

**Title 5. EDUCATION**  
**Division 1. California Department of Education**  
**Chapter 11. Special Programs**  
**Subchapter 4. Multilingual and English Learner Education**

**§ 11300. Definitions.**

- a. "Designated English Language Development" means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development (ELD) standards to assist English learners to develop critical English language skills necessary for academic content learning in English.
- b. "English learner parent advisory committee," means the committee established by a school district or county superintendent of schools pursuant to Education Code sections 52063 and 52069, and Title 5 California Code of Regulations section 15495(b).
- c. "Integrated English Language Development" means instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English.
- d. "Language acquisition programs" are educational programs designed for English learners to ensure English acquisition as rapidly and effectively as possible, that provide instruction to these pupils on the state-adopted academic content and ELD standards through Integrated and Designated ELD, and that meet the requirements described in section 11309 of this subchapter. Language acquisition programs may include, but are not limited to, dual language programs, transitional and developmental programs for English learners, and Structured English Immersion, as specified in Education Code section 306, subdivision (c).
- e. "Language programs" are programs that are designed to provide opportunities for pupils to be instructed in languages other than English to a degree sufficient to produce proficiency in those languages, consistent with the provisions of Education Code section 305, subdivision (c).
- f. "Local control and accountability plan (LCAP)" means the plan created by a local educational agency (LEA) pursuant to Education Code sections 52060 or 52066, as applicable to the LEA.
- g. "Local educational agency (LEA)" means a school district or county office of education.
- (h) "Multilingual" means proficiency in one or more languages, in addition to English.
- (i) "Parent advisory committee" means a committee established by a school district or county superintendent of schools pursuant to Education Code sections 52063 or 52069.
- (j) "Parents" means the natural or adoptive parents, legal guardians, or other persons holding the right to make educational decisions for a pupil pursuant to Welfare and Institutions Code section 361 or 727, or Education Code section 56028 or 56055, including foster parents who hold rights to make educational decisions.
- (k) "Stakeholders" means parents, pupils, teachers, administrators, other school personnel, and interested members of the public.
- (l) "State-adopted academic content standards" means standards adopted by the State Board of Education for the subject matter covered in Education Code sections 18100, 18101, 51210.2, 51222, 60605, 60605.1, 60605.2, 60605.3, 60605.4, 60605.5, 60605.8, 60605.11, and 60605.13.
- (m) "State-adopted English language development standards" means standards adopted pursuant to Education Code section 60811.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 305, 306, 310, 330, 18100, 18101, 51210.2, 51222, 52060, 52063, 52064, 52066, 52067, 52068, 52069, 56028, 56055, 60605, 60605.1, 60605.2, 60605.3, 60605.4, 60605.5, 60605.8, 60605.11, and 60605.13, Education Code; Sections 361 and 727, Welfare and Institutions Code.

**§ 11301. Community Engagement.**

- a. As part of the development of the LCAP and annual updates, an LEA shall inform and receive input from stakeholders, including the English learner parent advisory committee, if such a body is required by law, and the parent advisory committee, regarding the LEA's existing

language acquisition programs and language programs and possibly establishing other such programs.

b. An LEA process for informing stakeholders and receiving input may include procedures such as stakeholder surveys, forums, and meetings with school advisory committees or other groups representing stakeholders.

c. Prior to adoption of an LEA's LCAP, the school district superintendent or the county superintendent of schools shall include a written response to input received from the LEA's English learner parent advisory committee, if such a body is required by law, and parent advisory committee relating to language acquisition programs and language programs with the superintendent's response as described in Education Code sections 52062 and 52068.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 305, 306, 52060, 52062, 52063, 52066, 52067 and 52068, Education Code.

### **§ 11309. Language Acquisition Programs.**

a. LEAs shall provide language acquisition programs for English learners consistent with these regulations.

b. Whenever an LEA establishes a language acquisition program, the LEA shall confer with school personnel, including teachers and administrators with authorizations required to provide or oversee programs and services for English learners, regarding the design and content of the language acquisition program.

c. Any language acquisition program provided by an LEA shall:

1. Be designed using evidence-based research and include both Designated and Integrated ELD;
2. Be allocated sufficient resources by the LEA to be effectively implemented, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent and community engagement to support the proposed program goals; and
3. Within a reasonable period of time, lead to:
  - A. Grade-level proficiency in English, and, when the program model includes instruction in another language, proficiency in that other language; and
  - B. Achievement of the state-adopted academic content standards in English, and, when the program model includes instruction in another language, achievement of the state-adopted academic content standards in that other language.
- d. At a minimum, an LEA shall provide a program of Structured English Immersion for English learners, which includes Designated and Integrated ELD.

e. An LEA may provide language acquisition programs, including programs that integrate instruction for native speakers of English and native speakers of another language and meet the requirements of subdivision (c).

