

# MONITORING INSTRUMENT ITEM REPORT

## 2013–14 Program Instruments

### English Learner On-site 2013–14

#### I. INVOLVEMENT

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

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

#### Comments by SEA

Compliance Indicators I-EL 1. The LEA shall 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 U.S.C. § 7012 (e)(2).)

(b) The LEA informs the parents how they can be involved in the education of their children and be 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).)

(c) A LEA or consortium that has failed to make progress on the annual measurable achievement objectives (AMAO) shall 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).)

Associated Documents EL LEA policies and procedures [r]  
EL sample school-to-home communications, i.e., report cards, parent handbook, progress reports, newsletters [s]  
Sample school-to-home communications in home languages other than English, i.e., report cards, parent handbook, progress reports, newsletter [s]

Required and Suggested Documents AMAO notification letter if LEA fails to meet objectives [r]  
EL AMAO most current notification letter if LEA fails to meet objectives [r]  
EL LEA calendar of scheduled parent meetings for outreach [s]

#### Legal References

#### I. INVOLVEMENT

#### **I-EL 02: ELAC**

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

#### Comments by SEA

Compliance Indicators I-EL 2. A school site with 21 or more English learners has 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) Parents of English learners constitute at least the same percentage of the committee membership as their children represent of the student body. (EC § 52176(b).)
- (c) The school may designate an existing school level advisory committee, or subcommittee of such advisory committee, to fulfill the legal responsibilities of ELAC, if the advisory body meets the criteria in (b). (EC §§ 52176 (b)(c), 64001(a), 5 CCR § 11308(d).)
- (d) The ELAC advises the school site council (SSC) on the development of the Single Plan for Student Achievement (SPSA). (EC § 64001(a).)

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(e) The ELAC advises the principal and staff on the school's program for English learners. (EC § 52176(c).)

(f) The ELAC assists in the development of the school's (EC § 53176(c).):

1. Needs assessment.
2. Language Census Report.
3. Efforts to make parents aware of the importance of regular school attendance.

(g) 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).)

(h) Financial resources may be allocated for reasonable expenses (which may include transportation, child care, translation services, meals, and training) of parent advisory groups on bilingual-bicultural education, at the school and school district incurred in the course of their duties as members of the parent advisory groups. (EC § 52168(b)(4).)

(i) 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. §§ 6312 (g)(4), 7012.)

#### Associated Documents

##### Required and Suggested Documents

ELAC meeting calendar, notifications, agendas, minutes, and sign-in sheets [r]  
ELAC member roster, with designation of EL parents [r]  
ELAC member roster, with designation of EL parents for selected sites [r]  
ELAC training materials [r]  
ELAC training materials for selected sites [r]

#### Legal References

#### I. INVOLVEMENT

### **I-EL 03: DELAC**

Updated 05/29/2013 by Administrator Administrator

SEA Status                      In Progress

#### Comments by SEA

Compliance Indicators      I-EL 3. A LEA with 51 or more English learners has 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.

(a) The DELAC advises the school district governing board on all of the following tasks:

1. 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).)

2. Conducting of a district-wide needs assessment on a school-by-school basis.

(5 CCR § 11308(c)(2).)

3. Establishment of district program, goals, and objectives for programs and services for English learners. (5 CCR § 11308(c)(3).)

4. Development of a plan to ensure compliance with any applicable teacher and instructional aide requirements. (5 CCR § 11308(c)(4).)

5. Administration of the annual Language Census Report. (5 CCR § 11308(c)(5).)

6. Review and comment on the school district's reclassification procedures.

(5 CCR § 11308(c)(6).)

7. Review and comment on the written notifications required to be sent to parents and guardians. (5 CCR § 11308(c)(7).)

(b) The LEA provides 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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#### Associated Documents

Required and Suggested Documents DELAC meeting calendar, notifications, agendas, minutes, and sign-in sheets for last 12 months [r]  
DELAC training materials [r]  
Governing Board minutes where DELAC provided advice [r]  
Roster identifying DELAC representatives by school for last 12 months [r]

#### Legal References

#### II. GOVERNANCE AND ADMINISTRATION

### II-EL 04: Identification, Assessment, and Notification

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

#### Comments by SEA

Compliance Indicators II-EL 4. The LEA properly identifies, assesses, and reports all students who have a primary language other than English.

