



English Learner 2020–21 Program Instrument

California Department of Education
June 2020

I. Involvement

EL 01: English Learner Advisory Committee (ELAC)

- 1.0 A school site with 21 or more English learners (ELs) must have a functioning ELAC that meets the following requirements:
- (a) Parent members are elected by parents or guardians of ELs.
 - (b) Parents of ELs constitute at least the same percentage of the committee membership as their children represent of the student body.
 - (c) The ELAC shall be responsible for assisting in the development of the schoolwide needs assessment and ways to make parents aware of the importance of regular school attendance.
 - (d) The ELAC shall advise the principal and staff in the development of a site plan for ELs and submit the plan to the school site council for consideration for inclusion in the School Plan for Student Achievement (SPSA).
 - (e) The ELAC receives training materials and training, planned in full consultation with committee members, to assist members in carrying out their legal responsibilities.

(California *Education Code* [EC] sections 52176(b), 62002.5; Title 5, *California Code of Regulations* [5 CCR] Section 11308)

- 1.1 A 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 Section 52176[b]; 5 CCR Section 11308[d])
- 1.2 Each ELAC has the opportunity to elect at least one member to the District English Learner Advisory Committee (DELAC) or participants in a

2020–21 English Learner Program Instrument

proportionate regional representation scheme when there are 31 or more ELACs in the local educational agency (LEA). (5 CCR Section 11308[b])

Evidence Requests

English Learner Advisory Committee

Abbreviation: ELACadvsry

Description: For each site under review, provide current and previous year rosters, roles, meeting agendas, minutes, including input for the SPSA, sign-ins, needs assessment, and training materials.

Item Instructions:

Related Items: EL 01

EL 02: District English Learner Advisory Committee (DELAC)

- 2.0 Each LEA with 51 or more ELs must form a DELAC unless the district designates for this purpose a subcommittee of an existing districtwide advisory committee. Parents or guardians, or both, of pupils of limited English proficiency who are not employed by the district shall constitute a majority of the DELAC. (EC sections 52176[a], 62002.5; 5 CCR Section 11308)
- 2.1 The DELAC shall advise the school district governing board on all of the following tasks:
 - (a) Development of an LEA master plan, including policies, per the State Board of Education (SBE) EL Roadmap Policy, guiding consistent implementation of EL educational programs and services, that takes into consideration the SPSAs.
 - (b) Conducting of an LEA-wide needs assessment on a school-by-school basis.
 - (c) Establishment of LEA program, goals, and objectives for programs and services for ELs per the SBE adopted EL Roadmap Policy.
 - (d) Development of a plan to ensure compliance with any applicable teacher and instructional aide requirements.
 - (e) Review and comment on the LEA's reclassification procedures.
 - (f) Review and comment on the written notifications required to be sent to parents and guardians. (5 CCR Section 11308)

2020–21 English Learner Program Instrument

- (g) Under the local control funding formula, LEAs with at least 50 ELs and whose total enrollment includes at least 15 percent ELs must establish a DELAC, and that DELAC must carry out specific responsibilities related to the Local Control and Accountability Plan (LCAP), including providing input regarding the LEA’s existing language acquisition programs and language programs, and, where possible, the establishment of other such programs. If the DELAC acts as the ELAC under *EC* sections 52063(b)(1) and 52062(a)(2), the DELAC shall also review and comment on the development or annual update of the LCAP. (5 *CCR* Section 11301)
- 2.2 Each LEA must 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* Section 11308[d])
- 2.3 The consolidated application must also include certifications by appropriate district advisory committees, including the DELAC, that the application was developed with review and advice of those committees. (*EC* Section 64000[d])

Evidence Requests

District English Learner Advisory Committee

Abbreviation: DELACadvsry

Description: Current and previous year rosters, roles, meeting agendas, minutes, sign-ins, needs assessment, training materials, and written input into the LCAP development.

Item Instructions:

Related Items: EL 02

II. Governance and Administration

EL 03: EL Identification and Assessment

- 3.0 Each LEA must properly identify and assess all students who have a home language other than English. (*EC* sections 313, 60810)
- 3.1 At or before the time of a student’s initial California enrollment, an LEA shall conduct, in writing, a home language survey (HLS) to identify whether the primary or native language of the student is a language other than English. (5 *CCR* Section 11518.5[a])
- 3.2 If a parent or guardian HLS response indicates a primary or native language other than English, and the LEA determines the student is eligible for initial

2020–21 English Learner Program Instrument

assessment, the LEA shall promptly notify the parent or guardian, in writing, prior to the administration of the English Language Proficiency Assessments for California (ELPAC) initial assessment. (5 CCR Section 11518.5[c])

