



CDE Federal Program Monitoring 2016-17 English Learner (EL) Instrument

Note: Portions of No Child Left Behind relevant to this instrument were repealed, effective 12/10/15, with the enactment of the Every Student Succeeds Act (ESSA). However, during the 2016-17 transition year, implementation of ESSA laws is not required. Accordingly, during the 2016-17 school year, CDE will continue to monitor items under 20 U.S.C. §6311 et seq.

I. Involvement

EL 01: Parent Outreach and Involvement

I-EL 1. The Local Education Agency (LEA) must implement outreach to parents or guardians of English learners (ELs) that includes the following:

- a. The LEA sends notice of and holds regular meetings for the purpose of formulating and responding to the parents' recommendations. (20 United States Code [U.S.C.] § 7012[e][2].)
- b. The LEA provides training activities to parents on how they can be involved and become active participants in assisting their children to:
 - i. Attain English proficiency
 - ii. Achieve at high levels in core academic subjects
 - iii. Meet challenging state academic content and achievement standards expected of all students (20 U.S.C. § 7012[e][1].)

Item Evidence Requests:

- 1. LEA parent involvement policy
- 2. LEA parent meeting documentation (other than District English Learner Advisory Committee [DELAC])
 - a. Notices
 - b. Meeting notes
 - c. Agendas
- 3. LEA documentation of building capacity for parents or guardians of ELs to actively participate in their student's education
 - a. Trainings
 - b. Workshops
 - c. Activities

Does EL-01 apply to Online reviews?	Yes	<input checked="" type="checkbox"/> No
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I. Involvement

EL 02: Translation of Information for Parents

I-EL 2. The LEA must provide parents or guardians with information on school and parent activities in a format and, to the extent practicable, in a language the parents can understand. (20 U.S.C. § 6318[e][5],[f].)

- 2.1 When 15 percent or more of students enrolled in a public school speak a single primary language other than English, as determined by language census data from the preceding year, all notices, reports, statements, or records sent to the parent or guardian of such students must be written in English and the home language. (California Education Code [EC] § 48985; 5 California Code of Regulations [CCR] § 11316.)

Item Evidence Requests:

- 1. LEA phone and/or email logs to EL-parents (subject and languages indicated)
- 2. Translation of school-to-home documents



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3. Sample communication in English and home language for each site under review (student identification information redacted)
 - a. Report cards and progress reports at all grade levels
 - b. Parent handbook
 - c. Notices, newsletters, and other documents

Does EL-02 apply to Online reviews?	<input checked="" type="checkbox"/> Yes No
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I. Involvement

EL 03: Private School Consultation and Participation

I-EL 3. The LEA must contact private school officials in the LEA enrollment area to provide an opportunity to receive equitable Title III educational services and benefits to address the needs of eligible ELs and ensure that immigrant students participate on an equitable basis. (20 U.S.C. § 6320.)

- 3.1 On an annual basis, the LEA must consult with all non-profit private schools within its boundaries as to whether the private schools' students and teachers will participate in the Title III, Part A, English Language Acquisition, Language Enhancement, and Academic Achievement Program as part of the federal programs available to them. (20 U.S.C. § 6320.)
- 3.2 For participating private schools, the LEA must consult with appropriate private school officials during the design and development of the program concerning the following:
 - a. Identification of students' needs (20 U.S.C. §§ 6320[b][1][A], 7881[c][1][A].)
 - b. Services and/or products to be offered (20 U.S.C. §§ 6320[b][1][B], 7881[c][1][B].)
 - c. Service delivery options, including services through a contract with a third-party provider (20 U.S.C. §§ 6320[b][1][C],[G], 7881[c][1][C].)
 - d. Assessment and improvement of services (20 U.S.C. §§ 6320[b][1][D], 7881[c][1][D].)
 - e. The size and scope of services and the proportion of funds allocated (20 U.S.C. §§ 6320[b][1][E], 7881[c][1][E].)
 - f. Program delivery options (20 U.S.C. §§ 6320[b][1][3],[g],[h],[i], 7881[c][4].)
 - g. Reasons for not using a contractor preferred by private school officials (20 U.S.C. §§ 6320[b][1][H], 7881[c][2].)
 - h. The right to complain to the state educational agency (SEA) that the LEA did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official (20 U.S.C. § 6320[b][6][A].)
 - i. Parent participation on an equitable basis in parental involvement services and activities (20 U.S.C. § 6320[a][1][B].)
 - j. The LEA's annual assessment of identified students for English language proficiency using a valid and reliable instrument (20 U.S.C. § 6320[b][1][D].)

