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## CLOVIS UNIFIED SCHOOL DISTRICT

### CURRICULUM SERVICES & INNOVATIONS

#### *Specialized Programs*

#### EDUCATION FOR ENGLISH LEARNERS

**PURPOSE:** To ensure that English learners (EL) are provided with programs that develop fluency in English as prescribed by law.

The Governing Board intends to provide English learners with a challenging core curriculum and instruction that develops proficiency in English as rapidly and effectively as possible in order to assist students in becoming productive members of our society.

The District's program shall be based on sound instructional theory and shall be adequately supported so that English learners can achieve results at the same academic level as their English-proficient peers.

To ensure that the District is using sound methods that effectively serve the needs of English learners, the Superintendent or designee shall annually examine program results, including reports of the students' academic achievement and their progress towards proficiency in English. The Superintendent shall ensure that schools compile data on programs for English learners in order to help determine program effectiveness. The Board encourages staff to exchange information with other districts and the county office of education about programs, options and strategies for English learners that succeed under various demographic conditions.

The Superintendent or designee shall maintain procedures that provide for the identification, assessment and placement of English learners and for their redesignation based on criteria adopted by the Board and specified in administrative regulations. Said procedures are described in the District's *Master Plan - A Guide to Services for English Learners*.

Students who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. After one year, students may continue in sheltered English immersion until they meet the District's criteria; but not to exceed three years. In the structured English immersion process, classroom instruction shall be nearly all in English. All classroom instruction shall be in English; however, clarification, explanation, assistance, and support, as needed, may be in a student's primary language. Instruction shall be enhanced through identified techniques (i.e., graphic organizers, academic day instruction and realia) that support the needs of English Learners.

Upon enrollment, each student's primary language shall be determined. The Home Language Survey is the instrument used for the determination. Within 30 calendar days of their initial enrollment, students who are identified as having a primary language other than English, as determined by the Home Language Survey, shall be assessed for English proficiency in listening, speaking, reading and writing. Within 90 days of initial enrollment, students identified as having limited English proficiency shall be further assessed for primary language proficiency in listening, speaking, reading and writing. The Superintendent or designee shall develop criteria for determining student needs on the basis of these assessments.

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Before students are enrolled in a program for English learners, parents/guardians shall receive information about the program and their opportunities for parental involvement. This information shall include the fact that an individual student's participation in the program is voluntary on the part of the parent/guardian.

An English learner shall be transferred from a structured English immersion process to an English language mainstream classroom when the student 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. Additional and appropriate services shall be provided until the English learner is redesignated to fluent English proficiency. A student has acquired a "reasonable level of English proficiency" when he/she has reached the intermediate fluency stage of English language development as measured by the California English Language Development Test (CELDT).

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

Parent/guardian requests for waivers from Education Code section 305 shall be granted in accordance with law and administrative regulation. The principal shall consider all waiver requests made, pursuant to Education Code section 311(c) (Special Needs) and shall submit a rationale of the decision regarding the waiver to the student's home school principal. When determining whether or not to recommend the approval of the waiver request, the principal shall assume that the facts justifying the request attested by the parent/guardian are a true representation of the child's condition. All such waiver requests shall be granted unless: (1) the principal and educational staff's determine that the alternative program requested by the parent/guardian would not be better suited for the overall educational development of the student or, (2) the program requested by the parent/guardian is not offered at the school.

When evaluating a waiver request pursuant to Education Code section 311(a) and other waiver requests for those students for whom standardized assessment data is not available, other equivalent assessment measures shall be used. These equivalent measures may include local assessments, local standards and teacher evaluations.

If the waiver requested by the parent/guardian is granted, and fewer than 20 students at the same school receive a waiver, the student shall be allowed to transfer to another public school with such a program where students are taught English and other subjects through bilingual education techniques or other generally recognized educational methodology permitted by law is offered. Students wishing to transfer shall be subject to the District's intradistrict and interdistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district's interdistrict attendance policies and administrative regulations.

If the principal 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 principal's decision to the Superintendent and ultimately the Board. The Board may consider the

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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.

The above procedure applies only to those waivers in Education Code section 311(c) as specified.

The Board recognizes that English learners who have been enrolled in the District for less than one year (12 months) may be tested in the State Testing and Reporting Program (STAR), with standard or non-standard accommodations, in accordance with the manuals or other instructions provided by the test publisher. Such nonstandard accommodations may be applied at each school to identified English learners enrolled in the District less than one year for whom nonstandard accommodations may be appropriate due to the student's limited English proficiency. Nonstandard accommodations may include, but are not limited to, reading and translating the test instructions into the student's primary language and the use of a bilingual dictionary.

*Adopted: 8/10/88*  
*Amended: 1/15/92*  
*Amended: 11/93*  
*Amended: 6/21/95*  
*Amended: 9/97*  
*Amended: 11/98*  
*Amended: 3/28/01*  
*Amended: 5/8/02*  
*Amended: 8/23/06*  
*Amended: 9/26/07*  
*Reviewed: 1/14/09*  
*Reviewed: 11/13/13*

### EDUCATION CODE

300-340 English language education for immigrant children  
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  
520515 Components of school improvement plan  
52130-52135 Impacted languages act of 1984  
5252164.6 Reclassification criteria  
52169 Requirements for establishment of program  
52171 Evaluations of student progress  
52171.6 Annual report to legislature  
52177 Administration of article  
52180-52186 Bilingual teacher training assistance program  
54000-54041 Programs for disadvantaged children  
62000-62005.5 Evaluation and sunseting of programs

### CODE OF REGULATIONS, TITLE 5

853 Achievement Test Accommodations  
4320 Bilingual education program requirements  
11300-11305 English language education for immigrant children

### UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

### COURT DECISIONS

Valeria G. v. Wilson (N.D. Cal. 1998) 12 F Supp. 2d  
Teresa P. et al v. Berkeley Unified School District et al, (N.D. Cal. 1989) 724 F. Supp. 698  
Casteneda v. Pickard, (5th Cir. 1981) 648 F. 2d 989

### MANAGEMENT RESOURCE: CDE LEGAL ADVISORIES

0125.90 Procedures for requesting guidance from the US Department of Education  
0515.89 Limited English Proficient Programs

### CSBA ADVISORIES

0812.98 Proposition 227 Advisory