructional days of submission to the school principal (however, not within the 30-day placement in an English language classroom) or no later than 10 days after the expiration of that 30-day English language classroom placement, whichever is later.
- (2) Parents/guardians must be notified of the action taken.
- (3) Applications that are denied must include a written explanation of the reason(s) for the denial and the process to appeal.

g. **Program placement.** The parental election process is followed for all ELs at all district schools. Any parent/guardian of an English Learner who expresses an interest in the Biliteracy for Spanish Speakers Program, or bilingual instruction in general, should be invited to complete and submit a “Parental Election Application” form even if the school does not currently offer such a program. The principal is to grant the request as described in D.5.e. above. Those with approved parental election applications should be placed as follows:

- (1) *Schools with biliteracy programs:* Students should be placed in the appropriate grade level class. Students must be placed appropriately. If the number of students electing biliteracy exceeds the appropriate class size, reorganization of students and classrooms might be warranted, or an additional class may have to be established.
- (2) *Schools with no current biliteracy program:* Individual schools in which 20 pupils or more of a given grade level receive an approved waiver shall be required to offer such a class; otherwise they must allow the student to transfer to a district school in which such a class is offered or, if the transfer option is not elected, place the student in the appropriate SEI or MEC classroom.

h. **Appeal process.** In the event that a parental election application is denied, parent/guardian must be informed in writing as to the specific reason(s) for the denial and the process for appealing the decision. Each case must be decided on its own merits. The appeal process includes the following components:

- (1) Appeal to school site principal
 - (a) The principal provides to the parent/guardian a written explanation for the denial of parental election application, including any relevant student information and achievement data. The rationale must focus on the individual student.
 - (b) If the parent/guardian contests the decision, a conference with the parent(s)/guardian(s), principal, and other appropriate educational staff is held. Every attempt to resolve the situation should be made at the site level. At or immediately following the conference, parents/guardians are notified of the determination to uphold or change the original decision to deny the application.
- (2) Appeal to Instructional Leader
 - (a) If the parent/guardian is not satisfied with the principal's determination, then the parent/guardian submits a parental election appeal letter to the designated Instructional Leader. The letter should include the specific facts regarding the process and the rationale of the parent/guardian.
 - (b) Site administrator also submits a copy of the denied "Parental Election Application" form to the Instructional Leader, along with any relevant documentation related to the process and timelines followed, specific facts and allegations, and achievement data and other information used to support the decision denying the application.
 - (c) Instructional Leader makes a determination on behalf of the Superintendent of Public Education whether the parental election application denial conforms with state and district requirements and whether the denial is upheld or not.
 - (d) Instructional Leader notifies the parent/guardian and principal in writing of the determination. If the denial is upheld, he/ she informs the parent/guardian of the option to send a written request to the Office of General Counsel for a review panel hearing or a hearing at a regularly scheduled, closed session of the Board of Education.

(3) Appeal to Review Panel

- (a) The review panel, made up of General Counsel, Instructional Leader, and principal, convene to review all documentation and to determine whether the denial should be upheld. When deemed necessary, the parent/guardian may be contacted by the panel for further information.
- (b) The panel makes a determination whether the denial is upheld.
- (c) Office of General Counsel notifies parent/guardian of the panel's determination. If the denial is upheld and the parent/guardian still wishes to be heard before the Board of Education, the panel prepares and submits its finding to the Board prior to the hearing.

(4) Appeal to Board of Education

- (a) The parent/guardian is scheduled for up to five minutes to present his/her case at the Board's closed session.
- (b) Translation services are provided upon request.
- (c) The principal is notified in advance of the date and time of the hearing and of the opportunity to make a presentation at the closed session.
- (d) Following the hearing, the Board of Education makes determination and notifies parents/guardians and principal of the decision. No further appeal of this decision is available.

- i. **Record keeping.** Accurate records regarding parental elections requested, granted and denied must be maintained at the site. In addition, this information must be entered in the district data system.
6. **Reclassification to Fluent English Proficient (Duration of Services).** A student qualifies for reclassification when his/her CELDT and California Standards Test of English Language Arts results demonstrate he/she has attained or is approaching attainment of full academic proficiency in English listening, speaking, reading, and writing and the student can participate equally with average native speakers of English in core academic subject areas at his/her grade level.