Item Evidence Requests:

1. Private school communication
 - a. Title III outreach letter to all private schools in LEA enrollment area with signatures of participants



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- b. LEA's policies/procedural guidelines on private school participation in allowable activities
- 2. Documentation of agency and private school consultation
 - a. Dated records of affirmation
 - b. Signed MOU describing Title III services
- 3. LEA budget summary of Title III services and purchases for private schools
- 4. LEA documentation of building capacity for parents of private school ELs to actively participate in their child's education
 - a. Trainings
 - b. Workshops
 - c. Activities

Does EL-03 apply to Online reviews?

<input checked="" type="checkbox"/> Yes No
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I. Involvement

EL 04: English Learner Advisory Committee (ELAC)

I-EL 4. A school site with 21 or more ELs must have a functioning English Learner Advisory Committee (ELAC) that meets the following requirements:

- a. Parent members are elected by parents or guardians of ELs (5 CCR § 11308[b].)
- b. Parents of ELs constitute at least the same percentage of the committee membership as their children represent of the student body (EC § 52176[b].)
- c. The ELAC shall be responsible for assisting in the development of the school-wide needs assessment, and ways to make parents aware of the importance of regular school attendance. (5 CCR § 11308[c][2]; EC § 52176[c].)
- d. The ELAC shall advise the principal and staff in the development of a site plan for ELs and submitting the plan to the school site council for consideration of inclusion in the Single Plan for Student Achievement (SPSA). (EC §§ 52176[c], 64001[a].)
- e. The ELAC receives training materials and training, planned in full consultation with committee members, to assist members in carrying out their legal responsibilities (5 CCR § 11308[d].)
- 4.1 The school may designate an existing school level advisory committee, or subcommittee of such advisory committee, to fulfill the legal responsibilities of ELAC, if the advisory body meets the criteria in paragraph "b," above. (EC § 52176[b]; 5 CCR § 11308[d].)
- 4.2 The ELAC has the opportunity to elect at least one member to the DELAC or participants in a proportionate regional representation scheme when there are 31 or more ELACs in the district. (5 CCR § 11308[b]; 20 U.S.C. § 7012.)

Item Evidence Requests:

- 1. ELAC documentation for each site under review (current and previous year)
 - a. Meeting calendar
 - b. Parent or guardian meeting notifications
 - c. Agendas
 - d. Roster that identifies members (EL, RFEP, EO, staff, district employee, etc.)
 - e. Training materials



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- f. Minutes
- 2. Sign-in sheets with student names redacted
- 3. SSC minutes indicating ELAC input on the development and approval of the SPSA for each site under review

Does EL-04 apply to Online reviews?	Yes	<input checked="" type="checkbox"/> No
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I. Involvement

EL 05: District English Learner Advisory Committee-DELAC

I-EL 5. Each LEA with more than 50 ELs must have a functioning DELAC or a subcommittee of an existing district committee in which at least 51 percent of the members are parents of ELs and not employed by the district. (EC § 52176[a].)

- 5.1 The DELAC shall advise the school district governing board on all of the following tasks:
 - a. Development of a district master plan for educational programs and services for ELs that takes into consideration the SPSA (5 CCR § 11308[c][1].)
 - b. Conducting of a district-wide needs assessment on a school-by-school basis (5 CCR § 11308[c][2].)
 - c. Establishment of district program, goals, and objectives for programs and services for ELs (5 CCR § 11308[c][3].)
 - d. Development of a plan to ensure compliance with any applicable teacher and instructional aide requirements (5 CCR § 11308[c][4].)
 - e. Review and comment on the LEA's reclassification procedures (5 CCR § 11308[c][6].)
 - f. Review and comment on the written notifications required to be sent to parents and guardians (5 CCR § 11308[c][7].)
- 5.2 The LEA shall provide appropriate training materials and training, planned in full consultation with committee members, to assist members in carrying out their legal advisory responsibilities. (5 CCR § 11308[d].)
- 5.3 The consolidated application shall also include certifications by appropriate district advisory committees that the application was developed with review and advice of those committees. (EC § 64001[a].)