4.1 A home language survey (HLS) is used at the time of initial enrollment to determine the student's primary language. (EC § 52164.1(a).)

4.2 Within 30 calendar days of initial enrollment, each student whose home language is other than English, as determined by the HLS, is assessed for English proficiency by means of the California English Language Development Test (CELDT). The assessment conducted follows all of the publisher's instructions. (EC § 52164.1(b); 5 CCR §§ 11307(a), 11511.)

4.3 Parents/guardians of English learners are notified of their child's initial English language proficiency assessment results. Parents/guardians of initial fluent English-proficient students are notified of their child's English language proficiency assessment results. (EC § 52164.1(c); 5 CCR § 11511.5.)

4.4 For school districts 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 program), parents/guardians of English learners are 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
- (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.)

4.5 For school districts receiving Title III funds, parents/guardians of English learners are informed annually, not later than 30 days after the beginning of the school year, of:

- (a) Their child's English proficiency level
- (b) How such level was assessed
- (c) The status of the child's academic achievement
- (d) Their child's language designation
- (e) Descriptions of program options and educational materials to be used in different options
- (f) Program placement
- (g) Exit criteria
- (h) English learners with a disability (on IEPs), how such program will meet the objectives of the IEP

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(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.)

4.6 Each English learner is annually assessed for English language development and academic progress. (5 CCR § 11306.)

4.7 All currently enrolled English learners are assessed for English language proficiency by administering the CELDT during the annual assessment window. (5 CCR § 11511.1(b).)

4.8 Each English learner with disabilities is assessed for English language development using accommodations, modifications, or alternate assessments for the CELDT if specified in the pupil's IEP or 504 Plan. (5 CCR § 11516.)

4.9 Parents/guardians of English learners are 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. (EC § 52164.1(c); 5 CCR § 11511.5.)

(20 U.S.C. § 6312 (g); EC § 313 (a)-(c).)

Associated Documents EL sample notifications of completed Title III letters (initial and annual in English and other languages as applicable) without students' names [r]

Required and Suggested Documents EL LEA policies and procedures: identification, parent notification [r]  
EL sample IEPs [r]  
EL sample of Home Language Surveys without students' names [s]  
EL sample of IEPs indicating accommodations for ELs with disabilities [r]

#### Legal References

## II. GOVERNANCE AND ADMINISTRATION

### II-EL 05: Implementation and Monitoring of LEA Plan

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

#### Comments by SEA

Compliance Indicators II-EL 5. A LEA operating categorical programs, including Title III, implements and monitors the approved LEA plan.

5.1 To help English learners meet challenging achievement academic standards, each LEA plan shall include:

(a) A 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

5.2 Minimum required components of the plan:

- (a) Description of 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.

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(20 U.S.C. §§ 6312 (b)(1)(A)(i), (ii), (iii), 6826.)

Associated Documents

Required and Suggested Documents Title III amendment and related documents [r]

Legal References

#### II. GOVERNANCE AND ADMINISTRATION

### **II-EL 06: School Site Council Develops and Approves SPSA**

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators II-EL 6. For all programs funded through the Consolidated Application and Reporting System including programs for English learners, EIA-LEP, and Title III and operated at the school, the SSC annually develops, reviews, updates, and approves the SPSA, including proposed expenditures. The SPSA consolidates all plans required by these programs and contains:

- (a) Analysis of academic performance data to determine student needs
- (b) School goals to meet the identified academic needs of students
- (c) Activities to reach school goals that improve the academic performance of students
- (d) Expenditures of funds 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 (20 U.S.C. §§ 6314 (b)(1)(2), 6315 (c)(2), 6826; EC § 64001(f).)

6.1 The local governing board reviews and approves 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).)

6.2 The SPSA is consistent with the LEA Plan. (EC § 64001(h).)

6.3 The SSC annually considers whether or not it wishes the local school to participate in the School-based Coordination Program (SBCP) and that decision is indicated in the SPSA. (EC § 52852.5(b).)

