

**California Department of Education**

**English Learner Onsite**

**2015-16 Program Instrument**

I. Involvement

**I-EL 01: Parent Outreach and Involvement**

I-EL 1. The LEA must implement outreach to parents of English learners 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:

1. Attain English proficiency
2. Achieve at high levels in core academic subjects
3. Meet challenging state academic content and achievement standards expected of all students (20 U.S.C. § 7012 (e)(1).)

**Evidence**

Parent meeting documentation\*

Parent meeting calendar, minutes and agendas other than ELAC.

Parent involvement policy\*

Documentation on training, workshops and newsletters sent to EL parents so that they can be involved and actively participate in their child's education.

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 U.S.C. § 6318 (e)(5).)

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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

<b>I-EL 03: Private School Consultation and Participation</b>
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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.)

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).)

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- (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\*

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\*

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

#### I. Involvement

<b>I-EL 04: English Learner Advisory Committee (ELAC)</b>
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I-EL 4. A school site with 21 or more English learners must have a functioning English Learner Advisory Committee (ELAC) that meets the following requirements:

- (a) Parent members are elected by parents or guardians of English learners. (5 CCR § 11308(b).)
- (b) The school may designate an existing school level advisory committee, or subcommittee of such advisory committee, to fulfill the legal responsibilities of ELAC. (64001(a), 5 CCR § 11308(d).)
- (c) Conducting of a school-wide needs assessment (5 CCR § 11308(c)(2), (d).)
- (d) The ELAC advises the school site council (SSC) on the development of the Single Plan for Student Achievement (SPSA). (EC § 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).)
- (f) The ELAC has the opportunity to elect at least one member to the DELAC or has participated in a proportionate regional representation scheme when there are 31 or more English learner parent advisory committees in the district. (5 CCR § 11308(b).)

(EC §§ 35147, 52176(a), 62002.5.) (20 U.S.C § 6318(c)(5), 20 U.S.C. § 7012)

#### Evidence

ELAC meeting documentation\*

ELAC meeting calendar, notifications, agendas, and sign-in sheets for selected sites for 12 months.

ELAC member roster\*

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ELAC member roster with designation of EL parents for selected sites.

ELAC training materials\*

ELAC activities provided to parents (roles, responsibilities, etc.)for selected sites.

ELAC minutes\*

Minutes for 12 months indicating where the ELAC has fulfilled legal requirements.

#### I. Involvement

##### **I-EL 05: District English Learner Advisory Committee-DELAC**

I-EL 5. A LEA with 51 or more English learners must have a functioning DELAC or a subcommittee of an existing district committee in which at least 51 percent of the members are parents (not employed by the district) of English learners.

5.1 The DELAC must 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 English learners that takes into consideration the Single Plan for Student Achievement. (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 English learners. (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 school district'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 must provide training materials and training, planned in full consultation with committee members, appropriate to assist members in carrying out their legal advisory responsibilities. (5 CCR § 11308(d).)

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#### Evidence

Parent meeting documentation\*

DELAC meeting calendar, notifications, agendas, and sign-in sheets for last 12 months.

DELAC training materials\*

DELAC activities provided to parents (roles, responsibilities, etc.).

DELAC advice to Governing Board\*

Agency Governing Board minutes where DELAC participants provided advice to the Board.

DELAC minutes\*

Minutes for 12 months indicating where the DELAC has fulfilled legal requirements.

DELAC roster\*

Roster that identifies DELAC representatives by school for last 12 months.

## 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.)

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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)

6.6 Each LEA must identify all immigrant children and youth who are: aged 3 through 21; were not born in any State; and have not been attending one or more schools in any one or more States for more than 3 full academic years. (20 U.S.C. § 3301(6), (14).

### Evidence

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.

Immigrant Students in the LEA\*

Page from CALPADs indicating the number of immigrant students and country of origin.

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#### 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
- (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

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- (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 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\*

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

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#### II. Governance and Administration

<b>II-EL 08: Implementation, Monitoring &amp; Revision of LEA Plans</b>
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II- EL 08. A LEA operating Title III programs must annually update, implement and monitor Goal 2 of the approved LEA Plan.

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 to meet all annual measurable achievement objectives
- (c) Description of how school sites will be held accountable for:
  - i. Meeting the annual measurable achievement objectives
  - ii. Making adequate yearly progress for English learners
  - iii. Annually measuring the English proficiency of English learners
- (d) Description of how school sites will promote parental and community participation in programs
- (e) Description of how all English learners' programs will be carried out to ensure that English learners are served
- (f) Assurance that the EL program is based on scientifically based research enabling English learners 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 English learners meet the state student academic achievement standards. (20 U.S.C. §§ 6312 (b)(1)(A)(i), (ii), (iii), 6826.)