- 3.3 The LEA shall administer the ELPAC initial assessment to each student eligible for the initial assessment, locally produce the official score in accordance with the directions of the test contractor, and notify the parent or guardian, in writing, of the results of the initial assessment within 30 calendar days after the student's initial date of California enrollment. (EC Section 313; 5 CCR Section 11518.5[d])
- 3.4 Each LEA must annually assess the English language proficiency (ELP) and academic progress of each EL. An LEA shall administer the ELPAC summative assessment during the annual summative assessment window. (EC sections 313, 60810; 5 CCR sections 11306, 11518.15[a])
- 3.5 When administering an initial or summative ELPAC assessment to a pupil with a disability, the LEA shall provide designated supports or accommodations, in accordance with the pupil's individualized education program (IEP) or Section 504 plan. When a pupil's IEP or Section 504 plan specifies that the pupil has a disability that precludes assessment such that there are no appropriate accommodations for assessment in one or more of the domains (listening, speaking, reading, and writing), the pupil shall be assessed in the remaining domains in which it is possible to assess the pupil. (5 CCR Section 11518.25)
- 3.6 When a pupil's IEP team determines that the pupil has a significant cognitive disability such that the pupil is unable to participate in the initial or summative assessment, or a section of either test, even with resources, the pupil shall be assessed as specified in the pupil's IEP. (5 CCR Section 11518.30)

Evidence Requests

Combined EL Assessment, Placement, and Enrollment Data

Abbreviation: CombAllELdata

Description: Most recent ELP level, standard instructional program (i.e. ELD, including designated and integrated instruction, International Baccalaureate, Advanced Placement, and A–G subject requirements), and academic assessment data. Include all currently enrolled ELs, and identify those who are long term English learners (LTELs) or ELs at risk of becoming LTELs.

Item Instructions: EL 03: See sample spreadsheet for EL 03, 13, and 15 in Resource File or ask your Federal Program Monitoring (FPM) EL Reviewer to provide the spreadsheet template.

2020–21 English Learner Program Instrument

Related Items: EL 03, EL 13, EL 15

EL Identification

Abbreviation: ELId

Description: Home Language Surveys.

Item Instructions: EL 03: Three samples of actual completed, dated, Home Language Surveys for each site under review.

Related Items: EL 03

EL Identification Policies and Procedures

Abbreviation: ELIdPlcsPrcdrs

Description: LEA policies and procedures for the initial identification of ELs.

Item Instructions: EL 03: Current board policies, administrative regulations, EL Master Plan or EL plan.

Related Items: EL 03

ELPAC Designated Supports and Accommodations

Abbreviation: ELPACDsgntdSprtsAcmdtns

Description: ELP assessment of ELs on an active IEP or Section 504 Plan.

Item Instructions: EL 03: Three samples of completed EL IEPs and/or Section 504 Plans containing ELP assessment results and ELD) instructional placement from each site under review.

Related Items: EL 03

EL 04: Implement, Monitor & Revise Title III Plan

- 4.0 Each LEA and consortium receiving Title III funds must annually update, implement, and monitor a Title III plan for the use of funds in a subgrant year.
- 4.1 The LEA receiving Title III funds must use these supplemental funds to implement effective approaches and methodologies for teaching ELs and immigrant children and youth. Each LEA must use Title III funds to:
 - (a) Increase the ELP of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing:

2020–21 English Learner Program Instrument

- i. ELP; and
 - ii. Student academic achievement; (20 United States Code [U.S.C.] Section 6825[c][1][A–B])
- (b) Provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:
- i. Designed to improve the instruction and assessment of ELs;
 - ii. Designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs;
 - iii. Effective in increasing children’s ELP or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
 - iv. 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 teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any LEA employing the teacher, as appropriate. (20 U.S.C. Section 6825[c][2][A–D])
- (c) Provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which:
- i. Shall include parent, family, and community engagement activities; and
 - ii. May include strategies that serve to coordinate and align related programs. (20 U.S.C. Section 6825[c][3][A–B])
- 4.2 Authorized subgrantee activities may use funds by undertaking one or more of the following activities:
- (a) Upgrading effective EL instructional strategies; (20 U.S.C. Section 6825[d][1])