6.4 If the school operates a SBCP program, the SPSA contains a description of instructional and auxiliary services to meet the special needs of English learners, educationally disadvantaged youth, gifted and talented students, and students with exceptional needs. (EC § 52853(a)(2).)

(EC § 64001(f),(g),(h).)

Associated Documents EL fiscal records: EIA-LEP and Title III funds; budget pages, purchase orders, and expenditure records [r]  
Single Plan for Student Achievement (SPSA) [r]

Required and Suggested Documents EL fiscal records: EIA-LEP and Title III funds; budget pages, purchase orders, and expenditure records for selected sites [r]  
SSC agendas and minutes  
SSC agendas and minutes EL approval of allocations, proposed expenditures, and centralized services [r]

Legal References

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##### II. GOVERNANCE AND ADMINISTRATION

### II-EL 07: Translation of Information for Parents

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators II-EL 7. The LEA provides parents with information on school and parent activities in a format and, to the extent practicable, in a language the parents can understand.

7.1 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 are written in English and the primary language. (EC § 48985; 5 CCR § 11316.)

(20 U.S.C. § 6318 (e)(5).)

Associated Documents

Required and Suggested Documents EL budget and ledger entries for translation expenditures [r]  
EL phone logs [s]  
EL school-to-home communications in other languages (report cards, parent handbook, progress reports, newsletter [s]  
EL school-to-home communications in other languages (report cards, parent handbook, progress reports, newsletters [s]  
School language census data that includes RFEP, IFEP, and EL students for selected sites [r]

Legal References

##### II. GOVERNANCE AND ADMINISTRATION

### II-EL 08: Inventory

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators II-EL 8. For all categorical programs, the LEA maintains an inventory record for each piece of equipment, with an acquisition cost of \$500 or more per unit, that is purchased with state and/or federal funds including EIA-LEP and Title III. The record describes the acquisition by:

- (a) Type
- (b) Model
- (c) Serial number
- (d) Funding source
- (e) Acquisition date
- (f) Cost
- (g) Location
- (h) Current condition
- (i) Transfer, replacement, or disposition of obsolete or unusable equipment

(EC § 35168; 5 CCR § 3946; 34 CFR § 80.32 (d) (I).)

Associated Documents

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Required and Suggested Documents EL inventory records of items bought with EIA-LEP and Title III funds [r]  
EL invoices for budgeted items [r]  
EL physical check of inventory [r]

Legal References

#### III. FUNDING

### III-EL 09: Adequate General Funds; Supplement Not Supplant

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators III-EL 9. Adequate general fund resources are used to provide each English learner with learning opportunities in an appropriate program, including English language development, and the rest of the core curriculum. The provision of such services is not contingent on the receipt of state or federal categorical aid funds.

9.1. For the following programs, EIA-LEP and Title III, the LEA uses categorical funds only to supplement the level of Federal, State and local public funds and in no case supplant such Federal, State, and local public funds. (20 U.S.C. §§ 1703(f), 6825(g), 54025(c); Casta&#241;eda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1010, 1012-1013.)

Associated Documents CARS (EIA-LEP and Title III pages) [r]  
EL fiscal records: EIA-LEP and Title III funds; budget pages, purchase orders, and expenditure records [r]  
EL job descriptions, duty statements, and activity logs [r]

Required and Suggested Documents EL list of personnel (name, position, title) funded with EIA-LEP/Title III (LEA and sites) [r]

Legal References

#### III. FUNDING

### III-EL 10: Supplement Not Supplant With Title III

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators III-EL 10. Beginning with fiscal year 2009-10, in 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); Casta&#241;eda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1010, 1012-1013;  
EC §§ 48985, 62002, 64000(b)(c), 64001(g); 5 CCR § 11316.)

