



## CALIFORNIA STATE BOARD OF EDUCATION

### JULY 2017 AGENDA

| SUBJECT   |  |
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| Adoption of the California English Learner Roadmap State Board of Education Policy: Educational Programs and Services for English Learners. | <input checked="" type="checkbox"/> Action<br><input checked="" type="checkbox"/> Information<br><input type="checkbox"/> Public Hearing |

#### SUMMARY OF THE ISSUE(S)

The State Superintendent of Public Instruction (SSPI), in consultation with the State Board of Education (SBE), convened an English Learner (EL) Roadmap Workgroup to share expertise and advice informing the development of a resource guide and policy.

The EL Roadmap Workgroup drafted the proposed policy (Attachment 1) for the SBE to consider adopting. The California Department of Education (CDE) received advice on the recommended policy from over 370 educators during three public working meetings of the EL Roadmap Workgroup, at sessions of major CDE sponsored events (Accountability Leadership Institute, Bilingual Coordinators' Network meetings), and at sessions during large events such as the annual California Association for Bilingual Education conference.

The California EL Roadmap SBE Policy is necessary and timely for the following reasons: (1) the passage of the California Education for a Global Economy Initiative (CA Ed.G.E. Initiative), Proposition 58, effective July 1, 2017, amended most of Proposition 227 and resulted in changes to *Education Code (EC)* sections 300, 305–306, 310–311, 320 and 335; (2) the implementation of the State content standards and curriculum frameworks featuring evidence-based practices and exemplary services for English learners as described in the SBE adopted documents; (3) the implementation of the Local Control Funding Formula (LCFF) and the Local Control and Accountability Plan (LCAP); and (4) changes to the Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act (ESSA) of 2015.

The adoption of this policy, in connection with the regulations, will supersede any previous policies, guidance, or other documents promulgated by the SBE or CDE regarding the implementation of Proposition 227. Once approved, the new policy will become part of the resource guide, *California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Program, and Practices for English Learners (EL Roadmap)*, which is to be published by the SSPI and will assist local educational agencies (LEAs) to implement California's 21<sup>st</sup> Century college- and career-ready standards, curriculum, instructional programs, and assessments for English learners.

## **RECOMMENDATION**

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The SSPI recommends that the SBE adopt the California EL Roadmap SBE Policy: Educational Programs and Services for English Learners.

## **BRIEF HISTORY OF KEY ISSUES**

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### **Federal Law**

The 1974 U.S. Supreme Court decision in *Lau v. Nichols* 414 U.S. 563 (1974) as codified in the Equal Education Opportunities Act and other federal laws require that each educational agency "take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." Federal law does not require primary language instruction or any other specific methodology. "Appropriate action" is determined using the three part analysis developed in *Castaneda v. Pickard* (5th cir.1981) 648 F.2d 989 as follows:

- Use sound theory. The educational theory upon which instruction is based must be recognized as sound by at least some experts in the field.
- Provide adequate support. The school system must provide the procedures, resources, and personnel necessary to apply the theory in the classroom. The resulting program must be implemented effectively.
- Achieve results. After a reasonable period of time, application of the program must actually overcome English language barriers confronting the students and must not leave them with substantive academic deficits.

### **New Federal Provisions**

On December 10, 2015, President Obama signed the ESSA, reauthorizing the federal ESEA and replacing the No Child Left Behind Act, the 2001 reauthorization of ESEA.

ESSA Title III, Part A, is officially known as the Language Instruction for English Learner and Immigrant Students Act. ESSA Section 3102 states that the overarching purpose of the law is to ensure that English Learner students, including immigrant children and youth, attain English language proficiency and meet the same challenging state academic standards that other students are expected to meet.

LEAs in receipt of federal funds must supplement state language instruction educational programs to assist English learners in meeting achievement goals. The state educational agency and LEAs are encouraged to provide professional development for teachers, administrators, and community members. The ESSA adds an additional requirement to provide parent, family, and community engagement activities.

## **State Law**

On June 2, 1998, the people of California voted to approve Proposition 227, also called the English Language in Public Schools Statute. The passage of this law added *EC* sections 300–340 and changed the default instructional program for English Learner students. English Learner students were to be instructed in English in an English language classroom placement unless certain rights were waived in order to receive an alternative placement. *EC* Section 300 clearly stated that the purpose of the new law was to teach English as rapidly and effectively as possible to English learners in California public schools.