2020–21 English Learner Program Instrument

- (b) Improving EL instructional programs through supplemental curricula, instructional materials, educational software, and assessment procedures; (20 U.S.C. Section 6825[d][2])
- (c) Providing to ELs:
 - i. Tutorials and academic or career and technical education; and
 - ii. Intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators; (20 U.S.C. Section 6825[d][3])
- (d) Developing and implementing effective preschool, elementary, or secondary school language instruction programs coordinated with other relevant programs and services; (20 U.S.C. Section 6825[d][4])
- (e) Improving the ELP and academic achievement of ELs; (20 U.S.C. Section 6825[d][5])
- (f) Providing community participation programs, family literacy services, parent and family outreach, and training activities to ELs and their families to:
 - i. Improve the English language skills of ELs; and
 - ii. Assist parents and families in helping their children to improve their academic achievement and become active participants in the education of their children; (20 U.S.C. Section 6825[d][6][A–B])
- (g) Improving the instruction of ELs, which may include ELs with a disability, by providing:
 - i. The acquisition or development of educational technology or instructional materials,
 - ii. Access to, and participation in, electronic networks for materials, training, and communication, and
 - iii. Incorporation of resources into curricula and programs; and (20 U.S.C. Section 6825[d][7][A–C])
- (h) Offering early college high school or dual or concurrent enrollment programs to help ELs achieve success in post-secondary education. (20 U.S.C. Section 6825[d][8])

4.3 Immigrant children and youth means individuals who:

- (a) Are aged 3 through 21;

2020–21 English Learner Program Instrument

- (b) Were not born in any U.S. State; and
 - (c) Have not been attending one or more schools in any one or more U.S. State for more than three full academic years.
(20 U.S.C. Section 7011[5])
- 4.4 Each LEA receiving Title III Immigrant funds must provide instructional opportunities for immigrant children and youth, which may include:
- (a) Family literacy, parent and family outreach, and training activities for parents and families;
 - (b) Recruitment of and support for personnel, including teachers and paraprofessionals, who have been trained, or are being trained, to provide services to immigrant children and youth;
 - (c) Provision of tutorials, mentoring, and academic or career counseling;
 - (d) Identification, development, and acquisition of curricular materials, educational software, and technologies;
 - (e) Basic instructional services directly attributable to the presence of immigrant children and youth in the LEA, including payment of costs of additional classroom supplies, transportation, or other attributable services;
 - (f) Instructional services designed to assist the achievement of immigrant children and youth in United States schools, such as programs of introduction to the educational system and civics education; and
 - (g) Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to offer comprehensive community services to parents and families of immigrant children.
- (20 U.S.C. Section 6825[e][1][A–G])

Evidence Requests

Immigrant Services and Procedures

Abbreviation: ImgrntSrvcsPrcdrs

Description: LEA procedures to provide enhanced instructional opportunities to eligible immigrant students ages three to twenty-one.

Item Instructions:

Related Items: EL 04

2020–21 English Learner Program Instrument

LEA Title III Plan

- Abbreviation: TtIIIPln
- Description: Current LCAP Federal Addendum or any other LEA Title III plan that meets the criteria of EL 04.
- Item Instructions:
- Related Items: EL 04

Title III Consortia Memorandum of Understanding

- Abbreviation: Tt3lcnstria
- Description: Applies to consortium funded LEAs only. Memorandum of Understanding (MOU) between lead and member LEA(s).
- Item Instructions: EL 04: Provide Title III consortium MOU with appropriate signatures. If not applicable, indicate this in the comment section.
- Related Items: EL 04

EL 05: EL Program Inclusion in the SPSA (Schoolwide)

- 5.0 The EL program must be included in the development of the SPSA.
- 5.1 The development of the SPSA shall include the following actions:
- (a) The SPSA administration of a comprehensive needs assessment with an analysis of academic performance and language development data to determine EL student and program needs. (*EC Section 64001[g][2][A]*)
 - (b) The process for annually evaluating and monitoring implementation and progress toward accomplishing program goals identified in the SPSA particularly those which address the needs of low-achieving ELs and students at risk of not meeting state academic content standards. (*EC Section 64001[g][s][B]*)
- 5.2 An approved SPSA must contain:
- (a) Goals to improve student outcomes, identified through the needs assessment which address the academic and language proficiency needs of ELs. (*EC Section 64001[g][3][A]*)
 - (b) Evidence-based strategies, actions, or services to reach goals. (*EC Section 64001[g][3][B]*)
 - (c) Proposed expenditures based on the projected resource allocation from the governing board or body of the LEA, to address the findings of the

2020–21 English Learner Program Instrument

needs assessment consistent with the state priorities including identifying resources inequities, which may include a review of the LEAs budgeting, its SPSA-related portion of the LCAP, and school-level budgeting, if applicable. (*EC* Section 64001[g][3][C])

- 5.3 The local governing board must review and approve the SPSA annually and whenever there are material changes to the plan. (*EC* sections 64000[I])

Evidence Requests

EL Program Inclusion in the SPSA or School Plan

Abbreviation: ELinSPSA

Description: Current board approved SPSA or school plan for each site under review, with evidence of EL program inclusion. Indicate the pages or sections that address all criteria set forth in EL 5.1 (a–b) and 5.2 (a–c).