Associated Documents CARS (EIA-LEP and Title III pages) [r]  
EL fiscal records: EIA-LEP and Title III funds; budget pages, purchase orders, and expenditure records [r]  
EL job descriptions, duty statements, and activity logs [r]

Required and Suggested Documents Budget ledger for translation expenditures [r] Budget summary sheets for selected sites and/or end of year report [r]  
EL LEA policies

Legal References

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##### III. FUNDING

### III-EL 11: EIA Funds Disbursed to School Sites

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

##### Comments by SEA

Compliance Indicators III-EL 11. The LEA disburses categorical funds, including EIA-LEP and Title III, in accordance with the approved Consolidated Application and Reporting System (CARS).

11.1 For programs funded by EIA, the LEA utilizes no less than 85 percent of those apportionments at school sites for direct services to students. (EC § 63000, 63001.)

11.2 For programs funded by Title III, the LEA utilizes no less than 98 percent of those 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).)

(EC §§ 62002, 64000(b)(c), 64001(g).)

Associated Documents CARS (EIA-LEP and Title III pages) [r]  
EL job descriptions, duty statements, and activity logs [r]

##### Required and Suggested Documents

##### Legal References

##### III. FUNDING

### III-EL 12: Properly Assesses Costs for Salaries

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

##### Comments by SEA

Compliance Indicators III-EL 12. The LEA properly assesses administrative charges for direct or indirect costs of federal funds for salaries and wages in proportion to an allowable quantity and duties of the employee.

12.1 Each employee paid in part from a single cost objective and in part from other revenue, or an employee paid from multiple cost objectives, completes a Personnel Activity Report (PAR) each pay period, or an approved sampling method is used.

12.2 Employees funded under a single cost objective, and employees funded with state funds under the School-Based Coordinated Program, complete a semiannual certification of such employment.

(California School Accounting Manual [CSAM]; OMB Circular A-87, Attachment B, 8.h; OMB Circular A-133, ED Cross-Cutting Section, III.B.2); (EC § 52853(a)(7).)  
(CSAM; OMB Circular A-87, Attachment B, 8.h; OMB Circular A-133, ED Cross-Cutting Section, III.B.2) (20 U.S.C. § 6825 (b).)

Associated Documents EL job descriptions for EIA-LEP, Title III funded positions [r]  
EL job descriptions, duty statements, and activity logs [r]

Required and Suggested Documents EL job descriptions, duty statements, and activity logs for selected sites [r]  
EL list of positions funded with EIA-LEP and Title III funds [r]  
EL semiannual certifications [r]



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EL time accounting and payroll records [r]

#### Legal References

#### IV. STANDARDS, ASSESSMENT, AND ACCOUNTABILITY

### IV-EL 13: EL Program Evaluation

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

#### Comments by SEA

Compliance Indicators IV-EL 13. The LEA develops and implements a process and criteria to determine the effectiveness of programs for English learners, including:

- (a) A means to evaluate how programs for English learners produce within a reasonable period of time:
  - i. 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
- (b) An ongoing mechanism for using the procedures described above to improve district-wide and school site EL program implementation and to modify the program, as needed, to ensure that each English learner achieves full proficiency in English and academic achievement at grade level as rapidly as possible.  
(20 U.S.C. § 1703 (f), 6841; Casta&#241;eda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1009–1011; EC § 64001 (f).)

#### Associated Documents

#### Required and Suggested Documents

EL LEA and site evaluation reports [r]  
EL LEA and site evaluation reports that include analysis of verifiable data and conclusions [r] EL student CELDT scores [r] AMAO data [r] Addendum to SPSA [r] Meeting minutes analyzing the effectiveness of programs for ELs (SSC, DELAC, ELAC) [s]  
EL LEA process for ongoing evaluation-process, timeline, criteria [r]  
Title III Year 4 Action Plan [r]

#### Legal References

#### IV. STANDARDS, ASSESSMENT, AND ACCOUNTABILITY

### IV-EL 14: Reclassification

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

#### Comments by SEA

Compliance Indicators IV-EL 14. The LEA reclassifies 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 (CELDT) (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).)

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(d) Opportunities for parent opinion and consultation during the reclassification process.  
(EC § 313(d)(3); 5 CCR § 11303(c).)

