



EDUCATION OF ENGLISH LEARNERS (ELL)

The Board of Directors (“Board”) of Nevada City School of the Arts (“NCSOTA” or the “Charter School”) complies with all applicable state and federal laws and regulations regarding the education of students whose primary language is one other than English, referred to as “English Learners.” NCSOTA adopts this Policy to ensure high-quality language instruction and access to education for all students identified as an English Learner as defined below.

Definitions

“English learner” (“EL”) means an individual aged 3 through 21 who is currently enrolled or preparing to enroll in an elementary or secondary school whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the challenging State academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. This includes an individual who was not born in the United States or whose native language is a language other than English; an individual who is a Native American or Alaska Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or an individual who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant.

“Designated English Language Development” means instruction 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.

“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.

Identification and Assessment

At or before the time of a student’s initial California enrollment, the Charter School shall conduct, in writing, a home language survey to identify whether the primary or native language of the student is a language other than English. If a parent/guardian’s response indicates a primary or native language other than English, and the Charter School determines the student is eligible for initial assessment, the Charter School shall promptly notify the parent or guardian, in writing, prior to the administration of the English Language Proficiency Assessments for California (“ELPAC”) initial assessment. Students in transitional kindergarten shall not be subject to the ELPAC.

Within thirty (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,



and for whom there is no record of results from an English language development test shall be assessed using the ELPAC.

NCSOTA shall notify parents/guardians of their child's official results on the Initial ELPAC within thirty (30) calendar days following the NCSOTA's receipt of the results. This Notice must also include:

1. The reasons for the identification of their child as an EL and in need of placement in a language instruction educational program.
2. The child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement.
3. The methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction.
4. How the program in which their child is, or will be, participating will meet the educational strengths and needs of their child.
5. How the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation.
6. The specific exit requirements for the program.
7. In the case of a child with a disability, how the program meets the objectives of the individualized education program of the child.
8. Information pertaining to parental rights that includes written guidance on the following:
 - a. Detailing the right that parents have to have their child immediately removed from such program upon their request.
 - b. Detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available.
 - c. Assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

For those students who have not been identified as ELs prior to the beginning of the school year, but are identified as ELs during such school year, the Charter School shall notify the parents within the first two (2) weeks of the student's placement in a language instruction educational program. Notice to parents shall meet requirements specified above.

Within ninety (90) days of initial enrollment, students identified as having limited English proficiency shall be further assessed for primary language proficiency in comprehension, speaking, reading and writing when assessment is available. The Director or designee shall develop criteria for determining student needs on the basis of these assessments.

To oversee test administration, the Director or designee shall annually designate a Charter School ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR §§ 11518.40-11518.45.



Students with Disabilities

Any student with a disability shall take the ELPAC with the designated supports or accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program ("IEP") or Section 504 plan that are appropriate and necessary to address the student's individual needs. When a student's IEP team determines that the student has a significant cognitive disability such that the student is unable to participate in the initial or summative assessment, or a section of either test, even with resources, the student shall be assessed using the Alternate ELPAC, as specified in the student's IEP.

When a student's IEP or Section 504 plan specifies that the student has a disability that precludes assessment such that there are no appropriate accommodations for assessment in one or more of the domains (listening, speaking, reading, and writing), the student shall be assessed in the remaining domains in which it is possible to assess the student.

Additional Assessments

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.

In addition, 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 testing variations in accordance with 5 CCR §§ 854.1-854.3. English learners who are in their first twelve (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.

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

Instruction

NCSOTA intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the Charter School's regular course of study.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.



Enhanced instruction must be provided, which may include:

- Identification, development, and acquisition of curricular materials, educational software, and technologies; Instructional services designed to assist the achievement of immigrant children and youth in United States schools, such as programs of introduction to the educational system and civics education; or
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to offer comprehensive community services to parents and families of immigrant children.