Item Instructions: EL 05: Include the school name, a budget with specific federal program information that aligns to the school’s academic goals and key improvement strategies, and evidence of required approvals by Schoolsite Council and local governing board. Reviewer will indicate which fiscal year to provide.

Related Items: EL 05

EL 06: Title III Inventory

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

(a) Type/description;

(b) Model/name;

(c) Serial number;

(d) Funding source;

(e) Acquisition date;

(f) Cost;

(g) Location;

(h) Title holder;

2020–21 English Learner Program Instrument

- (i) Current condition; and
- (j) Transfer, replacement, or disposition of obsolete or unusable equipment.

(2 Code of Federal Regulations [CFR] Section 200.313[d][1]; *EC* Section 35168; 5 *CCR* Section 3946)

- 6.1 Each LEA must have conducted a physical check of the inventory of equipment within the past two years and reconciled the results with inventory records.

Evidence Requests

Equipment Inventory Records

Abbreviation: EqpmntInvntyRcrds

Description: Historical inventory list of all equipment purchased for \$500 or more per Education Department General Administrative Regulations *EC* requirements and a record of the last physical check of items. If no purchases were made, indicate that in a comment.

Item Instructions: EL 06: For Title III purchases only, include the last five years of purchases, and record of physical verification of location.

Related Items: AE 02, AE 09, ELC 06, EXLP 08, EXLP 11, CTE 02, EL 06, HE 08, ME 06, CE 14, NorD 04

III. Funding

EL 07: Supplement, Not Supplant with Title III

- 7.0 General fund resources must be used to provide services and programs for ELs, including ELD and access to the standard instructional program. The provision of such services and programs must not be contingent on the receipt of state or federal supplementary funds.
(*EC* Section 52168[b][c])

- 7.1 Each LEA must use Title III funds only to supplement, not supplant federal, state, and local public funds that, in the absence of such availability, would have been expended for programs for ELs and immigrant children and youth and in no case to supplant such federal, state, and local public funds.
(20 U.S.C. Section 6825[g]; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989)

- 7.2 Each LEA must properly assess charges for direct or indirect costs of Title III Limited English Proficient (LEP) and immigrant student funds for salaries

2020–21 English Learner Program Instrument

and wages in proportion to the allowable and identified quantity and duties of the employee. (2 CFR sections 200.413, 211.43[a])

7.3 The use of Title III funds must meet the following requirements:

- (a) An LEA utilizes no less than 98 percent of Title III EL apportionments on direct services to ELs and may not use more than 2 percent of such funds for the administration of this program for a fiscal year.
(20 U.S.C. Section 6825[b])

Evidence Requests

Instructional Materials

Abbreviation: InstrctnlMtrls

Description: A list of purchased standard and supplemental instructional materials for all courses in which ELs are enrolled, for all grades, with the funding sources.

Item Instructions: EL 07: See sample template for EL 07 and EL 14 in the California Department of Education Monitoring Tool (CMT) Resource File or contact your FPM Reviewer.

Related Items: EL 07, EL 14

Title III Expenditure Report

Abbreviation: T3expndtrRpt

Description: Detailed general ledger for the current and previous year, with the beginning and ending balances for standardized account code structure resource codes 4203-Title III LEP and 4201-Title III immigrant. Include a chart of accounts, including carryover and administrative costs.

Item Instructions: EL 07: Documentation should include the date, description, vendor name and total amount for each expenditure line item for the entire period(s) under review. Once the complete general ledger has been uploaded, additional documentation may be requested.

Related Items: EL 07

2020–21 English Learner Program Instrument

Title III Funded Professional Development

Abbreviation: T3FndPrfndvlpmt

Description: A list of standard instructional program professional development and supplemental professional development (denoting funding sources) designed to enhance the learning and instruction of ELs and immigrant students.

Item Instructions:

Related Items: EL 07

Job Descriptions and Duty Statements

Abbreviation: JobDesDutStat

Description: An individual employee's job description and duty statement describing responsibilities and activities (cost objectives), as agreed to by employer and employee.

Item Instructions: EL 07: Include all positions partially or completely funded with Title III.

Related Items: EL 07, EL 08, AE 04, FM 01, FM 03, EXLP 11, SEI 05, SEI 07, CTE 02, ME 09, CE 10, CE 11, CE 13, NorD 06

Title III Payroll Records

Abbreviation: PriRcrds

Description: Record of salaries and benefits paid to employees that work at the LEA for the current and previous fiscal year under review, that identifies the employees' name, hours worked, gross pay, net pay, deductions, and payroll period.

Item Instructions: EL 07: Once the payroll records have been uploaded, additional documentation may be requested.