8.2 LEAs and consortia that have failed to make progress towards meeting the AMAO target(s) for two consecutive years shall develop an improvement plan (the Improvement Plan Addendum for Goal 2 of the LEA Plan) no later than three

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months after notification of status. (20 U.S.C. § 6316 (c)(7)(A); 34 *CFR* § 200.52 (a)(1) and (2).)

8.3 LEAs and consortia that have failed to meet the AMAO target(s) for four consecutive years shall modify their curriculum, program, and method of instruction (revised Improvement Plan Addendum for Goal 2 of the LEA Plan). (20 U.S.C. § 6316 (c)(7)(A).)

#### Evidence

##### Local Educational Agency Plan\*

Demonstrate implementation and monitoring of Goal 2 in the LEA Plan, including annual revision.

##### Title III Improvement Plan Addendum\*

Title III Improvement Plan Addendum for Year 2, Improvement Plan for Year 4 and beyond of not meeting AMAOs.

##### Updated LEA Plan\*

Most recently Local Board approved Agency Plan containing Goal 2. Include updates to reflect current programs and Title III funding. May provide Title III Year 2 or Year 4 Improvement Plan Addendum with current activities and budget.

## II. Governance and Administration

### **III-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 For schools with EIA-LEP carryover, the approved SPSA must contain:

(a) An analysis of academic performance and language development data to determine EL student and program needs

(b) School goals to meet the identified academic and language proficiency needs of EL students

(c) Activities to reach school goals that improve the academic performance of EL students

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(d) Expenditures of EIA-LEP carryover allocated to the school through the Consolidated Application and Reporting System

(e) 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 English learners, low-achieving students, and those at risk of not meeting state academic content standards (*EC* § 64001(f).)

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 as Program Improvement). (*EC* §§ 64000(a)(3), 64001(g).)

9.3 The SPSA must be consistent with the LEA Plan. (*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. §§ 9304(a))

### Evidence

School Site Council documentation\*

Documents that show ELAC's input to SSC (minutes and agendas for past two years).

## 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

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- (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 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\*

Inventory records provide a description of each piece of equipment purchased with EIA/LEP and Title III funds, costing \$500 or more; including the type, model, serial number, funding source, acquisition date, cost, location, current condition and disposition.

Invoices\*

Invoices for budgeted items

### III. Funding

<b>III-EL 11: Supplement, Not Supplant, with Title III &amp; EIA-LEP</b>
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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.

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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); *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\*

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 selected sites.

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EIA-LEP carryover and Title III paid 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\*

Most recently Local Board approved Agency Plan containing Goal 2. Include updates to reflect current programs and Title III funding. May provide Title III Year 2 or Year 4 Improvement Plan Addendum with current activities and budget.

Title III funds\*

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

EIA-LEP carryover/Title III funded personnel\*

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

### III. Funding

#### **III-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.

12.1 Each employee paid in part from Title III and in part from other revenue, 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, Attachment B, 8h)

12.2 Employees funded solely under Title III must complete a semiannual certification of such employment. (*California School Accounting Manual (CSAM)*; 2 *CFR* 200 Attachment B, 8.h; 2 *CFR* 200, Subpart F; ED Cross-Cutting Section, III.B.2); (*EC* § 52853(a)(7).) (20 U.S.C. § 6825 (b).)

#### **Evidence**

EIA-LEP carryover and Title III paid positions\*

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

EIA/LEP carryover/Title III funded personnel\*

List of positions funded with EIA-LEP carryover and Title III funds for selected Sites.

Personnel Activity Reports\*

Personnel Activity Reports (PARs) for selected sites for positions funded through Title III.

#### IV. Standards, Assessment, and Accountability

#### **IV-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 have been used for LEP and immigrant students
- (b) The effectiveness of programs and activities in assisting EL students to attain proficiency and to meet academic achievement and content standards
- (c) Whether or not to continue the program or activities
- (d) The degree to which, within a reasonable amount of time:
  - i. English learners are achieving English language proficiency comparable to that of average native speakers of English in the district
  - ii. Academic results indicating that English learners 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).)

#### **Evidence**

EL student data analysis

EL analysis of English learner student data by LEA and by school.

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English Learner Subgroup Self-Assessment (ELSSA)

Analysis of ELSSA results.

#### IV. Standards, Assessment, and Accountability

<b>IV-EL 14: Reclassification</b>
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IV-EL 14. The LEA must reclassify a pupil from EL to proficient in English by using a process and criteria that include, but are not limited to:

- (a) Assessment of English language proficiency (*EC* § 313(d)(1); 5 *CCR* § 11303(a).)
- (b) Comparison of pupil's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrate whether the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English. (*EC* § 313(d)(4); 5 *CCR* § 11303(d).)
- (c) Teacher evaluation that includes, but is not limited to, the pupil's academic performance. ("Teacher" refers to the classroom teacher and other certificated staff with direct responsibility for teaching or placement decisions of the pupil.) (*EC* § 313(d)(2); 5 *CCR* § 11303(b).)
- (d) Opportunities for parent opinion and consultation during the reclassification process. (*EC* § 313(d)(3); 5 *CCR* § 11303(c).)