Item Evidence Requests:

- 1. DELAC documentation for current and previous year
 - a. Meeting calendar
 - b. Parent or guardian meeting notifications
 - c. Agendas
 - d. Roster with identification of site representatives and members (EL, RFEP, EO, staff, district employee, etc.)
 - e. Training materials
 - f. Minutes
 - g. Sign-in sheets with student names redacted
- 2. LEA governing board agendas, minutes, and reports showing DELAC advice to the board on tasks listed in EL Item 5.1 (a-f)

Does EL-05 apply to Online reviews?	Yes	<input checked="" type="checkbox"/> No
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II. Governance and Administration

EL 06: English Learner Identification and Assessment

II-EL 6. The LEA must properly identify and assess all students who have a home language other than English. (EC §§ 313, 60810.)

- 6.1 A home language survey (HLS) must be used at the time of initial enrollment to identify language use in the home. (5 CCR §§ 11510[k], 11511[a].)
- 6.2 Within 30 calendar days of initial enrollment, each student whose home language is other than English, as determined by the HLS, must be assessed for English proficiency by means of the current English language proficiency assessment. Administration of the assessment must follow all of the publisher's instructions. (5 CCR §§ 11307[a], 11511.)
- 6.3 The LEA must annually assess the English language proficiency and academic progress of each EL. (EC §§ 313, 60810; 5 CCR § 11306.)
- 6.4 All currently enrolled ELs must be assessed for English language proficiency by administering the current California English language proficiency assessment during the annual assessment window. (EC §§ 313, 60810; 5 CCR § 11511[b].)
- 6.5 Each EL on an active Individual Education Plan (IEP) or Section 504 plan must be annually assessed for English language proficiency using the accommodations, modifications, or alternate assessments for the current California English language proficiency assessment as specified in the student's IEP or Section 504 Plan. (5 CCR § 11516.5.)
- 6.6 Each LEA must identify all immigrant children and youth (ages 3 through 21), who were not born in any State and have not attended school in any State for more than 3 full academic years. (20 U.S.C. § 6801 sec 3201[5][a][b][c].)

Item Evidence Requests:

- 1. EL learner identification
 - a. LEA's policies and procedures
 - b. Sample HLSs in English or home language for each site under review (student identification information redacted)
- 2. Assessment of ELs for each site under review (student identification information redacted)
 - a. Spreadsheet with student identification number, grade level, site, CELDT results, date CELDT assessed, annual academic progress assessment results
 - b. Sample IEPs indicating CELDT results and testing accommodations and/or modifications (onsite reviewer may request to view additional hardcopies of IEPs at each site under review)
- 3. Onsite reviewer will confirm the number of immigrant students in the LEA and may request to view student cumulative files (CUMs) of ELs on an active IEP.

Does EL-06 apply to Online reviews?

Yes No

II. Governance and Administration

EL 07: Parent/Guardian Notifications

II-EL 7. The LEA must provide notifications to parents and guardians. (5 CCR § 11511.5; EC §§ 313[a][b][c].)



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- 7.1 Parents/guardians of ELs must be notified of their child's initial English language proficiency assessment results. Parents/guardians of initial fluent English-proficient students must be notified of their child's English language proficiency assessment results. (5 CCR § 11511.5.)
- 7.2 Parents/guardians of ELs must be notified annually of their child's English language proficiency assessment results within 30 calendar days following receipt of results of testing from the test contractor. (5 CCR § 11511.5.)
- 7.3 For LEAs receiving Title III funds, within 30 days after the beginning of the school year (or during the school year, within two weeks of child being placed in a program), parents/guardians of initially identified English learners must be notified of:
- Their child's initial English language proficiency level (20 U.S.C. § 7012[a][2].)
 - How such level was assessed (20 U.S.C. § 7012[a][2].)
 - Their child's language designation (20 U.S.C. § 7012[a][2].)
 - Descriptions of program options, educational strategies, and educational materials to be used in different options, including the option to immediately remove a child from a particular program or choose another program or method of instruction, if available (20 U.S.C. § 7012[a][3].)
 - Program placement (20 U.S.C. § 7012[a][3].)
 - Exit criteria (20 U.S.C. § 7012[a][6].)
 - For ELs on an active IEP, how such program will meet the objectives of the IEP (20 U.S.C. § 7012[a][7].)
 - The expected rate of graduation from secondary school if funds under this part are used for children in secondary school (20 U.S.C. §§ 6312, 7012[6].)
- 7.4 For LEAs receiving Title III funds, parents/guardians of ELs must be informed annually, not later than 30 days after the beginning of the school year, of:
- Their child's English proficiency level (20 U.S.C. § 7012[a][2].)
 - How such level was assessed (20 U.S.C. § 7012 [a][2].)
 - The status of the child's academic achievement (20 U.S.C. § 7012[a][2].)
 - Their child's language designation (20 U.S.C. § 7012[a][2].)
 - Descriptions of program options, educational strategies, and educational materials to be used in different options, including the option to immediately remove a child from a particular program or choose another program or method of instruction, if available (20 U.S.C. § 7012[a][3].)
 - Program placement (20 U.S.C. § 7012[a][3].)
 - Exit criteria (20 U.S.C. § 7012[a][6].)
 - For ELs on an active IEP, how such program will meet the objectives of the IEP (20 U.S.C. § 7012[a][7].)
 - The expected rate of graduation from secondary school if funds under this part are used for children in secondary school (20 U.S.C. §§ 6312, 7012[6].)