Related Items: EL 07

EL 08: Time and Effort Requirements (Title I and Title III)

- 8.0 Each employee paid in part from Title III and in part from a second funding source, or any employee paid from multiple cost objectives, must provide support for the distribution of their salary or wages among specific activities or cost objectives, or an approved sampling method must be used.
- 8.1 Employees funded solely under Title III must complete a semiannual certification of such employment.

2020–21 English Learner Program Instrument

(2 CFR sections 200.61–62, 200.302, 200.400–200.475)

Evidence Requests

Time and Effort Policies and Procedures

- Abbreviation: TmEffrtPlcyPrcdrs
- Description: The LEA's established written policies and procedures for documenting time and effort of employees that work on federal programs.
- Item Instructions: EL 08: Documentation should include the LEA's specific policies and procedures for documenting actual hours worked, including related internal controls, employee training, reconciliation processes, deadlines, and authority.
- Related Items: AE 02, FM 01, CTE 02, EL 08, CE 13, NorD 06

Time and Effort Records

- Abbreviation: TmAcntngRcrds
- Description: Documentation to support salaries and benefits charged to each program funding source under review in accordance with federal requirements. Records may include personnel activity reports, semiannual certifications, or other equivalent records. Budget estimates do not qualify as support.
- Item Instructions:
- Related Items: AE 02, FM 01, FM 03, EXLP 09, CTE 02, EL 08, HE 10, ME 09, CE 10, CE 13, NorD 05

Job Descriptions and Duty Statements

- Abbreviation: JobDesDutStat
- Description: An individual employee's job description and duty statement describing responsibilities and activities (cost objectives), as agreed to by employer and employee.
- Item Instructions: EL 08: Include all positions partially or completely funded with Title III.
- Related Items: EL 07, EL 08, AE 04, FM 01, FM 03, EXLP 11, SEI 05, SEI 07, CTE 02, ME 09, CE 10, CE 11, CE 13, NorD 06

2020–21 English Learner Program Instrument

Title III Position Control Report

Abbreviation: T3posCont

Description: Budget report of employees planned to be paid in whole, or in part, with federal funds by resource code in the previous and current fiscal year under review.

Item Instructions: EL 08: This LEA-wide report should include the employees' name, resource code(s), salary or hourly rate, and benefits for all funding sources.

Related Items: EL 08

IV. Standards, Assessment, and Accountability

EL 09: Evaluation of Title III-Funded Services and Programs

9.0 Each LEA must evaluate all services and programs funded by Title III to determine the effectiveness of those activities. (20 U.S.C. Section 6841)

9.1 Each LEA receiving Title III funds must provide a report that includes:

- (a) A description of the programs and activities conducted with Title III funds, including how such programs and activities supplemented programs funded primarily with state or local funds;
- (b) The number and percentage of ELs making progress toward attaining English language proficiency, including ELs with a disability;
- (c) The number and percentage of ELs attaining English language proficiency based on the SBE-approved ELPAC overall score of 4;
- (d) The number and percentage of ELs reclassified each school year;
- (e) The number and percentage of students reclassified to fluent English proficient (RFEP) that are meeting state grade-level content standards during each of the four years after reclassification, including ELs with a disability;
- (f) The number and percentage of LTEL students and their date of first enrollment at the LEA or charter; and
- (g) Analytical findings on the effectiveness of Title III-funded services and programs.

(20 U.S.C. Section 6841[a][1-7])

2020–21 English Learner Program Instrument

Evidence Requests

Title III-Funded Services and Materials Report

Abbreviation: TtIIIFnddSrvcsMtrlsRprt

Description: LEA evaluation report including components listed in 9.1 (a–g)

Item Instructions: EL 09: Provide relevant EL-related data and an analysis of findings that may result in recommended changes to improve the effectiveness of Title III-funded programs and services.

Related Items: EL 09

EL 10: Reclassification

10.0 Each LEA must reclassify a student from EL to proficient in English by using a process and criteria that includes, but is not limited to the following:

- (a) Assessment of ELP.
(*EC* Section 313[f][1]; 5 *CCR* Section 11303[a])
- (b) 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* Section 313[f][2]; 5 *CCR* Section 11303[b])
- (c) Opportunities for parent opinion, consultation, and involvement during the reclassification process. (*EC* Section 313[f][3]; 5 *CCR* Section 11303[c])
- (d) 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, which demonstrates 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* Section 313[f][4]; 5 *CCR* sections 11302, 11303[d])

10.1 Regardless of the physical form of such record and to ensure transfer of documentation, each LEA must maintain the following in the student’s permanent record:

- (a) Language and academic performance assessments;
- (b) Participants in the reclassification process; and
- (c) Any decisions regarding reclassification. (5 *CCR* Section 11305)

2020–21 English Learner Program Instrument

10.2 Each LEA must monitor the progress of reclassified pupils for a minimum of four years to ensure correct classification, placement, and additional academic support, as needed.

