

California Department of Education

English Learner Online

2015-16 Program Instrument

I. Involvement

I-EL 02: Translation of Information for Parents

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

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, and records sent to parents of such students must be written in English and the primary language. (*California Education Code (EC) § 48985; 5 California Code of Regulations (CCR) § 11316.*)

Evidence

EL phone logs*

Communication with parents by phone system.

Translation of school-to-home documents*

School-to-home communication in other languages (report cards, parent handbook, progress reports, newsletters).

I. Involvement

I-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 LEP and immigrant students, their teachers, and their families. (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 ESEA programs available to them. (20 U.S.C. § 6320.)

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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) What services and/or products will 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)(3), 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 that the local educational agency 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)(5)(A).)
- (i) Parents participate on an equitable basis in parental involvement services and activities.(20 U.S.C. § 6320 (a)(1).)
- (j) The LEA assesses identified students annually for English language proficiency using a valid and reliable instrument. (20 U.S.C. § 6320.)

Evidence

Records of agency and private school consultation*

Dated records of private school affirmation, consultation, and services provided to private schools.

Title III private school expenditure report

Title III budget expenditure report on services and products to private schools.

Private school participation*

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Agency's policies/procedural guidelines on private schools' participation in Title III activities.

Private Schools*

List of private schools within the LEA's enrollment area.

Private school parent participation*

Participating private school parent involvement records (agendas, training, fliers).

II. Governance and Administration

II-EL 06: English Learner Identification and Assessment

II-EL 6. The LEA must properly identify and assess all students who have a primary language other than English.

6.1 A home language survey (HLS) must be used at the time of initial enrollment to determine the student's primary language. (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 California English language proficiency assessment. The assessment conducted must follow all of the publisher's instructions. (5 CCR §§ 11307(a), 11511.)

6.3 Each LEA must annually assess the English language development and academic progress of each English learner. (EC §§ 313, 60810) (5 CCR § 11306.)

6.4 All currently enrolled English learners must be assessed for English language proficiency by administering the California English language proficiency assessment during the annual assessment window. (EC §§ 313, 60810) (5 CCR § 11511(b).)

6.5 Each English learner with disabilities must be annually assessed for English language development using the accommodations, modifications, or alternate assessments for the current California English language proficiency assessment if specified in the pupil's IEP or Section 504 Plan. (5 CCR § 11516.5)

Evidence

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English language proficiency notification to parents*

Dated and completed English language proficiency assessment results notification letter to parents.

Identification of EL students*

Agency's policies and procedures for identification of EL students.

Home Language Survey*

Sample Home Language Surveys with students' names redacted.

Individualized Education Plan (IEP)*

IEP (for sites being reviewed) indicating CELDT results, testing accommodations, and information on ELD instruction for ELs with disabilities.

Copy of Immigrant Student numbers in CALPADS (r)*

Upload page from CALPADs indicating the number of immigrant students in the LEA.

II. Governance and Administration

II-EL 07: Parent/Guardian Notifications

II-EL 7. The LEA must provide notifications to parents and guardians.

7.1 Parents/guardians of English learners 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 English learners 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.); (EC § 313 (a)-(c).)

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:

(a) Their child's initial English language proficiency level

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- (b) How such level was assessed
- (c) Their child's language designation
- (d) 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
- (e) Program placement
- (f) Exit criteria
- (g) For English learners with a disability [with an Individualized Education Program (IEP)], how such program will meet the objectives of the IEP
- (h) 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.)

7.4 For LEAs receiving Title III funds, parents/guardians of English learners must be informed annually, not later than 30 days after the beginning of the school year, of:

- (a) Their child's English proficiency level
- (b) How such level was assessed
- (c) The status of the child's academic achievement
- (d) Their child's language designation
- (e) 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
- (f) Program placement
- (g) Exit criteria
- (h) For English learners with a disability (with an IEP), how such program will meet the objectives of the IEP
- (i) 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.)

7.5 A Title III funded LEA or consortium that has failed to make progress on the annual measurable achievement objectives (AMAO) must inform

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parents/guardians of English learners of such failure no later than 30 days after such failure occurs. (20 U.S.C. §§ 6312 (g) (1) (B)(1), 7012 (b).)

Evidence

Parent notification policies*

Agency's policies and procedures for notifying parents/guardians

AMAO targets notification*

Most current AMAO notification letter if LEA fails to meet yearly targets (dated and signed)

Parent Notification Initial/Annual*

Initial and Annual notification letters in English and other languages as applicable without students' names.

II. Governance and Administration

III-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 \$500 or more per unit that is purchased with EIA-LEP and Title III.

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

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(i) Transfer, replacement, or disposition of obsolete or unusable equipment

10.1 The school district must conduct a physical check of the inventory of equipment within the past two years and has reconciled the results with inventory records. (*EC* § 35168; 5 *CCR* § 3946; 34 *CFR* § 80.32 (d) (I); 34 *CFR* § 80.32 (d) (2).)

Evidence

Physical check of inventory*

Documentation demonstrating that a physical check of inventory has been completed.

Title III and EIA-LEP Inventory records*

Provide a description of each piece of equipment, including a-i above, purchased with EIA/LEP and/or Title III funds, costing \$500 or more.

