California Department of Education May 2020

# **State Program for English Learner (EL) Students**

1. A Home Language Survey (HLS) is used at the time of initial enrollment to determine the student’s primary language, and within 30 calendar days of initial enrollment, each student, whose HLS indicates a language other than English, is assessed for English proficiency by means of the state-designated instrument. (California *Education Code (EC)* § 313, 60810; Title 5, *California Code of Regulations* (5 *CCR*) § 11308.5[a], 11511[a][1]; 20 United States Code [U.S.C.] § 6312[e][3][A][i ]; Public Law [PL] 114-95, § 1112[e][3][A][i].)
2. All English learners are annually assessed for English language proficiency until the pupil is predesignated as English proficient. The assessment used must be aligned with the State’s English language proficiency standards (*EC* § 313,
§ 60810[c][5], § 60810[e][7]).
3. All parents of EL students and fluent English proficient (FEP) students are notified in writing of their child's English language proficiency assessment results. (U.S.C. § 6312[e][3][A][ii]; PL 114-95, § 1112[e][3][A][ii].)
4. The local educational agency (LEA) provides each English learner a program of instruction in English-language development in order to develop proficiency in English as effectively and efficiently as possible. (20 U.S.C. § 1703[f], § 6825[c][1][A]; *EC* § 300, § 305, § 306, § 310; 5 *CCR* §11302[a]; *Castañeda v. Pickard* [5th Circuit (Cir.) 1981] 648 F.2d 989, 1012-1013.)
5. The LEA provides all English learners access to the content and performance standards for their respective grade levels or the LEA has a plan that describes how academic deficits will be monitored and overcome within a reasonable time before such deficits become irreparable. (20 U.S.C. § 1703[f], § 6825[c][1][B]; EC § 305[a], 5 *CCR* § 11302[b]; *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1012-1013.)
6. The Individualized Education Program team determines placement of each student with disability, regardless of language proficiency (20 U.S.C. § 1414[d][A].)
7. The LEA assigns an adequate number of qualified teachers to implement the required English-language development instruction and all other academic areas of the curriculum. (20 U.S.C. § 6826[c]; *EC* § 44253.1, § 44253.2, § 44253.3,
§ 44253.10; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1012-1013).
8. The LEA provides a staff development program to qualify existing and future personnel (both teachers and paraprofessionals) in the skills necessary to help each EL learn English and access the core curriculum. (20 U.S.C. § 6825 [c][2][A]; *Castañeda* v. *Pickard* [5th Cir. 1981] 648 F.2d 989, 1012-1013).
9. The LEA provides adequate basic and supplemental resources to each English learner with learning opportunities in an appropriate program providing equal opportunity for academic achievement across the core curriculum, including classes necessary to complete graduation requirements. (20 U.S.C. § 1703[f]; *Castañeda* v. *Pickard* [5th Cir. 1981] 648 F.2d 989, 1010, 1012-1013.)
10. The LEA uses verifiable criteria consistent with *EC* § 313 to change a student's designation from EL to reclassified fluent English proficient (RFEP) status that have been established by the district if English learners are enrolled. Each former EL student who has been reclassified to RFEP has:
11. demonstrated English language proficiency comparable to that of the average native speakers; and
12. participated equally with average native speakers in the school's regular instructional program. (20 U.S.C. § 1703[f]; *Gomez* v. *Illinois State Board of Education* [7th Cir. 1987] 811 F.2d 1030, 1041-1042, *Castañeda* v. *Pickard* [5th Cir. 1981] 648 F.2d 989, 1010, 1012-1014; and *Keyes* v. *School Dist. No. 1* [D. Colo. 1983] 576 F. Supp. §§1503, 1516-1522; 5 CCR §§ 11302, 11303[d].).
13. The LEA meets the requirements of *EC § 62002.5* regarding the advisory functions of the LEA and school committees on services for English learners. (*EC* § 62002.5.)
14. The LEA establishes and implements a process and criteria to determine the effectiveness of the program(s) for English learners. (20 U.S.C. § 1703[f], 6841; *Castañeda* v. *Pickard* [5th Cir. 1981] 648 F.2d 989, 1012-1013.)
15. Upon submission of Title III English Learner and Immigrant subgrant application in the CARS, LEAs acknowledge responsibility for accuracy of all data and narrative information submitted to the CDE.
16. Acceptance of the CARS application by the CDE does not:
17. constitute approval or validation of the information provided, or acceptance of that information for purposes of satisfying any outstanding corrective actions under program determination letters or program monitoring reports; or
18. limit or compromise in any way the CDE’s ability to conduct audits, investigations, or program monitoring in connection with the information provided in your application and then secure any needed corrective actions.

Consolidated Application Legal Assurances