(20 U.S.C. Section 6841[a][4][5]; 5 CCR Section 11304; Castañeda v. Pickard [5th Cir. 1981] 648 F.2d 989)

Evidence Requests

Reclassification Criteria

Abbreviation: ReclsCrtria

Description: Current approved LEA reclassification criteria for grades kindergarten through twelve (K–12) that includes the statewide criteria of overall performance level 4 on the ELPAC.

Item Instructions:

Related Items: EL 10

Reclassification Process

Abbreviation: ReclsPrcls

Description: Current approved local board policy or administrative regulations that describe the reclassification process.

Item Instructions:

Related Items: EL 10

Reclassification Records/Forms

Abbreviation: ReclsRcrdsFrms

Description: For each site under review, provide three samples of completed reclassification records/forms for the current year with proof of parent/guardian consultation.

Item Instructions:

Related Items: EL 10

2020–21 English Learner Program Instrument

Reclassified to Fluent English Proficient (RFEP) Progress Monitoring

Abbreviation: RFEPPrgsMntrng

Description: Submit a sortable spreadsheet of all students in the LEA reclassified beginning in 2016–17 through the current year.

Item Instructions: EL 10: Data should include: local student ID; school site; grade level; ELPAC test date; ELPAC summative score; reclassification date; current academic status showing courses failed or standard not met; and, interventions (if applicable). For students reclassified through the IEP process, please notate in a separate column. Additional documentation may be requested.

Related Items: EL 10

V. Staffing and Professional Development

EL 11: Teacher EL Authorization

11.0 Teachers assigned to provide ELD and instruction in subject matter courses for ELs must have the appropriate authorizations.

(20 U.S.C. Section 6826 [c]; EC sections 44253.1, 44253.2, 44253.3, 44253.4, 44253.5, 44253.10; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1012–1013)

Evidence Requests

EL Teacher Authorization

Abbreviation: ELTchrAthrztn

Description: Sortable spreadsheet of all LEA teachers by name, site, and appropriate Commission on Teacher Credentialing EL authorization code (e.g. ELA1, S12, BLSP, etc.) or temporary county certificate with EL authorization.

Item Instructions: EL 11: All current teaching staff for the entire LEA, but not non-teaching staff, such as administrators or counselors.

Related Items: EL 11

EL 12: Professional Development Specific to English learners

12.0 Each LEA must provide professional development (PD) specific to the implementation of programs for ELs.

12.1 Each LEA must provide sufficient PD to effectively implement the LEA's EL program.

(Castañeda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1011–1013)

12.2 PD is provided to classroom teachers, principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:

- (a) Designed to improve the instruction and assessment of ELs;
- (b) Designed to enhance the ability of teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs;
- (c) Effective in increasing the student's English language proficiency or substantially increasing the teacher's subject matter knowledge, teaching knowledge, and teaching skills as demonstrated through classroom observation; and
- (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. Section 6825[c][2][A–D])

Evidence Requests

EL-Specific Professional Development

Abbreviation: ELspecPD

Description: LEA and site level EL-specific PD provided to classified staff, counselors, teachers, and administrators, of sufficient intensity and duration, to impact EL achievement.

Item Instructions: EL 12: PD calendars, agendas, descriptions, presentation materials, and sign-in sheets.

Related Items: EL 12

2020–21 English Learner Program Instrument

Teacher Implementation

Abbreviation: ImplmntnELpd

Description: Sample observations or other documents that demonstrate the implementation of EL-specific PD relevant to the grade-level standard instructional program, including ELD.

Item Instructions: EL12: Three samples for each of the reviewed sites.

Related Items: EL 12

VI. Opportunity and Equal Educational Access

EL 13: Language Acquisition Program Options and Parent Choice

- 13.0 School districts and county offices of education must, at a minimum, provide ELs with a structured English immersion (SEI) program. (*EC* Section 305[a][2]) SEI programs provide nearly all classroom instruction in English, but with curriculum and a presentation designed for students who are learning English. (*EC* sections 305[a][2], 306[c][3])
- 13.1 Parents or legal guardians of students enrolled in the school may choose a language acquisition program that best suits their child. “Language acquisition program” refers to educational programs designed to ensure English acquisition as rapidly and as effectively as possible and provide instruction to students on the state-adopted academic content standards, including the ELD standards. The language acquisition programs shall be informed by research and must lead to grade level proficiency and academic achievement in both English and another language. (*EC* sections 306[c], 310[a]; 5 *CCR* Section 11309[c])
- 13.2 An LEA shall notify parents of the language acquisition programs and language programs available in the LEA. The notice must be included with other parent and guardian rights and responsibilities required by *EC* sections 48980 and 48981. Parents of pupils enrolling in an LEA after the beginning of the academic school year shall be provided the notice described above upon enrollment. The notice shall include all of the following:
- (a) A description of any language acquisition programs provided, including Structured English Immersion;
 - (b) Identification of any language to be taught in addition to English, when the program model includes instruction in another language;