Item Evidence Requests:

- Parent notification policies and procedures
- Parent notification samples in English and home language(s) for each site under review (student identification information redacted)



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- a. CELDT notification letters with publisher results and dated within 30 days following receipt of results of testing from contractor
- b. Initial letters dated within 30 calendar days of initial enrollment
- c. Annual letters dated no later than 30 days after the beginning of the school year

Does EL-07 apply to Online reviews?

Yes No

II. Governance and Administration

EL 08: Implementation, Monitoring & Revision of LEA Plans

II- EL 08. Each LEA operating Title III programs must annually update, implement and monitor performance goal 2 of the approved local educational agency plan (LEAP).

8.1 The plan must contain the following minimum required components:

- a. Title III required and allowable programs and activities to be implemented
- b. Description of how funds will be used
- c. Description of how school sites will be held accountable for:
 - i. Meeting areas of improvement
 - ii. Making adequate yearly progress for ELs
 - iii. Annually measuring the English proficiency of ELs
- d. Description of how school sites will promote parental and community participation in programs
- e. Description of how all EL programs will be carried out to ensure that ELs are served
- f. Assurance that the EL program(s) will be based on effective approaches and methodologies enabling ELs to meet challenging state academic content and student academic achievement standards
- g. Description of high-quality student academic assessments that the LEA and schools use:
 - i. To determine the success of children in meeting the state student academic achievement standards, and to provide information to teachers, parents, and students on the progress being made toward meeting the state student academic achievement standards
 - ii. To assist in diagnosis and instruction in the classroom and to determine what revisions are needed so that ELs meet the state student academic achievement standards (20 U.S.C. §§ 6312[b], 6826.)

8.2 LEAs and Consortia Leads (with input from consortia members) that have failed to make progress towards meeting the areas of improvement for two consecutive years shall develop an improvement plan addendum for goal 2 of the LEAP no later than three months after notification of status.

(20 U.S.C. § 6316 [c][7][A]; 34 Code of Federal Regulations [CFR] § 200.52[a][1][2].)

8.3 LEAs and consortia that have failed to make progress towards meeting the areas of improvement for four consecutive years shall modify their curriculum, program, and method of instruction in a revised improvement plan addendum for goal 2 of the LEAP (20 U.S.C. § 6316[c][7][A].)

Item Evidence Requests:



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1. Current board approved performance goal 2 of LEAP that demonstrates implementation, monitoring, and annual revision
2. Title III improvement plan addendum
3. Title III budget summaries for current year and end of the previous year
4. Title III consortia (if applicable)
Memorandum of understanding (MOU) between lead and LEA(s)

Does EL-08 apply to Online reviews?	<input checked="" type="checkbox"/> Yes No
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II. Governance and Administration

EL 09: EL Program Inclusion in Development of the SPSA

II-EL 09. The EL program must be included in the development of the SPSA

9.1 The approved SPSA must contain:

- a. An analysis of academic performance and language development data to determine EL student and program needs (EC § 52052[2][c], 64001[f].)
- b. School goals to meet the identified academic and language proficiency needs of ELs (EC § 64001[f].)
- c. Activities to reach school goals to improve the academic performance of EL students (EC §§ 52052[2][c], 64001[f].)
- d. The means of annually evaluating the progress of programs toward accomplishing the goals, including determining whether the needs of all children have been met by the strategies used, particularly the needs of low-achieving ELs and those at risk of not meeting state academic content standards (EC § 64001[f].)
- e. Expenditures of EIA-LEP carryover allocated to the school through the Consolidated Application and Reporting System (CARS) (EC § 64001[g].)

9.2 The local governing board must review and approve the SPSA annually and whenever there are material changes to the plan.