14.1 The LEA must maintain in the pupil's permanent record (regardless of the physical form of such record and to ensure transfer of documentation) the following:

- (a) Language and academic performance assessments
- (b) Participants in the reclassification process
- (c) Decision regarding reclassification (5 *CCR* §§ 432, 434, 438.)

14.2 The LEA must monitor for a minimum of two years the progress of reclassified pupils to ensure correct classification, placement, and additional academic support, if needed. (20 U.S.C. § 6841; 5 *CCR* § 11304.)

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#### Evidence

##### Interventions for RFEP students

Evidence of interventions for reclassified students not making academic progress.

##### Two-year follow-up of all RFEP students\*

Documentation of follow-up forms or sample records (e.g., computer data sheets) of follow up with student names redacted.

##### Reclassification Policy\*

Documentation including criteria, policies and procedures for all grades in the district. (Elementary districts upload separate criteria for grades 1 and 2.).

##### Reclassification Data\*

List of ELs by CELDT level, time spent in program, academic achievement, and grades in core courses. From this list, upload a calculation of the number and percentage of ELs in program for six or more years, and from this, the number and percentage who have failed one or more core courses.

##### Students reclassified\*

List of students reclassified, last name redacted, for the past two years for the LEA.

##### Reclassification records\*

Reclassification records/forms (student names redacted).

## 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.)

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#### 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\*

A list of EL authorized teachers, and documentation verifying commitment to complete authorization (such as a memorandum of understanding) 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.

#### V. Staffing and Professional Development

##### **V-EL 16: Professional Development Specific to English Learn**

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

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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).

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 17: Appropriate Student Placement**

VI-EL 17. All pupils 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 pupil's primary language. Based

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on LEA criteria of reasonable fluency, English learners must be placed in one of the following programs:

(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, 310, and 311.)

(b) Include definition English language mainstream (ELM) program their English learners the parent or guardian may request at any time during the school year who do not meet the LEA criteria for participation in an ELM be placed in an ELM program. (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 pupil's primary language, unless there is an IEP in which the IEP team determined the need for primary language instruction.

#### Evidence

EL student placement\*

Description of Structured English Immersion (SEI), English Mainstream (ELM) and alternative programs.

Reasonable Fluency

Agency's definition of "Reasonable Fluency" and placement process.

Placement criteria\*

EL student placement criteria for ELD and core class.

## 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.)

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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 § 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.

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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.

## VII. Teaching and Learning

### VII-EL 19: ELD

VII-EL 19. As part of the core program provided through general funds, each English learner must receive a program of English language acquisition in order to develop proficiency in English as rapidly and effectively as possible. (Other funding sources may be used to supplement the core program.) (20 U.S.C. §§ 1703 (f), 6825 (c)(1)(A); *EC* §§ 300, 305, 306, 310, 313.1 (b); 5 *CCR* § 11302(a); *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1009-1011.)

#### Evidence

ELD course/curriculum descriptions\*

Description of core ELD courses and curriculum used in the core.

ELD daily/master schedule daily\*

ELD schedule for self-contained classes; master schedule containing ELD classes for middle and high school per site reviewed.

ELD instructional materials\*

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ELD instructional materials list for both core and supplemental programs.

ELD placement criteria\*

Criteria for determining placement of students in ELD instruction or class.

## VII. Teaching and Learning

### VII-EL 20: Access to the Core Subject Matter

VII-EL 20. Academic instruction for ELs must be designed and implemented to ensure that English learners 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 English learners to achieve at high levels in the core academic subjects to ensure that they meet the same challenging state content and achievement goals all children are expected to meet.

20.2 The LEA must monitor student academic progress and take action to overcome any academic deficits incurred while acquiring English. Actions to overcome academic deficits must be taken before the deficits become irreparable.

(20 U.S.C. §§ 1703 (f), 6312, 6825 (c)(1)(B); *EC* §§ 306, 310; 5 *CCR* § 11302(b); *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1009-1011.)

#### Evidence

Courses designed for ELs\*

Descriptions of courses and/or master schedule of courses designated for ELs.

EL instructional materials

Descriptions of instructional materials containing SDAIE or language support for ELs in subject matter classes.

Interventions for EL and RFEP students\*

Evidence of interventions for EL and RFEP students not making academic progress.

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#### Plan for monitoring EL progress\*

Agency's plan for monitoring EL students' progress, including benchmarks and catch-up plan.

#### English Learner Students' Access\*

List of ELs by CELDT level, time spent in program, academic achievement, and grades in core courses. From this list, upload a calculation of the number and percentage of ELs in program for six or more years, and from this, the number and percentage who have failed one or more core courses.

#### Placement in interventions\*

Procedural guidelines and criteria for placement of ELs in interventions.