2020–21 English Learner Program Instrument

- (c) The information set forth in section 5 CCR Section 11309[c];
- (d) The process to request establishment of a language acquisition program
- (e) If the LEA offers language programs, the notice shall specify the language(s) to be taught, and may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

(EC sections 305, 306, 310, 48980, 48981, and 5 CCR Section 11310; 20 U.S.C. sections 1703[f], 6311 and 6318)

13.3 Schools in which 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 designed to provide language instruction must be required to offer a program to the extent possible.
(EC Section 310[a])

13.4 When the parents of 30 pupils or more are enrolled in a school, or when the parents of 20 pupils or more in the same grade level are enrolled in a school, request the same or substantially similar type of a language acquisition program, the LEA shall respond by taking actions to demonstrate the timelines and requirements in 5 CCR Section 11311[h] are met by the LEA.

13.5 In the case where the LEA determines it is not possible to implement a language acquisition program requested by parents, the LEA shall provide in written form an explanation of the reason(s) the program cannot be provided and may offer an alternate option that can be implemented at the school.
(5 CCR Section 11311[h][3][B])

Evidence Requests

Combined EL Assessment, Placement and Enrollment Data

Abbreviation: CombAllELdata

Description: Most recent ELP level, standard instructional program (i.e. ELD, International Baccalaureate, Advanced Placement, and A–G subject requirements), and academic assessment data. Include all currently enrolled ELs, and identify those who are long term English learners (LTELs) or ELs at risk of becoming LTELs.

Item Instructions: EL 13: See sample spreadsheet for EL 03, 13, and 15 in Resource File or ask your FPM EL Reviewer.

Related Items: EL 03, EL 13, EL 15

2020–21 English Learner Program Instrument

Parental Notice

Abbreviation: PrntlNtc

Description: The LEA's parental notice of rights and responsibilities which includes language acquisition and language programs, including SEI, and the local procedure for determining placement which demonstrates parent choice.

Item Instructions: EL 13: Parent handbook or parent rights and responsibilities notice provided to all parents/guardians upon a child's enrollment.

Related Items: EL 13

Program Request Process

Abbreviation: PrgmRqstPrccs

Description: Submit LEA board policy, administrative regulations, EL master plan, or EL plan with processes and procedures for schools responding to parent requests for language acquisition programs.

Item Instructions:

Related Items: EL 13

VII. Teaching and Learning

EL 14: ELD

14.0 As part of the standard instructional program provided through general funds, all identified ELs must receive a program of ELD instruction, which shall include designated and integrated ELD.

(a) Designated ELD means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted ELD standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR Section 11300 [a])

(b) Integrated ELD means instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English. (5 CCR Section 11300 [c])

14.1 ELD instruction must be designed for ELs to develop proficiency in English as rapidly and effectively as possible and to meet state priorities.

2020–21 English Learner Program Instrument

(20 U.S.C. Section 6825 [c][1][A], *EC* sections 305, 306, 310; 5 *CCR* sections 11300 [a] and [c], 11309; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1006–1011)

14.2 Each LEA must take appropriate action to overcome language barriers that impede equal participation by students in instructional programs. Title III funds shall be used to supplement the standard instructional ELD program. (20 U.S.C. sections 1703 [f], 6825 [c][1][A]; *F* sections 300, 305, 306, 310; 5 *CCR* sections 11302[a], 11309; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1006–1011)

14.3 ELD must be based on sound educational theory, implemented effectively with adequate resources and personnel, and, after a trial period, evaluated for its effectiveness in overcoming language barriers. (20 U.S.C. Section 1703 [f]; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1006–1011; 5 *CCR* Section 11309)

Evidence Requests

Designated ELD Program Description

Abbreviation: DsgntdELDPrgmDscptn

Description: A description of designated ELD programs, for all grades, transitional kindergarten through grade twelve (TK–12), and all ELP levels.

Item Instructions: EL 14: Course descriptions, grouping, course placement, and expected objectives to progress into the next course.

Related Items: EL 14

EL Instructional Scheduling

Abbreviation: InstrctnlSchdlng

Description: Evidence of EL enrollment in ELD and the standard instructional program.