## **New State Provisions**

In 2013, the LCFF was enacted to address local accountability measures, align state and federal programs, and establish a uniform funding system for school districts and charter schools. The LCFF established base, supplemental, and concentration grants for targeted, disadvantaged students. Targeted pupils are English learners, foster youth, and/or students from families whose family meets income requirements to receive a free or reduced-price meal.

Under the LCFF all LEAs are required to prepare an LCAP, which describes how each LEA intends to meet annual goals for all pupils, with specific activities to address state and local priorities identified pursuant to *EC* Section 52060(d). Specifically, LEAs are required to describe how programs and services will enable English learners to access the English language arts and mathematics state-adopted academic content standards and the English language development standards. The adoption of regulations for the LCFF and LCAP included substantive discussions regarding all educational services for English learners.

In November 2016, California voters approved Proposition 58, also known as the CA Ed.G.E. Initiative, which amended Proposition 227 and significantly changed the laws pertaining to English learner programs. The purpose of the CA Ed.G.E. Initiative is to ensure that all children in California public schools receive the highest quality education, master the English language, and access high-quality, innovative, and evidence-based language programs that prepare them to fully participate in a global economy.

Beginning on July 1, 2017, the CA Ed.G.E. Initiative authorizes school districts and county offices of education to establish language acquisition programs for both native and non-native English speakers, and requires school districts and county offices of education to solicit parent and community input in developing language acquisition programs.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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December 2016: The SBE received an information memo regarding the panel of experts, practitioners, and community stakeholders selected to provide recommendations to the SSPI, in consultation with the SBE, on the development of the

EL Roadmap SBE Policy and guidance document. This memo can be viewed on the CDE December 2016 Information Memoranda Web page at <http://www.cde.ca.gov/be/pn/im/infomemodec2016.asp>.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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The recommended policy and development of a resource guide have been possible with funding provided by the Sobrato Family Foundation through the Californians Dedicated to Education Foundation.

The policy will be available electronically. Dissemination and professional development will be provided by the CDE in partnership and with the support of various entities, including the WestED California Comprehensive Center, county offices of education, the California Collaborative for Educational Excellence, as well as existing educational networks and state organizations.

Funding has not been allocated or identified to print the policy and resource guide documents.

### **ATTACHMENT(S)**

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Attachment 1: Proposed California English Learner Roadmap State Board of Education Policy: Educational Programs and Services for English Learners (5 pages)

## **Policy for consideration by the State Board of Education**

### **SUBJECT**

### **California English Learner Roadmap State Board of Education Policy: Educational Programs and Services for English Learners**

### **REFERENCES**

#### **See below**

This policy is intended to assist the California Department of Education in providing guidance to local educational agencies (LEAs) in welcoming, understanding, and educating the diverse population of students who are English learners attending California public schools. Many English learners represent the newest members of our society (including recently arrived immigrants and children of immigrants) who bring a rich diversity of cultural backgrounds and come from families with rich social and linguistic experiences. They also bring skills in their primary languages that contribute enormously to the state's economic and social strengths as a talented multilingual and multicultural population.

This policy explicitly focuses on English learners in the context of the state's efforts to improve the educational system, the quality of teaching and learning, and educational outcomes. It centers on standards, curriculum frameworks, assessment, accountability/school improvement, educator quality, early childhood/preschool, social and family support services, parent/community involvement, and higher education. Its purpose is to promote local capacity-building and continuous improvement in each of these areas and their interrelationship, based on evidence of effectiveness from local experience as well as the most current rigorous research evidence that speaks to the strengths and needs of the diverse population of English learners.

The impetus for this policy comes from a number of important related developments in California as well as nationally. If properly coordinated and articulated as part of a coherent California English Learner Roadmap, these developments can better serve the state's large population of English learners to attain college- and career-ready standards and to further promote the rich linguistic diversity of the state as it thrives in a global economy and culture of learning, innovation, and advanced technology.

