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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

Memo

To Board of Education

From Jacqueline Minor, General Counsel
Nancy Talavera Herrera Student at Fremont High School

Board Meeting Date August 26, 2015

Subject Amendment to Board Policy – BP 6174 Education for English Language Learners

Action Requested Approval of updates to the Oakland Unified School District Board Policy BP 6174 Education for English Language Learners

Background Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District's standards.

Discussion In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

Recommendation Approval of modification to the Oakland Unified School District Board Policy BP 6174 Education for English Language Learners

Fiscal Impact No direct funding implications

Attachments Amendment to Board Policy BP 6174 Education for English Language Learners

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 6174

Instruction

Education For English Language Learners

The Governing Board intends to provide English ~~language~~ learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively 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 instructional 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 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.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with the state content standards and curriculum framework. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, and 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)

~~Board encourages~~

The Superintendent or designee shall ensure that all staff to exchange information with 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 in other districts and the county office of education about programs, options and 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 language learners that succeed under various demographic conditions. learners. (20 USC 6825)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall encourage parent/guardian 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 that leads to English fluency for parents/guardians and community members.

(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, assessment and placement of English language learners and for an assessment of their redesignation 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 adopted by the Board and specified in the accompanying administrative regulations regulation.

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 redesignated as fluent English proficient. 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 schoolwide English learner advisory committees.

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. ~~6190—Evaluation~~6162.51 - State Academic Achievement Tests)

Placement of the Instructional Program~~)~~English Learners

Type of Instruction

Students who are English ~~language~~ learners shall be educated through "structured English immersion" (also known as "sheltered English immersion" ~~or "structured English immersion during"~~), 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 ~~sheltered~~structured 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 ~~language~~ 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 ~~or, any locally developed district assessments, and using/or~~ other criteria ~~developed~~adopted by the ~~district~~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 ~~language~~ learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following ~~overall score of 4 or 5 on the California English Language Development Test (CELDT) below subscore below a 3:~~

~~(cf. 6011—Academic Standards)~~

~~(cf. 6162.5—Student Assessment)~~

~~(cf. 6171—Title I Programs)~~

Upon _____

At any time during the request of his/her school year, the parent/guardian, a student shall be placed in of an English learner may have his/her child moved into an English language mainstream classroom-program. (5 CCR 11301)

Parental Exception Waivers

~~At any time during the school year~~

When allowed by law, the parent/guardian of an English language learner may have submit a request that his/her child moved into an English language mainstream program.—

Parent/guardian requests for waivers be exempted from Education Code 305 regarding placement in a sheltered 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 the parent/guardian's preference for student placement.

A waiver request shall be granted in accordance with law and administrative regulation, 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 ~~for immigrant children~~

430-446 English Learner and Immigrant Pupil Federal Conformity Act

~~33308.5 CDE guidelines not binding~~

33050 State Board of Education waiver authority

42238.02-42238.03 Local control funding formula

44253.51-44253.10 Certification for bilingual cross-cultural competence 11 Qualifications for teaching English learners

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~~

52052 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

52130-52135 Impacted languages act Languages Act of 1984

52160-52178 Bilingual Bicultural Act—

~~52180-52186 Bilingual teacher training assistance program~~

~~54000-54041 Programs for disadvantaged children~~

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
~~62001-62005.5 Evaluation and sunseting~~Continuation of ~~programs~~advisory committee after
program sunsets
CODE OF REGULATIONS, TITLE 5
~~4320 Determination of funding to support program to overcome the linguistic difficulties of English~~
~~learners~~

853.5-853.7 Test administration; universal tools, designated supports, and accommodations
11300-11316 ~~English Language Learner Education~~learner education
11510-~~11516~~11517 California English Language Development Test
UNITED STATES CODE, TITLE 20
1701-1705 Equal Educational Opportunities Act
~~6312 Local~~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, (~~9th Circuit~~)-2002-U.S. App. Lexis 20956) 307 F.3d 1036
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~~Academic Criterion for Reclassification ~~of English Learners, September 2002,~~ CDE
Correspondence, August 11, 2014

~~Accommodations for the~~ California English Language Development Test, ~~Revised 8/13/01~~
(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

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Assessment and Accountability for Recently Arrived and Former Limited English Proficient
(LEP) Students, May 2007

WEB SITES

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

| ~~CSBA:~~ U.S. Department of Education: [http://www.esba-~~org~~ed.gov](http://www.esba-orged.gov)

| ~~7/14/04~~ 4/15

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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

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

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

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