Item Instructions: EL 14: Provide a master schedule, or daily schedule for self-contained classrooms, for all sites under review. In addition, provide three redacted student transcripts from different grades, or schedules for each ELP level, for each secondary site under review. Include each student's ELP level on the respective student transcript or schedule.

Related Items: EL 14, EL 15

2020–21 English Learner Program Instrument

ELD Evaluation

Abbreviation:	ELDEvltn
Description:	An evaluation of whether ELD has been implemented effectively and whether adjustments are needed to assist ELs in overcoming language barriers within a reasonable amount of time.
Item Instructions:	EL 14: Include all supporting data (ELPAC, RFEP, EL graduation rates, etc.) and a report on analytical findings.
Related Items:	EL 14

Instructional Materials

Abbreviation:	InstrctnlMtrls
Description:	A list of purchased core and supplemental instructional materials for all courses in which ELs are enrolled, for all grades, with the funding sources.
Item Instructions:	EL 14: See sample template for EL 07 and EL 14 in CMT Resource File or ask your FPM reviewer.
Related Items:	EL 07, EL 14

Integrated ELD Program Description

Abbreviation:	IntgrdELDPrgmDscptn
Description:	A description of integrated instructional strategies for all grades, TK–12, and ELP levels.
Item Instructions:	
Related Items:	EL 14

EL 15: Access to Standard Instructional Program

15.0 Academic instruction for ELs in grades TK–12 must be designed and implemented to ensure that ELs meet the LEA’s content and performance standards for their respective grade levels within a reasonable amount of time. Academic instruction may be facilitated by the SBE EL Roadmap policy.

15.1 Each LEA must ensure that ELs in middle and high school are not denied participation in the standard instructional program, which, at a minimum, means:

- (a) Enrollment in the standard instructional program, which, at a minimum, consists of:

2020–21 English Learner Program Instrument

- i. Core curriculum courses (reading/language arts, mathematics, science, and history/social science),
 - ii. Courses required to meet state and local high school graduation requirements, and
 - iii. Courses required for middle school grade promotion;
- (b) Enrollment in a full course load of courses that are part of the standard instructional program, and
- (c) Enrollment in courses that meet the subject matter requirements for purposes of recognition for college admissions, such as honors or advanced placement courses.

15.2 Each LEA must monitor student academic progress and provide additional and appropriate educational services to ELs in grades TK–12 for the purposes of overcoming language barriers in each subject matter. Actions to overcome content academic barriers must be taken before the deficits become irreparable.

(20 U.S.C. sections 1703 [f], 6825 [c][1][B]; *EC* sections 305[a][2], 310; 33126, 60811.8; 5 *CCR* Section 11302[b]; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1006–1011)

Evidence Requests

Combined EL Assessment, Placement and Enrollment Data

Abbreviation:	CombAllELdata
Description:	Most recent ELP level, standard instructional program (i.e. ELD, International Baccalaureate, Advanced Placement, and A–G subject requirements), and academic assessment data. Include all currently enrolled ELs, and identify those who are long term English learners (LTELs) or ELs at risk of becoming LTELs.
Item Instructions:	EL 15: See sample spreadsheet for EL 03, 13, and 15 in Resource File or ask your FPM EL Reviewer.
Related Items:	EL 03, EL 13, EL 15

2020–21 English Learner Program Instrument

EL Access to the Standard Instructional Program

Abbreviation:	AcsSndrdInstrnlPrgm
Description:	Procedural guidelines and criteria for placement of ELs, at all proficiency levels, in the standard instructional program and interventions.
Item Instructions:	EL 15: Include an access plan and objectives for exiting intervention programs.
Related Items:	EL 15

EL Instructional Scheduling

Abbreviation:	InstrctnlSchdng
Description:	Evidence of EL enrollment in ELD and the standard instructional program.
Item Instructions:	EL 15: Provide a master schedule, or daily schedule for self-contained classrooms, for all sites under review. In addition, provide three redacted student transcripts from different grades, or schedules for each ELP level, for each secondary site under review. Include each student's ELP level on the respective student transcript or schedule.
Related Items:	EL 14, EL 15

EL Student Progress Monitoring

Abbreviation:	StdntPrgrsMntrng
Description:	Implementation of support services for ELs in the standard instructional program.
Item Instructions:	EL 15: Provide three redacted samples from each site under review of individual EL student progress monitoring that includes interventions for students needing support.
Related Items:	EL 15

Language Instruction in the Standard Instructional Program

Abbreviation:	LngInstrctnCrCntnt
Description:	Descriptions of how instructional strategies and materials in the standard instructional program classes are differentiated for ELs at different grade levels.
Item Instructions:	
Related Items:	EL 15