14.1 The LEA maintains in the pupil's permanent record (regardless of the physical form of such record) and to ensure transfer of documentation of 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 monitors for a minimum of two years the progress of pupils reclassified to ensure correct classification, placement, and additional academic support, if needed. (20 U.S.C. § 6841; 5 CCR § 11304.)

#### Associated Documents

##### Required and Suggested Documents

EL LEA policies and procedures for reclassification [r]  
Evidence from teacher that there was an evaluation that demonstrates student academic performance [r]  
List of ELs by CELDT level, time spent in program, academic achievement (CST) [r]  
List of students reclassified as IFEP (without last name) [r]  
Records that verify student has met reclassification criteria [r]  
Records that verify student has met reclassification criteria [r] Evidence of two-year follow-up of all reclassified students [r]

#### Legal References

#### V. STAFFING AND PROFESSIONAL DEVELOPMENT

### V-EL 15: Teacher EL Authorization

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

#### Comments by SEA

Compliance Indicators V-EL 15. Teachers assigned to provide English language development or access to core curriculum instruction for English learners are appropriately authorized or are actively in training for an appropriate EL authorization.

15.1 A LEA with a documented shortage of teachers authorized to provide such instruction has written, adopted, and implemented policies and procedures to remedy the shortage.  
(20 U.S.C. §§ 6319 (a)(1), 6826 (c); EC § 44253.1, 44253.2, 44253.3, 44253.10; Casta v. Pickard [5th Cir. 1981] 648 F.2d 989, 1009-1011.)

#### Associated Documents

##### Required and Suggested Documents

EL LEA policy or plan to ensure all teachers are appropriately authorized [s]  
EL MOU for teachers in training [r]  
EL Personnel Activity Reports (PARs) [r]  
For EL teachers/interns in training, documentation verifying commitment to complete authorization (such as a memorandum of understanding) [r] EL list of teachers (district and selected sites), including: name of teachers instructing ELs  
LEA policy to ensure all teachers are appropriately authorized [r]  
List of teachers instructing ELs and their EL authorizations [r]

#### Legal References

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#### V. STAFFING AND PROFESSIONAL DEVELOPMENT

### V-EL 16: Professional Development

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators V-EL 16. The LEA provides high-quality professional development to classroom teachers, principals, administrators, and other school or community-based personnel that is:

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

(Casta&#241;eda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1009-1011.)

Associated Documents

Required and Suggested Documents EL professional development calendar [r]  
EL professional development policies [r]  
EL professional development records (e.g., agendas, sign-in sheets, etc.) on EL strategies for classified staff, counselors, teachers, and administrators [r]  
EL sample of ELD classroom observation (formal or informal) from each selected site (e.g., observations conducted by administrators, coaches, and/or peers) [s] EL sample of core classroom observation (formal or informal) from each selected site (e.g.,

Legal References

#### VI. OPPORTUNITY AND EQUAL EDUCATIONAL ACCESS

### VI-EL 17: Appropriate Student Placement

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators VI-EL 17. All pupils are placed in English language classrooms unless a parental exception waiver has been granted for an alternative program.

17.1 Based on LEA criteria of reasonable fluency, English learners are placed in structured English immersion (SEI) or in English language mainstream (ELM) program settings. English learners who do not meet the LEA criteria for participation in an ELM are placed in an ELM program at any time during the school year, if the parent or guardian so requests. (5 CCR § 11301.)

17.2 The LEA has designed and implemented an SEI English language acquisition process in which the curriculum and instruction are designed for children who are learning the language. (EC §§ 305, 306, 310, and 311.)

Associated Documents EL sample notifications of completed Title III letters (initial and annual in English and other languages as

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Required and Suggested Documents	applicable) without students' names [r] EL description of Structured English Immersion (SEI) and English Mainstream (ELM) [r] EL placement criteria in ELD and core classes [r]
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Legal References

#### VI. OPPORTUNITY AND EQUAL EDUCATIONAL ACCESS

### VI-EL 18: Parental Exception Waiver

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators VI-EL 18. Parents and guardians of ELs are informed of the placement of their children in an English language classroom and are notified of an opportunity to apply for a parental exception waiver for their children to participate in an alternative program.