The adopted academic State Standards and the Next Generation Science Standards, and corresponding English Language Development (ELD) standards, signal an important shift toward emphasizing academic uses of language for all students, and student engagement with college- and career-ready curriculum using English and other languages. Taken together, these standards highlight the tightly interconnected nature of developing disciplinary content understandings, analytical practices, and academic uses of language for all students. This shift enables the educational system to move beyond remediating students' English language skills to simultaneously developing their language and literacy skills while engaging in the full range of academic content learning.

The State Seal of Biliteracy encourages districts to recognize students' biliterate proficiency. Developing assessments in languages other than English that are aligned to state academic standards (e.g., the California Spanish Assessment) are key to recognizing biliteracy and academic achievement in more than one language. The passage of the California Education for a Global Economy Initiative, known as Proposition 58 (amending Proposition 227), moves us beyond improvement efforts focused solely on language of instruction to programs and pathways that effectively develop academic content knowledge, discipline-specific practices and academic language uses, and bilingual-biliterate proficiency.

California's Local Control Funding Formula (LCFF) is premised on local districts providing equitable learning conditions, pupil outcomes, and effective engagement of English learners. Districts are expected to set, with their parent and community partners, meaningful goals and outcomes that require full access to the curriculum, assure English learners' meaningful progress toward attaining academic English proficiency, and closing gaps in academic achievement for students entering as English learners. LCFF provides districts additional resources to build local capacity to implement and support evidence-based practices. State-produced documents provide coherent guidance for districts on implementing more and better comprehensive, research evidence-based services for diverse groups of English learners via the Local Control and Accountability Plan (LCAP) process, and provides support for continuous improvement.

Our accountability system is state-determined, and is consistent with federal guidance provided for states to implement the Every Student Succeeds Act (ESSA), which supports our aligning federal and state policies to better integrate and leverage resources, services, assessment and accountability. Consonant with LCFF, ESSA elevates English language proficiency to a central indicator for Title I accountability. It values English language development, which California has identified as both, designated ELD equally with integrated ELD—as presaged in California's English Language Arts (ELA)/ELD Curriculum Framework.

Given ESSA's Title III provisions, California will re-examine standardized, statewide EL entrance and exit procedures and criteria, and report academic performance of key sub-categories of English learners, such as long-term English learners and students with disabilities. The broader federal stance on multiple indicators of performance also complements our system's use of multiple state and locally-collected indicators on academic achievement, EL progress, high school graduation, chronic absenteeism and student suspension, school climate and parent engagement to advance a more complete picture of district program effectiveness.

This policy also reflects the current national research consensus on second language learning, bilingualism, program effectiveness, and policy research<sup>1</sup>, much of which is consistent with earlier syntheses from the California Department of Education<sup>2</sup>.

Findings include the following:

- English language proficiency development is a process that takes five to seven years for those entering with emerging English, benefits from coherent and aligned instruction across that time period, and can take place as an integrated process simultaneous with academic content learning in addition to designated ELD and the development of bilingualism/biliteracy.
- Bilingualism provides benefits from the capacity to communicate in more than one language and may enhance cognitive skills, as well as improve academic outcomes.
- Establishing proper and consistent procedures and criteria for identifying, monitoring, and exiting English learners using appropriate assessment procedures—while developing professional capacity to use assessment results—constitutes a key lever for effective system improvement.
- The diversity of the EL population (e.g., newcomers, long-term English learners, students with interrupted formal education, students with disabilities, gifted and talented students, and the expected continuous exiting of students from the EL category) necessitates pedagogy and educational support services that are differentiated and responsive.
- Brain development research reinforces the crucial period of birth through early childhood in the areas of cognitive, social, and language development. There is great need for coherent, aligned support for dual language learners across the preschool and primary grade systems to begin developing their bilingual and biliterate capacities.

The current research evidence base also supports the need to attend to the following instructional factors:

- Explicit literacy instruction especially in the early grades
- Peer-assisted and small-group learning opportunities

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<sup>1</sup> National Academies of Sciences, Engineering, and Medicine (2017). *Promoting the Educational Success of Children and Youth Learning English: Promising Futures*. Washington, DC: The National Academies Press. DOI: 10.17226/24677

<sup>2</sup> CDE (1984) *Schooling and Language Minority Students: A Theoretical Framework*; CDE (1986) *Beyond Language: Social and Cultural Factors in Schooling Language Minority Students*; and CDE (2010) *Improving Education for English Learners: Research-Based Approaches*.

