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| File ID Number                           | 16-2437            |
| Introduction Date                        | 11/30/16           |
| Enactment Number                         | 16-1840            |
| Enactment Date                           | 11/30/16 <i>as</i> |



OAKLAND UNIFIED  
SCHOOL DISTRICT

*Community Schools, Thriving Students*

OFFICE OF THE GENERAL COUNSEL

# Memo

**To** Board of Education

**From** Marion McWilliams, General Counsel

**Board Meeting Date** November 30, 2016

**Subject** Revision to Board Policy BP 6174 – English Language Learners

**Action Requested** Approval by the Board of Education of modifications to Board Policy 6174

**Summary** Staff is recommending approval of changes in Board Policy 6174 to conform with State law.

**Fiscal Impact** N/A

**Recommendation** Approval by the Board of Education of modification to Board Policy 6174

**Attachments**

- Redline of Board Policy 6174

# 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 regular course of study.~~

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see [11]

Inserted: while facilitating student achievement in the district's regular course of study

Inserted: .

see [2]

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The Board encourages staff to exchange information with staff in 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 redesignation 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 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.

(cf. 6190—Evaluation of the Instructional Program)

#### Type of Instruction

Students who are English language learners shall be educated through "sheltered English immersion" or "structured English immersion" during a temporary transition period 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 the curriculum and presentation designed for students who are learning the language. (Education Code 305, 306)

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 assessments and using other criteria developed by the district, 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; 5 CCR 11301)

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:

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(cf. 6011 – Academic Standards)  
(cf. 6162.5 – Student Assessment)  
(cf. 6171 – Title I Programs)

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

#### Parental Exception Waivers

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At any time during the school year, the parent/guardian of an English language learner may have his/her child moved into an English language mainstream program.

Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.

Inserted: Program Evaluation . [3]

#### 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  
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

Inserted: 33050 State Board of Education waiver authority

Inserted: 42238.02-42238.93 Local control funding formula .

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Inserted: Qualification for teaching English learners

Inserted: 52052 Academic Performance Index; numerically significant student subgroups . [4]

Inserted: 60200.7 Suspension of state instructional materials adoption . [5]

Inserted: Continuation of 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~~

11300-11316 English ~~Language Learner Education~~

11510-11516 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

## 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~~

## WEB SITES

~~CDE: <http://www.cde.ca.gov>~~

~~CSBA: <http://www.csba.org>~~

~~7/14/04~~

**Inserted:** 853.50853.7 Test administration; universal tools, designated supports, and accommodations

**Inserted:** learner education

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<http://www.ed.gov>

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# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Board Policy**

BP 6174

### **Instruction**

#### **Education For English Language Learners**

The Governing Board intends to provide access to high-quality multilingual and multicultural education that prepares students for a diverse, globalized community and work force. 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 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. The superintendent or designee shall solicit input on language acquisition programs as part of the LCAP development program.

(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. 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 – Professional Development)

### **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 the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using approved state assessments. 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 exempt from taking the English language arts assessment to the extent allowable by federal law. (Education Code 60603, 60640; 5 CCR 853.5, 853.7)

### **Language Acquisition Programs**

Parents and guardians are encouraged and empowered to collaborate with the District to select a language acquisition program that best suits their child and is based on research-based methodologies. Parents and guardians do not need to submit a waiver for any particular program. If 20 or more parents of students in a single grade, or 20 or more parents overall ask for a specific language acquisition program, the District will offer that program at that school to the extent possible or permit the student to transfer to a school that does provide the program.

### **Program Evaluation**

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or his 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 towards 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 shall also provide the Board with regular reports from any district or schoolwide English learner subcommittees.

The Board of Education directs the Superintendent or designee to develop and maintain a master plan consistent with this policy for district English Language Learners' education.

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  
 42238.02-42238.93 Local control funding formula  
 44253.1-44253.11 Qualification 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 adoption  
 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  
 853.50853.7 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 notifications  
 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)  
 Proposition 58, Non-English Languages Allowed in Public Education (2016)

#### Management Resources:

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014  
 California English Language Development Test (CELDT): 2013-14 Information Guide, 2013  
 English Language Arts/English Language Development Framework for California Public Schools: Transition Kindergarten Through Grade Twelve, 2014  
 English Language Development Standards for California Public Schools” Kindergarten Through Grade Twelve, 2012  
 Matrix of Test Variations, Accommodations, and Modification for Administration of California Statewide Assessments

#### U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Assessments and Accountability for Recently Arrived and Former Limited English Proficient

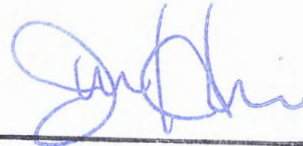
(LEP) Students, May 2007

WEB SITES

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

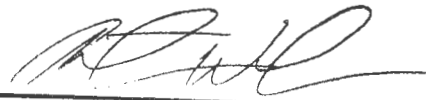
U.S. Department of Education: <http://www.ed.gov>

11/30/16



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James Harris  
President, Board of Education



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Antwan Wilson  
Secretary, Board of Education