Invoices*

Invoices for budgeted items.

III. Funding

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

III-EL11. General fund resources must be used to provide services and programs for English learners, 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. §§ 1703(f), 6825(g), 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. §§ 1703(f), 6825(g), 54025(c);

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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 English learners and may not use more than two percent of such funds for the cost of administering this program. (20 U.S.C. § 6825 (b).)

(b) The LEA assesses for reasonable Title III LEP and Immigrant alignment with the federal supplement, not supplant requirement. Title III funds must not be used to meet state requirements for translations. (20 U.S.C. §§ 1703(f), 6825(g), 54025(c); *Castaneda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1010, 1012-1013; EC §§ 48985, 62002, 64000(b)(c), 64001(g); 5 CCR § 11316.)

Evidence

Budget ledger for translation expenditures*

Specific budget entry for translation expenditures.

CARS (EIA-LEP and Title III pages)

LEAs do not upload. Reviewers will access CARS at CDE.

EIA-LEP and Title III budget summary*

Specific EIA/LEP carryover and Title III budget Summary Trial Report.

End of previous year budget summary*

End of previous year budget summary sheets (showing carryover if necessary).

EIA-LEP carryover and Title III budgets*

EIA-LEP carryover and Title III funds: specific budget pages, invoices, and expenditure records for LEA and selected sites.

EIA-LEP carryover and Title III personnel positions*

Documentation including job descriptions, duty statements, and activity logs for All EIA-LEP and Title III funded positions in the Agency.

Updated LEA Plan for Budget*

Most recently updated local Board approved Goal 2 plan. May provide Title III Year 2 or Year 4 Improvement Plan Addendum with current activities and budget.

Title III funds policy

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Agency's policies for the use of Title III funds*

EIA-LEP carryover and/or Title III funded personnel*

List of personnel (name, position, title) funded with EIA-LEP carryover/Title III (LEA and sites).

V. Staffing and Professional Development

V-EL 15: Teacher EL Authorization

V-EL 15. Teachers assigned to provide English language development and instruction in subject matter courses for English learners must be appropriately authorized or are actively in training for an appropriate EL authorization. (20 U.S.C. §§ 6319 (a)(1), 6826 (c); *EC* § 44253.1, 44253.2, 44253.3, 44253.10; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1009-1011.)

Evidence

Appropriate teacher EL authorization*

Agency's policy or plan to ensure all teachers are appropriately authorized to teach ELs.

Qualified teachers and interns in training*

Spreadsheet of EL authorized teachers, emergency credentials, and documentation verifying commitment to complete authorization for those without EL authorization.

Teaching ELs*

List of teachers including name, assignment, teaching credential, and CTC EL authorization with document number.

Master schedule*

Master schedule with teacher names for each selected site.

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V. Staffing and Professional Development

V-EL 16: Professional Development Specific to English Learn
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V-EL 16. The LEA must provide professional development specific to the implementation of programs for English learners.

16.1. The LEA must provide sufficient professional development to implement the LEA's research-based English learner program. (*Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1009-1011.)

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 English learners (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 English learners (20 U.S.C. § 6825 (c)(2)(B).)

(c) Based on research demonstrating the effectiveness of the professional development in increasing the pupil'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).)

Evidence

Core classroom observation protocols*

Sample formal or informal protocol of observations conducted by administrators, coaches, and/or peers from each selected site.

EL professional development calendar*

Calendar with description of specific EL professional development for the reviewed year.

EL professional development policies*

Describes policies for participation in EL professional development (who, what, why).

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EL professional development documentation*

EL professional development records (e.g., agendas, sign-in sheets, etc.) to verify EL strategies for classified staff, counselors, teachers, and administrators.

ELD classroom observation protocols*

Sample formal or informal protocols of ELD classroom observation conducted by administrators, coaches, and/or peers from each selected site.

VI. Opportunity and Equal Educational Access

VI-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. (34 *CFR* § 300.324 (2)(ii).) (20 U.S.C. § 6312(g)(1)(A); *EC* 48985.)

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 the structured English immersion program, English language mainstream program, alternative programs, and all educational opportunities available to the pupil. 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 are informed that a pupil must be placed for not less than 30 calendar days in an English-language classroom the first year of enrollment in a California school. (5 *CCR* § 11309(b)(2), *EC* § 311.)
- (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) Parental exception waivers are acted on within 20 instructional days of submission to the school principal. However, waivers submitted under *EC*

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§ 311(c) must be acted on either no later than ten calendar days after the expiration of the 30-day English language classroom placement or within 20 instructional days of submission of the waiver, 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 pupil. (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 Each school in which 20 or more pupils of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the pupils to transfer to a public school in which such a class is offered. (EC § 310.)

Evidence

Parental exception waiver process*

Evidence of a process and timelines to request a waiver.

Parental exception waiver denial process*

Evidence of a process and timeline to appeal denial of a waiver.

Program options*

Evidence of how parents are informed of program options.

Parental Exception Waiver Policies*

Policies and procedures regarding the parental exception waiver for an alternative program.

EL sample waiver forms*

Sample waiver forms with student names redacted.

EL sample waiver renewal forms*

Sample waiver forms with student names redacted.