The Charter School must ensure that English Learner students in middle and high school are not denied participation in the standard instructional program, meaning they cannot be denied any of the following:

- a. Enrollment in the standard instructional program, which, at a minimum, consists of:
 - i. Core curriculum courses (reading/language arts, mathematics, science, and history/social science),
 - ii. Courses required to meet state and local high school graduation requirements as specified in the NCSOTA Charter, and
 - iii. Courses required for middle school grade promotion.
- b. Enrollment in a full course load of courses that are part of the standard instructional program, and
- c. Enrollment in courses that are not part of the standard instructional program but either meet the subject matter requirements for purposes of recognition for college admissions, or are advanced courses, such as honors or advanced placement courses.

However, an English learner may be denied participation in any such course if the student has been enrolled in a school in the United States for less than twelve (12) months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students, and the course of study provided to the student is designed to remedy academic deficits incurred during participation and to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

The Charter School must monitor student academic progress and provide additional and appropriate educational services to EL students in grades TK–12 for the purposes of overcoming language barriers in each subject matter. Action to overcome content academic barriers must be taken before the deficits become irreparable.

Language Acquisition Programs

NCSOTA shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards.

At a minimum, the Charter School shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English.

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, “nearly all” means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

In addition, language acquisition programs offered by the Charter School may include, but are not limited to, the following:

1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.
2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

In establishing the Charter School's language acquisition programs, the Director or designee shall consult with parents/guardians and the community during the LCAP development process. The Director or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program.

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the Charter School. (See Annual Notice below).

Reclassification/Redesignation

NCSOTA shall continue to provide additional and appropriate educational services to English language learners for the purposes of overcoming language barriers until the English language learners have:



1. Demonstrated English language proficiency comparable to that of the school's average native English language speakers; and
2. Recouped any academic deficits which may have incurred in other areas of the core curriculum as a result of language barriers.

English language learners shall be redesignated as fluent-English-proficient ("FEP") when they are able to comprehend, speak, read and write well enough to receive instruction in the regular program and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study.

The following measures shall be considered to determine whether an English language learner shall be reclassified as fluent-English-proficient:

1. Assessment of English language proficiency utilizing the ELPAC as the primary criterion, and objective assessment of the student's English reading, writing, listening and speaking skills. Examples of additional assessment data include, but are not limited to:
 - a. Basic performance on the California Standards Test in English Language Arts
 - b. Objective data on the student's overall academic performance in English
2. Recommendations of the student's classroom teacher and any certificated staff with direct responsibility for teaching or placement decisions
3. Comparison of the performance of the student in basic skills against an observably established range of performance in basic skills based upon the performance of English proficient students of the same age, that demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English
4. Parent/guardian participation and consultation.

Parent/guardians shall receive notice and a description of the redesignation process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.

The Director or designee shall provide subsequent monitoring and support for redesignated students, including but not limited to monitoring for four years the performance of redesignated students in the core curriculum in comparison with their native-English



speaking peers, monitoring the rate of redesignation, and ensuring correct classification and placement.

The Director or designee shall develop a process to monitor the effectiveness of the Charter School's program for English language and academic success for each English language learner.

Documentation and Translation of Documents

NCSOTA will maintain documentation of all assessments and evaluations, as well as all decisions and participants in those decisions in the student's permanent record.

NCSOTA will translate certain records for those parents or guardians who speak a language group other than English representing fifteen (15) percent or more of the students enrolled in NCSOTA, as determined from the CALPADS data for the preceding year. Specifically, NCSOTA will provide all notices, reports, statements, or records sent to such parents or guardians in the primary language, in addition to being written in English, and parents or guardians may respond to NCSOTA either in English or the primary language.

Inclusion in the Local Control Accountability Plan

NCSOTA shall identify in its local control and accountability plan ("LCAP") goals to improve student outcomes, identified through the needs assessment, including those which address academic and language proficiency needs of EL students. The LCAP must include evidence-based strategies, specific actions or services to reach those goals.

