

# CSBA Sample Administrative Regulation

Certificated Personnel

AR 4112.22(a)

## STAFF TEACHING ENGLISH LANGUAGE LEARNERS

Note: ~~A teacher who is~~**To be** assigned to provide English language development (ELD), specially designed academic instruction in English (SDAIE), and/or primary language instruction, as defined below, **a teacher** must hold an appropriate authorization from the Commission on Teacher Credentialing (CTC).

Education Code 44258.9 requires the County Superintendent of Schools to monitor district teacher assignments and vacancies and to investigate district efforts to ensure that a teacher in an assignment requiring authorization to teach English learners completes the necessary requirements. ~~If a school is ranked in deciles 1-3 on the statewide Academic Performance Index, the County Superintendent must annually report on the appropriate English learner certification held by teachers in any class with at least 20 percent English learners.~~ See BP 4113 - Assignment.

### Definitions

Note: Proposition 58 (November 2016) amended Education Code 306 to revise the definition of "English learner" to conform with federal law, as follows.

~~English learner means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English. (Education Code 306)~~

**English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet 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. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, 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 a student 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. (Education Code 306; 20 USC 7801)**

*Instruction for English language development* (ELD) means instruction designed specifically for English learners to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

*Specially designed academic instruction in English (SDAIE)* means instruction in a subject area, delivered in English, that is specially designed to meet the needs of English learners. (Education Code 44253.2)

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## STAFF TEACHING ENGLISH LANGUAGE LEARNERS (continued)

*Primary language instruction* includes both *primary language development* designed to develop English learners' listening, speaking, reading, and writing skills in their primary language and *content instruction delivered in the primary language* in any subject area. (Education Code 44253.2)

(cf. 6174 - Education for English Language Learners)

### Teacher Qualifications

Note: Education Code 44253.1-44253.11, related Title 5 regulations, and CTC leaflet CL-622, Serving English Learners, describe requirements pertaining to the qualifications of teachers of English learners.

It is the authorization listed on a document issued by the CTC, not the title of the document, which determines if and how an individual is authorized to serve English learners. Teacher preparation programs for multiple subject, single subject, and education specialist candidates include embedded coursework that allows them to earn an English learner authorization (authorizing ELD and SDAIE instruction) or a bilingual authorization (authorizing ELD, SDAIE, and primary language instruction) directly on their teaching credential. A teacher also may qualify to provide ELD and SDAIE instruction by completing coursework and/or passing CTC-approved examinations leading to a Crosscultural, Language and Academic Development (CLAD) certificate. The CTC is no longer issuing new Bilingual, Crosscultural, Language and Academic Development (BCLAD) certificates, but current holders of valid BCLAD certificates may continue to provide ELD, SDAIE, and primary language instruction.

**Pursuant to Education Code 44253.11, a teacher with an appropriate prerequisite credential may enroll in a CTC-approved staff development program and, upon successful completion, may apply to the CTC for a Certificate of Completion of Staff Development authorizing the teacher to provide instruction in SDAIE.**

5 CCR 80021 and 80021.1, ~~as amended by Register 2010, No. 43~~, provide that all Short-Term Staff Permits and Provisional Internship Permits will be issued with an English learner authorization, unless the district requests the bilingual authorization and the applicant verifies target-language proficiency. The CTC also may issue emergency CLAD and bilingual authorization permits pursuant to 5 CCR 80024.7-80024.8, ~~as amended by Register 2010, No. 43~~. See AR 4112.2 - Certification.