- Providing academic language support during content area instruction, balanced with structured explicit opportunities for oral and written language skills development
- Appropriate assessment in various forms (e.g., formative, benchmark, summative) to understand and support student learning
- Processes related to social emotional development and identity formation

California is a state that welcomes newcomers and their families, and that addresses their linguistic diversity with a positive, additive orientation. Our schools need to reflect this orientation by affirming, welcoming and responding to a diverse range of student strengths, needs, and identities, and prepare graduates with the linguistic, academic and social skills and competencies needed for college, career and civic participation in a global, diverse and multilingual world.

### **California's Vision of Success for English Learners**

English learners fully and meaningfully access and participate in a 21<sup>st</sup> century education from early childhood through grade twelve that results in their attaining high levels of English proficiency, mastery of grade level standards, and opportunities to develop proficiency in multiple languages.

### **Mission**

California schools affirm, welcome and respond to a diverse range of EL strengths, needs and identities. California schools prepare graduates with the linguistic, academic and social skills and competencies they require for college, career and civic participation in a global, diverse and multilingual world, thus ensuring a thriving future for California.

### **Four Principles**

Four principles support our vision and provide the foundation of California's English Learner Roadmap. These principles are intended to guide all levels of the system towards a coherent and aligned set of practices, services, relationships, and approaches to teaching and learning that together create a powerful, effective, 21<sup>st</sup> century education for our English learners. Underlying this systemic application of the Principles is the foundational understanding that simultaneously developing English learners' linguistic and academic capacities is a shared responsibility of all educators, and that all levels of the schooling system have a role to play in ensuring the access and achievement of the 1.3 million English learners who attend our schools.

### **Principle #1: ASSETS-ORIENTED AND NEEDS-RESPONSIVE SCHOOLS**

Pre-schools and schools are responsive to different EL strengths, needs and identities, and support the socio-emotional health and development of English learners. Programs value and build upon the cultural and linguistic assets students bring to their education in



safe and affirming school climates. Educators value and build strong family, community, and school partnerships.

**Principle #2: INTELLECTUAL QUALITY OF INSTRUCTION AND MEANINGFUL ACCESS**

English learners engage in intellectually rich, developmentally appropriate learning experiences that foster high levels of English proficiency. These experiences integrate language development, literacy, and content learning as well as provide access for comprehension and participation through native language instruction and scaffolding. English learners have meaningful access to a full standards-based and relevant curriculum and the opportunity to develop proficiency in English and other languages.

**Principle #3: SYSTEM CONDITIONS THAT SUPPORT EFFECTIVENESS**

Each level of the school system (state, county, district, school, pre-school) has leaders and educators who are knowledgeable of and responsive to the strengths and needs of English learners and their communities, and utilize valid assessment and other data systems that inform instruction and continuous improvement; resources and tiered support is provided to ensure strong programs and build the capacity of teachers and staff to build on the strengths and meet the needs of English learners.

**Principle #4: ALIGNMENT AND ARTICULATION WITHIN AND ACROSS SYSTEMS**

English learners experience a coherent, articulated and aligned set of practices and pathways across grade levels and educational segments beginning with a strong foundation in early childhood and continuing through to reclassification, graduation and higher education. These pathways foster the skills, language(s), literacy and knowledge students need for college- and career- readiness and participation in a global, diverse multilingual 21<sup>st</sup> century world.

The California State Board of Education will direct the California Department of Education to provide guidance to districts and intermediary support organizations (e.g., county offices of education, California Collaborative for Educational Excellence) on how districts and schools can implement and strengthen comprehensive, research-based programs and services for all profiles of English learners via the LCAP, and provide support for establishing continuous improvement strategies and expectations that enable access to college- and career-ready learning as well as opportunities to attain the State Seal of Biliteracy.

The guidance will invest in and build educators' professional capacity; emphasize collaborative efforts; support effective pedagogy; and develop systemic solutions to create a coherent and positive education system. The guidance will encourage innovative district and school implementation of evidence-based practices for curricula, materials adoption and development, instruction, professional development and leadership that are responsive to the differentiated strengths and needs of English learners, and strengthening appropriate assessment tools and practices. The guidance will be consistent with the requirements set forth in state and federal laws addressing English learners.