Staff Qualifications and Training

The Director or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

NCSOTA shall provide high-quality effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel 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. All professional development shall be based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom.

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.



To support students' English language development and assist parents and families in helping their children to improve their academic achievement and become active participants in their children's education, the Director or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

Outreach

The Director or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Director or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

The Charter School shall implement an effective means of outreach to parents of ELs to inform the parents regarding how the parents can be involved in the education of their children and be active participants in assisting their children with the following:

- Attaining English proficiency;
- Achieving at high levels within a well-rounded education; and
- Meeting the challenging state academic standards expected of all students.

Implementing an effective means of outreach to parents shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from EL parents.

Advisory Committees

If NCSOTA enrolls more than twenty (20) English language learners, parents/guardians, advisory committees shall be maintained to serve the advisory functions specified by law.

Parents/guardians of English language learners shall constitute committee membership in at least the same percentage that their children represent of the total number of students in the school. Parent/guardian members are elected by EL parents/guardians.

The Charter School's English Language Advisory Committee ("ELAC") shall annually advise the Board on at least the following tasks:

1. The development of a Charter School site plan that includes: description of program goals, objectives and services for English learners, taking into consideration the school site needs for English learners;
2. The Charter School schoolwide needs assessments;
3. Administration of the annual language census;
4. Making parents aware of the importance of regular school attendance



5. Review of and comment on the Charter School's reclassification procedures; and
6. Review of and comments on the written notification required to be sent to parents/guardians pursuant to 5 CCR § 11300-11316.

In order to assist advisory members in carrying out their responsibilities, the Director or designee shall ensure that the committee members receive appropriate training and materials.

Program Evaluation

To evaluate the effectiveness of the NCSOTA's educational program for English learners, the Director or designee shall report to the Board, at least annually regarding:

1. A description of the programs and activities conducted with Title III funds, including how such programs and activities supplemented programs funded primarily with state or local funds;
2. The number and percentage of EL students making progress toward attaining English language proficiency, including EL students with a disability;
3. Progress of English learners towards proficiency in English based on the SBE-approved ELPAC overall score of 4;
4. The number and percentage of English learners reclassified each year;
5. The number and percentage of students reclassified to fluent English proficient ("RFEP") that are meeting state grade-level content standards during each of the four years after reclassification, including EL students with a disability;
6. 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 and their date of first enrollment at the Charter School;
7. The achievement of English learners on standards-based tests in core curricular areas;
8. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR § 11309;
9. Progress toward any other goals for English learners identified in the Charter School's LCAP;
10. A comparison of current data with data from at least the previous year in regard to items #1-9 above;
11. A comparison of data between the different language acquisition programs offered by the Charter School; and

Develop the next steps for program improvement based upon an analysis of the findings from items #1-11 above. The Director or designee also shall provide the Board with regular reports from any Charter School or schoolwide English learner advisory committees.



Annual Notice

The annual notice of parent and guardian rights and responsibilities shall also notify parents of the language acquisition and language programs available in the Charter School. The annual notice must be distributed as required by *EC* sections 48980 and 48981. Parents of all students enrolling after the beginning of the academic school year shall be provided the notice of rights and responsibilities described above upon enrollment. The annual notice of parent and guardian rights and responsibilities shall include all of the following:

- a. A description of any language acquisition programs provided, including Structured English Immersion;
- b. Identification of any language to be taught in addition to English, when the program model includes instruction in another language;
- c. The information set forth in section 5 *CCR* Section 11309[c]:
 - i. Be designed using evidence-based research and include both Designated and Integrated ELD;
 - ii. Be allocated sufficient resources by the Charter School 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
 - iii. Within a reasonable period of time, lead to:
 1. Grade-level proficiency in English, and, when the program model includes instruction in another language, proficiency in that other language; and
 2. 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. The process to request establishment of a language acquisition program.

If the Charter School offers 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.