The CTC's "Frequently Asked Questions Concerning Appropriate Assignment and Authorizations to Serve English Learners in California" clarifies that any teacher with one or more K-12 English learner students in his/her class is required to have **an a CTC authorization for to provide ELD, and/or SDAIE, and/or primary language instruction**, as appropriate. State law does not specify any exemption based on the number of English learners in a class, the type of class (e.g., elective), or type of setting (e.g., special education or career technical education). **According to the FAQs, districts have discretion to establish an employment requirement that all teachers, even those who currently have no English learners, possess an authorization to teach English learners. Districts that choose to do so should modify the following paragraph accordingly.**

The Superintendent or designee shall ensure that any teacher with one or more English learners in his/her class possesses an English learner authorization issued by the Commission on Teacher Credentialing (CTC) authorizing ELD and/or SDAIE, as appropriate. A teacher possessing a bilingual authorization may be assigned to provide ELD, SDAIE, and/or primary

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#### STAFF TEACHING ENGLISH LANGUAGE LEARNERS (continued)

language instruction. Only a teacher who possesses an appropriate authorization issued by the Commission on Teacher Credentialing (CTC) shall provide ELD, SDAIE, and/or primary language instruction in a class with one or more English learners.

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

*(cf. 4113 - Assignment)*

*(cf. 4131 - Staff Development)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

A teacher with a designated subjects teaching credential or a service credential with a special class authorization may enroll in a CTC approved staff development program and, upon successful completion, may apply to the CTC for a Certificate of Completion of Staff Development authorizing instruction in SDAIE. (Education Code 44253.11)

*(cf. 4131 - Staff Development)*

The Governing Board district may, for the purpose of providing primary language instruction, hire bilingual teachers who are employed in public or private schools of a foreign country, state, territory, or possession, provided such teachers speak English fluently and hold the necessary sojourn credential issued by the CTC. After the initial two-year sojourn credential expires, the teacher may annually apply to the CTC for an extension for a total period of not more than five years. Any application for renewal shall include verification by the Superintendent or designee that termination of the employment would adversely affect an existing bilingual program and that attempts to secure the employment of a qualified certificated California teacher have been unsuccessful. (Education Code 44856)

*Legal Reference: (see next page)*

**STAFF TEACHING ENGLISH LANGUAGE LEARNERS** (continued)

*Legal Reference:*

EDUCATION CODE

306 Definition, English learner

44253.1-44253.11 ~~Certification for bilingual crosscultural competence~~ **Qualifications of teachers of English learners**

44258.9 County superintendent review of teacher assignments

44259.5 Standards for teachers of all students, including English language learners

44380-44386 Alternative certification

44856 Employment of teachers from foreign countries

52160-52178 Bilingual-Bicultural Act of 1976

62001-62005. 5 Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

80015 Requirements for the CLAD certification or English learner authorization

80015.1-80015.4 Requirements for CLAD, English learner authorization or bilingual authorization

80021 Short-Term Staff Permit

80021.1 Provisional Internship Program

80024.7-80024.8 Emergency CLAD and bilingual permits

UNITED STATES CODE, TITLE 20

6601-6651 Training and recruiting high-quality teachers

6801-7014 Language instruction for English learners and immigrant students

**7801 Definition of English learner**

COURT DECISIONS

*Teresa P. et al v. Berkeley Unified School District et al* (1989) 724 F.Supp. 698

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

**Administrator's Assignment Manual**

**Frequently Asked Questions Concerning Appropriate Assignment and Authorizations to Serve English Learners in California**

CL-622 ~~Serving English Learners~~ **December 2010**

CL-626B ~~Bilingual Authorizations~~ **November 2010**

CL-626C ~~Crosscultural, Language and Academic Development (CLAD) Certificate~~ **November 2010**

CL-568 ~~The Sojourn Certificated Employee Credential~~ **August 2009**

**CL-824 Certificate of Completion of Staff Development**

WEB SITES

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

California Association for Bilingual Education: <http://www.bilingualeducation.org> <http://www.gocabe.org>

California Department of Education, English Learners: <http://www.cde.ca.gov/sp/el>

California Teachers of English to Speakers of Other Languages: <http://www.catesol.org>

*Commission on Teacher Credentialing: <http://www.ctc.ca.gov>  
U.S. Department of Education: <http://www.ed.gov>*