

CLASSIFICATION: Instruction

ADOPTED: 10/4/10

REVISED: 9/7/16

REVIEWED: 8/23/16

SUBJECT: Identification, Assessment, and
Education of English Learners

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The County Superintendent of Schools acknowledges his/her responsibility for ensuring that students in the school programs operated by the County Superintendent of Schools who have limited English proficiency (English learners) are placed in programs that will advance their academic and language development as rapidly and effectively as possible.

The County Superintendent of Schools establishes this administrative regulation to provide for the identification, assessment, and educational placement of English learners. The responsibility for its implementation and maintenance is assigned to the assistant superintendent, Student Services and Programs, and the program manager of the juvenile court and community schools, operating as Momentum Learning, or their designee(s), in the school programs under their direction.

IDENTIFICATION AND ASSESSMENT

Upon enrollment, each student's primary language shall be determined through the administration of a home language survey. Within 30 calendar days of their initial enrollment, students who are identified as having a primary language other than English and who have not been previously tested shall be assessed using the California English Language Development Test (CELDT). The CELDT shall be administered to all English learners in succeeding years during the annual assessment window until they are reclassified.

Any student taking the CELDT may be provided with any variations authorized by Title 5, California Code of Regulations, section 11516, or any variations approved in advance by the State Department of Education.

Students with disabilities shall be permitted to take the CELDT with the accommodations or modifications specified in Title 5, California Code of Regulations, section 11516.5 and 11516.6, or approved in advance by the California Department of Education if specified in the student's IEP or Section 504 plan for use on the test, standardized testing, or for use during classroom instruction and assessments. Students with disabilities who are unable to participate in the entire CELDT or a section of the test with variations, accommodations, or modifications shall be administered

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alternate assessments for English language proficiency as set forth in the student's IEP.

The assistant superintendent, Student Services and Programs, and the program manager, Momentum Learning, or designee(s), shall ensure that the CELDT is administered to students in school programs under their direction in accordance with the publisher's instructions and that test records are maintained in accordance with law. Parents/guardians shall be notified of students' results on the CELDT within 30 calendar days following the receipt of test results from the test contractor.

Within 90 days of their initial enrollment, students identified as English learners shall be further assessed for primary language proficiency in listening, speaking, reading, and writing.

Long-term English learner means an English learner who is enrolled in grades 6-12, has been enrolled in schools in the United States for more than six years, has remained at the same English language proficiency level for two or more consecutive years as determined by the CELDT or any successor test, and scores far below basic or below basic on the English language arts test of the California Standards Tests or any successor test.

English learner at risk of becoming a long-term English learner means an English learner who is enrolled in grades 5-11 in the United States for four years, scores at the intermediate level or below on the CELDT or any successor test, and scores in the fourth year at the below basic or far below basic level on the English language arts test of the California Standards Tests or any successor test.

PROGRAM PLACEMENT

The educational placement of a student identified as an English learner shall be based on the results of the student's English language assessment.

All program placement options shall offer integrated and designated English Language Development (ELD), be based on both ELD and grade-level California State Standards and be taught by authorized teachers. Teaching strategies shall be designed to help

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students attain proficiency in listening, speaking, reading, and writing English to succeed academically in all subjects. The following program placement options shall be available for English learners:

1. Structured English Immersion Program – All students have been assessed to be at the Beginning or Early Intermediate language proficiency level. Presentation of the curriculum is designed for students who have less than reasonable fluency in English. Nearly all of the classroom instruction is in English. Some assistance may be provided in a student’s primary language.
2. English Language Mainstream Program – All students have been assessed to be at an Intermediate, Early Advanced, or Advanced English language proficiency level. Classroom instruction is in English and is appropriate for students who have a reasonable fluency in English. Students continue to receive additional and appropriate instruction in order to meet requirements to be reclassified as fluent English proficient.
3. Alternative Bilingual Program – Classroom instruction in core subjects is in the student’s primary language, and ELD instruction is presented in English.

The program placement of English learners who are special education students shall be specified in their Individualized Education Programs (IEPs).