- a. Specific requirements are listed on the district “English Learner Reclassification Profile.”
- b. When an EL meets the established multiple reclassification criteria, the site is to complete and submit the “Student Reclassification Profile” to the Biliteracy and English Learner Support Department for approval.
- c. If approved, department staff will enter the approval information in the district data system and return the original profile to the site. At this point, the student’s current OPL will become RFEP.
- d. Site staff then notifies/consults with the parents/guardians and enters the corresponding date in the district data system. A district “Reclassification to Fluent English Proficient” parent letter is available for this purpose. A copy of the letter should be filed in the RFEP student’s cumulative folder.
- e. School sites are to use the district data system to record and monitor follow-up reviews of RFEP students. State law requires a minimum of three follow-up reviews, conducted at approximate six to eight-month intervals over a two-year time period after a student is reclassified, to ensure satisfactory progress. Each site must have an established procedure for conducting follow-up monitoring of RFEP students.
- f. For students that were reclassified before 2001, the follow-up dates automatically show reviews conducted at six-month intervals following the date of reclassification. The Comment field states “See Cum,” indicating follow-up review documentation is available in the student’s cumulative folder.
- g. RFEP students have demonstrated they are ready to participate in a “regular” program designed for native and fluent speakers of English. This does not necessarily mean the student will change classrooms or teachers on the exact date of reclassification. Elementary students will typically finish the school year with the same teacher and classmates, while secondary students will have their course schedules adjusted (as necessary) at the semester break. Parents/guardians of RFEP students participating in the Biliteracy for Spanish Speakers Program have the option of re-applying for that program on an annual basis but, because the student is no longer an English Learner, placement is not guaranteed.

E. FORMS AND AUXILIARY REFERENCES

1. Aeries Central Website: Using Aeries for Second Language
2. Aeries User Guide for Elementary Schools: Section 12, Second Language
3. Elementary English Learner Program Options Information and Video Kit
4. English Learner Reclassification Profile, Peoplesoft #2991
5. Home Language Survey, PeopleSoft #3043
6. Master Plan for English Learners, available from the Biliteracy and English Learner Support Department
7. Parental Election Application, English Peoplesoft #3010; Spanish Peoplesoft #3012
8. (Parental Election) Special Needs Inventory, English Peoplesoft #3015; Spanish Peoplesoft #3017
9. (Parental Election) Affidavit (Unable to Visit School) Form, English Peoplesoft #3013; Spanish Peoplesoft #3014
10. Parent Letter: Reclassification to Fluent English Proficient, English Peoplesoft #2995; Spanish Peoplesoft #2996; Tagalog Peoplesoft #2997; Hmong Peoplesoft #3004; Lao Peoplesoft #3005; Vietnamese Peoplesoft #3006; Cambodian Peoplesoft #3009; Somali Peoplesoft #3863
11. Parent Letter: Reclassification to Fluent English Proficient *from the Biliteracy for Spanish Speakers Program*, English Peoplesoft #3018; Spanish Peoplesoft #3019
12. Parent Notification of Initial English Language Proficiency Assessment and Placement (K-6), English Peoplesoft #3020; Spanish Peoplesoft #3021; Vietnamese Peoplesoft #3022; Lao Peoplesoft #3023; Cambodian Peoplesoft #3026; Somali Peoplesoft #3504
13. Parent Notification of Initial English Language Proficiency Assessment and Placement (Secondary Level), English Peoplesoft #3031; Spanish Peoplesoft #3033; Vietnamese Peoplesoft #3034; Lao Peoplesoft #3035; Cambodian Peoplesoft #3039; Somali Peoplesoft #3505

14. Parent Notification of Initial Language Proficiency Assessment and Biliteracy for Spanish Speakers Program Placement, English Peoplesoft #3027; Spanish Peoplesoft #3029
15. Parent Notification of Primary Language Proficiency Assessment (K-12), English Peoplesoft #3865; Spanish Peoplesoft #3866; Vietnamese Peoplesoft #3867; Lao Peoplesoft #3868; Cambodian Peoplesoft #3869; Somali Peoplesoft #3870
16. Zangle English Learner Handbook (From District Zangle Website)

F. REPORTS AND RECORDS

G. APPROVED BY

Kerry B. Flanagan

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For the Superintendent of Public Education