(e.g., the school is designated in Program Improvement [PI]). (EC §§ 64000[a][b], 64001[g].)

9.3 The SPSA must be consistent with the district local improvement plans including the LEAP. (EC § 64001[h].)

9.4 LEAs that distribute Title III funds or services directly to schools must ensure that the Title III programs operated at the schools are included in SPSAs, administered in accordance with the LEA plan submitted to the CDE, and adhere to all applicable statutes and regulations. (20 U.S.C. § 6825.)

Item Evidence Requests:

1. SSC documentation for each site under review
 - a. Current and prior year board approved SPSAs that are consistent with the LEA plans
 - b. SSC minutes with ELAC input into the development of the SPSA
 - c. SPSA budget page with amounts delineated by funding source

Does EL-09 apply to Online reviews?	<input checked="" type="checkbox"/> Yes No
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II. Governance and Administration



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EL 10: Inventory

II-EL 10. For all categorical programs, the LEA must maintain an inventory record for each piece of equipment with an acquisition cost of more than \$500 per unit that is purchased with EIA-LEP and Title III funds. The record must describe the acquisition by:

- a. Type
 - b. Model
 - c. Serial number
 - d. Funding source
 - e. Acquisition date
 - f. Cost
 - g. Location
 - h. Current condition
 - i. Transfer, replacement, or disposition of obsolete or unusable equipment
- 10.1 The school district must have conducted a physical check of the inventory of equipment within the past two years and reconciled the results with inventory records. (EC § 35168; 5 CCR § 3946; 2 CFR § 200.313 [d].)

Item Evidence Requests:

1. LEA documentation of a physical check of inventory for the current and previous year
2. Spreadsheet of all \$500+ LEA equipment by type, model, serial number, funding source, acquisition date, cost, location, current condition, status
3. Invoices of standardized account codes structure (SACS) accounts including EIA/LEP (7091), Title III LEP (4203), and Title III Immigrant (4201) for current and previous year purchases of \$500+ (as requested by reviewer)

Does EL-10 apply to Online reviews?

Yes No

III. Funding

EL 11: Supplement, Not Supplant, with Title III & EIA-LEP

III-EL11. General fund resources must be used to provide services and programs for ELs, including English language development and access to the core curriculum. The provision of such services and programs must not be contingent on the receipt of state or federal supplementary funds.

- 11.1 The LEA must use EIA-LEP carryover funds only to supplement, not supplant federal, state and local public funds. (20 U.S.C. § 6825[g]; EC § 54025[c]; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1010, 1012-1013.)
- 11.2 For LEAs with EIA-LEP carryover, the LEA must utilize no less than 85 percent of those apportionments at school sites for direct services to students. (EC §§ 63000, 63001.)
- 11.3 The LEA must use Title III funds only to supplement, not supplant, other federal, state, and local public funds (20 U.S.C. § 6825[g]; EC § 54025[c]; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1010, 1012-1013.) The use of Title III funds must meet the following requirements:
 - a. The LEA utilizes no less than 98 percent of Title III LEP apportionments on direct services to ELs and may not use more than two percent of such funds for the administration of this program (20 U.S.C. § 6825[b].)



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- b. The LEA assesses for reasonable Title III LEP and immigrant alignment with the federal supplement, not supplant requirement.
(20 U.S.C. § 6825[g]; EC § 48985, 54025[c], 64001[g];
Castaneda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1010, 1012-1013.).

Item Evidence Requests:

1. Specific budget ledgers for LEA translation expenditures
2. EIA-LEP and Title III budget summaries LEA budget summary trial reports for current year and end of the previous year, including carryover
3. EIA-LEP carryover and Title III budgets for LEA and each site under review
 - a. Specific budget pages containing information relevant to EIA-LEP and Title III
 - b. Invoices of SACS accounts including EIA/LEP (7091), Title III LEP (4203), and Title III Immigrant (4201) for the current and previous year
 - c. Expenditure reports
4. Personnel partially or completely funded by Title III and/or EIA-LEP carryover for LEA and each site under review
 - a. Spreadsheet of personnel
(site, name, title, position, salary, funding sources by percentage)
 - b. Job descriptions

Does EL-11 apply to Online reviews?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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III. Funding

EL 12: Time Accounting Requirements

III-EL 12. The LEA must properly assess charges for direct or indirect costs of Title III LEP and immigrant funds for salaries and wages in proportion to the allowable and identified quantity and duties of the employee. (2 CFR §§ 211.430[a]; 20 U.S.C. § 6825[b].)