PARENT/GUARDIAN NOTIFICATION

Following the initial administration of the CELDT and each subsequent annual administration, the parent/guardian of an English learner shall be notified of the student’s English language proficiency assessment results. The notice shall include the following:

1. The student’s level of English proficiency and how the level was assessed
2. The student’s language designation

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3. A description of the program options and educational strategies and materials to be used in each option
4. The student's program placement and, for students who have been identified for special education, the manner in which the program meets the requirements of the student's IEP
5. The specific exit requirements for the program, the expected rate of transition from the program into classrooms that are not tailored for limited-English proficient students, and the expected rate of graduation from secondary school for the program
6. Information designed to assist a parent/guardian in selecting among available program options
7. Information regarding the opportunity to apply for a parental exception waiver that includes the following:
 - A. The right of a parent/guardian to decline a student's placement in a Structured English Immersion Program or English Language Mainstream Program and to request placement in an Alternative Bilingual Program by applying for a parental exception waiver
 - B. The procedures for applying for a waiver, including the requirement that the parent/guardian personally visit the school program
 - C. The criteria that will be used to evaluate a waiver request
 - D. The requirement that a waiver request must be renewed annually by the parent/guardian

Annual notification shall be provided to the parent/guardian of an English learner that includes the status of the student's academic achievement, in addition to all of the above information.

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PARENTAL EXCEPTION WAIVERS

Education Code section 305 requires all students in California public schools to be taught in English language classrooms. The requirements of section 305 may be waived under specified circumstances and with the informed consent of a student's parent/guardian. Informed consent requires that a student's parent/guardian personally visit the school to apply for a parental exception waiver to authorize placement of the student in the Alternative Bilingual Program. A parental exception waiver may be granted if one of the following circumstances exists:

1. The student already possesses good English language skills as measured by scores on standardized tests of English vocabulary comprehension, reading, and writing; or
2. The student is ten years of age or older and it is the informed belief of the school principal and educational staff that an alternative course of study would be better suited to the student's rapid acquisition of basic English skills; or
3. The student has such special physical, emotional, psychological, or educational needs that an alternative course of educational study would be better suited to the child's overall educational development

The school principal and educational staff may recommend a parental exception waiver to a parent/guardian for a student ten years or older and a student with special needs. Parents/guardians shall be informed in writing of the recommendation and their right to refuse to accept the recommendation. If the parent/guardian elects to request the recommended placement in the Alternative Bilingual Program, the parent/guardian must follow established procedures to apply for a parental exception waiver.

Upon receipt of a request for a parental exception waiver, the school principal shall provide the parent/guardian a full, written description, and a spoken description upon request, of the intent and content of the Structured English Immersion Program, English Language Mainstream Program, and Alternative Bilingual Program, including the educational materials used in each program. The school principal shall transmit the request to the County Superintendent of Schools or designee.

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The County Superintendent of Schools or designee shall act upon all parental exception waivers within 20 instructional days of submission to the principal. All parental exception waivers shall be granted unless the principal and educational staff have determined that the Alternative Bilingual Program would not be better suited for the overall educational development of the student.

If the County Superintendent of Schools or designee denies a waiver request, the parent/guardian shall be informed in writing of the reason(s) for denial and advised that he/she may appeal the decision to the County Board of Education. The appeal must be in writing and filed with the County Superintendent of Schools, as the Secretary to the County Board of Education, within 30 calendar days of notification of the denial. The appeal shall be heard in accordance with Board Policy 6156, Identification, Assessment, and Education of English Learners.

RECLASSIFICATION

English language 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 the regular program 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.

Parents/guardians shall be notified of reclassification procedures and encouraged to participate in the process.

The following criteria shall be used to determine whether an English learner shall be reclassified as fluent English proficient:

1. The student's English comprehension, speaking proficiency, reading, and writing skills reflect an overall CELDT score of Early Advanced or higher and all skill proficiency levels are at or above intermediate
2. Recommendation of the student's classroom teacher based on multiple measures that evaluate the student's English language proficiency and reflect curriculum mastery at grade level

SAN DIEGO COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 6156**

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3. Parent/guardian opinion and consultation
4. Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age, as measured by the local Measures of Academic Progress (MAP), indicates the student is at proficiency level or higher in reading

The assistant superintendent, Student Services and Programs, and the program manager, Momentum Learning, or designee(s) shall provide subsequent educational support for reclassified students in the school programs under their direction and shall monitor the students' progress for a minimum of two years to ensure their correct classification and placement.

Derivation: Adopted 10/4/10. Amended 5/8/13, 9/7/16.

Board Policy: 6156

Legal Reference: Education Code
300 - 340, 430 et seq., 48985, 51101.1, 60810 - 60812
California Code of Regulations, Title 5
11301 et seq., 11510 - 11517
United States Code, Title 20
6312, 6801 et seq., 7012