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 305, 306, 44253.3, and 44253.4, Education Code; 20 U.S.C. Sections 1703 and 6311.

### **§ 11310. Parental Notice.**

a. An LEA shall notify parents of the language acquisition programs and language programs available in the LEA at the time and in the manner specified in Education Code sections 48980 and 48981. The notice specified in this section shall include a description of the process for parents to request a language acquisition program or language program for their child.

b. Regarding language acquisition programs, the notice shall include:

1. A description of any such programs provided, including Structured English Immersion;
2. Identification of any language to be taught in addition to English, when the program model includes instruction in another language;
3. The information set forth in section 11309(c); and
4. The process to request establishment of a language acquisition program

not offered at the school.

- c. Regarding language programs, the notice shall specify the language(s) to be taught, and may include the program goals, methodology used, and evidence of the proposed program's effectiveness.
- d. Parents of pupils enrolling in an LEA after the beginning of the academic school year shall be provided the notice described above upon enrollment. An LEA may provide notice to parents at additional times throughout the year.
  - e. The notice to parents pursuant to this section shall be provided as described above. Additionally, verbal notice shall be provided, upon request, as reasonably necessary to effectuate notice to the parents.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 305, 306, 310, 48980, and 48981, Education Code; 20 U.S.C. sections 1703(f), 6311 and 6318.

### **§ 11311. Parent Requests to Establish a Language Acquisition Program.**

a. An LEA shall establish a process for schools of the LEA to receive and respond to requests from parents of pupils enrolled in the school to establish a language acquisition program other than, or in addition to, such programs available at the school. The LEA process shall require each school to make a written record of each request, including at least the following:

- 1. The date of the request;
  - 2. The names of the parent and pupil;
  - 3. A general description of the request; and
  - 4. The pupil's grade level on the date of the request.
- b. Each school shall maintain a written record of verbal requests that includes the information set forth above.
- c. Each school shall assist parents in clarifying requests, as needed.
- d. Each school shall retain written records of parent requests for language acquisition programs for at least three years from the date of the request.
- e. A parent whose pupil is enrolled in a school for attendance in the next school year may submit a request for a language acquisition program.

(f) A school shall consider requests for a multilingual program model from parents of pupils enrolled in the school who are native speakers of English when determining whether a threshold specified in subdivision (h) is reached.

(g) Each school shall monitor the number of parent requests for language acquisition programs on a regular basis and notify the LEA immediately upon reaching a threshold specified in subdivision (h).

(h) When the parents of 30 pupils or more enrolled in a school, or when the parents of 20 pupils or more in the same grade level enrolled in a school, request the same or substantially similar type of a language acquisition program, the LEA shall respond by taking the following actions:

- 1. Within 10 school days of reaching a threshold described in subdivision (h), notify the parents of pupils attending the school, the school's teachers, administrators, and the LEA's English learner parent advisory committee and parent advisory committee, in writing, of the parents' requests for a language acquisition program;
- 2. Identify costs and resources necessary to implement any new language acquisition program, including but not limited to certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent and community engagement to support the proposed program goals; and
- 3. Determine, within 60 calendar days of reaching a threshold described in subdivision (h), whether it is possible to implement the requested language acquisition program; and provide notice, in writing, to parents of pupils attending the school, the school's teachers, and administrators, of its determination;

A. In the case of an affirmative decision to implement a language acquisition program at the school, create and publish a reasonable timeline of actions necessary to implement the language acquisition program.

B. In the case where the LEA determines it is not possible to implement a language acquisition program requested by parents, the LEA shall provide in written form an explanation of the reason(s) the program cannot be provided, and may offer an alternate option that can be implemented at the school.

(i) Each school shall follow the process set forth in subdivision (h), even when the LEA provides the requested language acquisition program at another school of the LEA at the time the threshold specified in subdivision (h) is met.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 305 and 310, 44253.3, and 44253.4, Education Code; 20 U.S.C., Section 1703(f).

### **§ 11312. Language Programs**

If an LEA provides a language program or proposes to offer a language program, the LEA shall establish a process for schools of the LEA to receive and respond to input from parents and stakeholders regarding the non-English language in which instruction is provided.

NOTE: Authority cited: Section 33031. Reference: Section 305(c), Education Code.

### **§ 11316. Language of Parental Notice.**

All notices and other communications to parents required or permitted by these regulations must be provided in English and in the parents' primary language to the extent required under Education Code section 48985.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 48985, Education Code; 20 U.S.C Section 1703(f) and 6318.