- 12.1 Each employee paid in part from Title III and in part from a second funding source, or an employee paid from multiple cost objectives, must complete a Personnel Activity Report (PAR) each pay period, or an approved sampling method must be used.
(2 CFR § 200.430.)
- 12.2 Employees funded solely under Title III must complete a semiannual certification of such employment (2 CFR §§ 200.61-62, 200.302, 200.430[a][i]; EC § 52853[a][7].)

Item Evidence Requests:

1. List of personnel partially or completely funded by Title III and/or EIA-LEP carryover for LEA and each site under review
 - a. Spreadsheet of personnel by location, name, title, position, salary, funding sources by percentage
 - b. Job descriptions
 - c. Duty statements with percentage of time performing duties by funding source
2. Personnel Activity Reports (PARS) for all personnel partially funded through EIA-LEP carryover and/or Title III at LEA and each site under review
3. Semi-Annuals for personnel solely funded by Title III at LEA and each site under review



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Does EL-12 apply to Online reviews?

Yes No

IV. Standards, Assessment, and Accountability

EL 13: Evaluation of English Learner Program Effectiveness

IV-EL 13. A program evaluation shall be provided by the LEA and shall be used to determine:

- a. Necessary improvements to programs and activities for which Title III funds have been used for LEP and immigrant students
- b. The effectiveness of programs and activities in assisting ELs to attain proficiency and to meet academic achievement and content standards
- c. Whether to eliminate specific EL activities proven to be ineffective
- d. The degree to which, within a reasonable amount of time:
 - i. ELs are attaining English language proficiency comparable to that of average native speakers of English in the district
 - ii. EL students' academic results indicate that ELs are achieving and sustaining parity of academic achievement with students who entered the district's school system already proficient in English

(20 U.S.C. §§ 1703[f], 6841[b],[c];

Castaneda v. Pickard [5th Cir. 1981] 648 F.2d 989,1009-1011; EC § 64001[f].)

Item Evidence Requests:

1. EL program evaluation for the LEA and each school under review
 - a. Data of LEA components of EL programs
 - b. Narrative analysis of LEA components of EL programs
 - c. Analytical findings related to the effectiveness of LEA EL programs
(English Learner Subgroup Self-Assessment [ELSSA] optional)

Does EL-13 apply to Online reviews?

Yes No

IV. Standards, Assessment, and Accountability

EL 14: Reclassification

IV-EL 14. The LEA must reclassify a student from EL to proficient in English by using a process and criteria that includes, but is not limited to:

- a. Assessment of English language proficiency (EC § 313[f][1]; 5 CCR § 11303[a].)
- b. Comparison of student's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age that demonstrate 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
(EC § 313[f][4]; 5 CCR §§ 11302, 11303[d].)
- c. Teacher evaluation that includes, but is not limited to, the student's academic performance. The term "teacher" refers to the classroom teacher and other certificated staff with direct responsibility for teaching or placement decisions of the student. (EC § 313[f][2]; 5 CCR § 11303[b].)



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- d. Opportunities for parent opinion and consultation during the reclassification process (EC § 313[f][3]; 5 CCR § 11303[c].)
- 14.1 The LEA must maintain the following in the student's permanent record (regardless of the physical form of such record and to ensure transfer of documentation):
 - a. Language and academic performance assessments
 - b. Participants in the reclassification process
 - c. Decision regarding reclassification (5 CCR §§ 432, 434, 438, 11305.)
- 14.2 The LEA must monitor the progress of reclassified pupils for a minimum of two years to ensure correct classification, placement, and additional academic support, as needed. (20 U.S.C. § 6841[a][4][5]; 5 CCR § 11304.)

Item Evidence Requests:

1. Board approved LEA reclassification process and criteria for all grades (1-12)
2. Sample reclassification records/forms (parent/guardian signatures and student identification information redacted)
3. Two-year follow-up of all RFEPs
Sample records (forms, computer data sheets, etc.) for current and previous year with student identification information redacted
4. Interventions for RFEPs
 - a. Spreadsheet of RFEPs by name, grade level, grades in core courses, number and percentage of those who have failed one or more core courses at each site under review (student last names redacted)
 - b. Samples of RFEPs not making academic progress and intervention(s) provided at each site under review (student identification information redacted)
5. Onsite reviewer may request to view student cumulative files (CUMs) of RFEPs, reclassified within the last two years, at each site under review.

Does EL-14 apply to Online reviews?	Yes	<input checked="" type="checkbox"/> No
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V. Staffing and Professional Development

EL 15: Teacher EL Authorization

V-EL 15. Teachers assigned to provide English language development and instruction in subject matter courses for ELs must be appropriately authorized.
(20 U.S.C. § 6826 [c]; EC §§ 44253.1, 44253.2, 44253.3, 44253.4, 44253.5, 44253.10; Castañeda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1012-1013.)

Item Evidence Requests:

1. Spreadsheet of all teachers in LEA including name, assignment, and appropriate EL authorization code (e.g. ELA1, S12, BLSP, etc.) or emergency EL authorization clearance
2. List of teachers who do not hold EL authorization
3. Master schedule for each site under review
4. Class lists identifying students as EL, EO, or RFEP may be requested by reviewer

Does EL-15 apply to Online reviews?	<input checked="" type="checkbox"/> Yes No
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V. Staffing and Professional Development

EL 16: Professional Development Specific to English Learners

V-EL 16. The LEA must provide professional development specific to the implementation of programs for ELs.

16.1 The LEA must provide sufficient professional development to effectively implement the LEA's EL program. (Castañeda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1011-1013.)

16.2 For LEAs receiving Title III, the LEA must provide supplemental high-quality professional development to classroom teachers, principals, administrators, and other school or community-based personnel that is:

- a. Designed to improve the instruction and assessment of ELs (20 U.S.C. § 6825[c][2][A].)
- b. Designed to enhance the teacher's ability to understand and use curricula, assessment measures, and instructional strategies for ELs (20 U.S.C. § 6825[c][2][B].)
- c. Based on research demonstrating the effectiveness of the professional development in increasing the student's English proficiency or the teacher's subject matter knowledge, teaching knowledge, and teaching skills (20 U.S.C. § 6825[c][2][C].)
- d. Of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom (20 U.S.C. § 6825[c][2][D].)

Item Evidence Requests:

1. EL-specific LEA professional development policies for participation in training related to EL services (who, what, why)
2. EL-specific professional development calendar, notifications, agendas, materials, and sign-in sheets to verify participation of classified staff, counselors, teachers, and administrators in supplemental high-quality training at the district level and for each site under review
3. Implementation of EL-specific professional development
 - a. Observation protocols for grade-level core academic subjects across the curriculum
 - b. Observation protocols for grade-level English Language Development (ELD) core
 - c. Any other evidence by administrators, coaches, and/or peers that includes EL-specific professional development at each site under review (teacher identification information redacted)

Does EL-16 apply to Online reviews?

Yes No

VI. Opportunity and Equal Educational Access

EL 17: Appropriate Student Placement

VI-EL 17. All students must be placed in English language classrooms unless a parental exception waiver has been granted for an alternative program in which some or all of the instruction is delivered in the student's home language. Based on LEA criteria of reasonable fluency, ELs must be placed in one of the following programs:



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- a. Structured English Immersion (SEI), in which the language acquisition process, curriculum and instruction are designed for children who are learning the language (EC §§ 305, 306.)
- b. English Language Mainstream (ELM), a classroom in which the students are either native English language speakers or already have acquired reasonable fluency in English. English learners who do not meet the LEA criteria (reasonable fluency) for participation in an ELM program are placed in an ELM program at any time during the school year, if the parent or guardian so requests. (5 CCR § 11301.)
- c. For students with an approved parental exception waiver, an alternative program in which some or most of the instruction is delivered in the student’s home language, unless there is an IEP in which the IEP team determines the need for home language instruction (EC § 310, 311; 5 CCR § 11309.)

Item Evidence Requests:

- 1. LEA’s description of SEI, ELM, and alternative programs
- 2. LEA’s definition of “Reasonable Fluency”, placement process, and placement criteria for ELD and subject matter core classes

Does EL-17 apply to Online reviews?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VI. Opportunity and Equal Educational Access

EL 18: Parental Exception Waiver for Alternative Program

VI-EL 18. Parents and guardians of ELs must be notified of the opportunity to apply for a parental exception waiver for their children to participate in an alternative program in which some or all of the instruction is delivered in the pupil’s primary language. (20 U.S.C. § 7012[a][3].)

18.1 LEA procedures for granting parental exception waivers must include the following:

- a. Parents and guardians are provided, on enrollment and annually, full written, and upon request, spoken descriptions of SEI, ELM, and alternative programs, and all educational opportunities offered by the school district and available to the student. The descriptions of the programs shall include the educational materials to be used in the different options (5 CCR §11309[a],[b][1], EC § 310.)
- b. Parents and guardians must be informed that the pupil must be placed for a period of not less than 30 calendar days in an English language classroom and that the school district superintendent must approve the waiver pursuant to guidelines established by the local governing board (5 CCR § 11309[b][2], EC § 311[c].)
- c. Parents and guardians are informed of any recommendation by the school principal and educational staff for an alternative program and are given notice of their right to refuse the recommendation (5 CCR § 11309[b][3], EC § 311.)
- d. All parental exception waivers shall be acted upon by the school within 30 instructional days of submission to the school principal. However, parental waiver requests under Education Code section 311(c) shall not be acted upon during the 30-day placement in an English language classroom. These waivers must be acted upon either no later than 10 calendar days after the expiration of that 30-day English



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language classroom placement or within 20 instructional days of submission of the parental waiver to the school principal, whichever is later (5 CCR § 11309[c].)

- 18.2 Parental exception waivers shall be granted unless the school principal and educational staff determine that an alternative program offered at the school would not be better suited for the overall educational development of the student (5 CCR § 11309[b][4].)
- 18.3 If a waiver is denied, parents and guardians must be informed in writing of the reason(s) for denial and advised that they may appeal the decision to the local board of education if such an appeal is authorized by the local board of education, or to the court (5 CCR § 11309[d].)
- 18.4 Schools in which the parents or legal guardians of 30 students or more per school or the parents or legal guardians of 20 students or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible, based upon the requirements of Section 305 (EC § 310 [a].)

Item Evidence Requests:

- 1. LEA policies and process for LEA to inform parents of program options and for parents to request a waiver or appeal a denial
- 2. Sample waiver requests (which include alternate primary language program descriptions) and waiver renewal forms (student identification information redacted)

Does EL-18 apply to Online reviews?	<input checked="" type="checkbox"/> Yes No
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VII. Teaching and Learning

EL 19: English Language Development

VII-EL 19. As part of the core program provided through general funds, each EL must receive a program of English language acquisition in order to develop proficiency in English as rapidly and effectively as possible, consistent with state priorities.(20 U.S.C. §§ 1703 [f], 6825 [c][1][A]; EC §§ 300, 305, 306, 310; 5 CCR § 11302[a].)

Item Evidence Requests:

- 1. English Language Development (ELD) core for ELs
 - a. LEA description of course, curriculum, and instructional materials used in both ELD core and supplemental EL programs
 - b. Sample lesson plans, one per grade level, from each site under review
- 2. Master schedule for each site under review
- 3. LEA criteria for ELD course placement
- 4. Spreadsheet of EL students, time in program, most recent CELDT results, academic assessment results, and grades (student last names redacted)

Does EL-19 apply to Online reviews?	<input checked="" type="checkbox"/> Yes No
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VII. Teaching and Learning



2016-17 EL Program Instrument (Continued)

EL 20: Access to the Core Subject Matter

VII-EL 20. Academic instruction for ELs must be designed and implemented to ensure that ELs meet the district's content and performance standards for their respective grade levels within a reasonable amount of time.

20.1 The LEA must have a means to assist ELs to achieve at high levels in the core academic subjects to ensure that they meet the same challenging state content standards and achievement goals all children are expected to meet.

20.2 The LEA shall continue to monitor student academic progress and provide additional and appropriate educational services to English learners in kindergarten through grade 12 for the purposes of overcoming language barriers. Actions to overcome academic barriers must be taken before the deficits become irreparable
(20 U.S.C. §§ 1703 [f], 6825 [c][1][B]; EC §§ 306, 310; 5 CCR § 11302[b].)

Item Evidence Requests:

1. LEA descriptions of EL-specific pedagogical methods, materials, and interventions to provide grade-level instruction for ELs across the curriculum
2. LEA samples of EL progress monitoring including benchmarks and catch-up plans for each site under review (student identification information redacted)
3. LEA procedural guidelines and criteria for the placement of ELs in academic support services
4. LEA plan/addendum and SPSA review of data for each site under review
5. Spreadsheet of EL students, time in program, most recent CELDT results, academic assessment results, and grades (student last names redacted)
6. LEA calculations of number and percent of longterm ELs (LTELs) and number and percent of LTEL's failing one or more core subjects including ELD

Does EL-20 apply to Online reviews?	<input checked="" type="checkbox"/> Yes No
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