18.1 LEA procedures for granting parental exception waivers 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 are 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.)

18.5 The IEP team determines placement of each special education student regardless of language proficiency. (34 CFR § 300.324 (2)(ii).)

(20 U.S.C. § 6312(g)(1)(A); EC 48985.)

Associated Documents EL sample notifications of completed Title III letters (initial and annual in English and other languages as applicable) without students' names [r]

Required and Suggested Documents EL alternative program descriptions [r]  
EL description of alternative program [r]  
EL LEA policies/procedural guidelines for the alternative program options [r]  
EL sample approved/denied waivers (without names) [r]  
EL sample completed waiver forms approved/denied [r]  
EL sample records of waivers (without names) [r]

# MONITORING INSTRUMENT ITEM REPORT

## 2013–14 Program Instruments

### English Learner On-site 2013–14

Legal References

VI. OPPORTUNITY AND EQUAL EDUCATIONAL ACCESS

#### **VI-EL 19: Equitable Services to Private Schools**

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators VI-EL 19. For participating private schools, the LEA provides equitable educational services and benefits to address the needs of eligible school students, their teachers, and their families.

- (a) Identification of students' needs. (20 U.S.C. §§ 6320 (b)(1)(A), 7881 (c)(1)(A).)
- (b) What services and/or products will be offered. (20 U.S.C. §§ 6320 (b)(1)(B), 7881 (c)(1)(B).)
- (c) Service delivery options, including services through a contract with a third-party provider. (20 U.S.C. §§ 6320 (b)(1)(C)(G), 7881(c)(1)(C).)
- (d) Assessment and improvement of services. (20 U.S.C. §§ 6320 (b)(1)(D), 7881 (c)(1)(D).)
- (e) The size and scope of services and the proportion of funds allocated. (20 U.S.C. §§ 6320 (b)(1)(E), 7881 (c)(1)(E).)
- (f) Program delivery options. (20 U.S.C. §§ 6320 (b)(3), 7881 (c)(4).)
- (g) Reasons for not using a contractor preferred by private school officials. (20 U.S.C. §§ 6320 (b)(1)(H), 7881 (c)(2).)
- (h) The right to complain to the state educational agency that the local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official. (20 U.S.C. §§ 6320 (b)(5)(A).)
- (i) On an annual basis, the LEA has consulted with all 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.)
- (j) Parents participate on an equitable basis in parental involvement services and activities. (20 U.S.C. § 6320 (a)(1).)
- (k) The LEA assesses identified students annually for English language proficiency using a valid and reliable instrument. (20 U.S.C. § 6320.)

(20 U.S.C. §§ 6320 (a)(1), 7881 (a)(1).)

Associated Documents Dated notice to private schools of ESEA eligibility [r]

Required and Suggested Documents EL professional development records [r]  
List of private schools within the LEA's attendance boundaries [r]  
Private school parent involvement records [r]  
Records of private school affirmation, consultation, and services provided to private schools [r]

Legal References

VII. TEACHING AND LEARNING

#### **VII-EL 20: ELD**

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

# MONITORING INSTRUMENT ITEM REPORT

## 2013–14 Program Instruments

### English Learner On-site 2013–14

Compliance Indicators VII-EL 20. Each English learner receives a program of instruction in English language development (ELD) in order to develop proficiency in English as rapidly and effectively as possible.

(20 U.S.C. §§ 1703 (f), 6825 (c)(1)(A); EC §§ 300, 305, 306, 310; 5 CCR § 11302(a); Casta&#241;eda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1009-1011.)

#### Associated Documents

Required and Suggested Documents ELD course/curriculum descriptions [r]  
ELD daily/master schedule [r]  
ELD placement criteria [r]  
List of ELD instructional materials used [r]

#### Legal References

#### VII. TEACHING AND LEARNING

### VII-EL 21: Access to the Core

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

#### Comments by SEA

Compliance Indicators VII-EL 21. Academic instruction for ELs is designed and implemented to ensure that English learners meet the district's content and performance standards for their respective grade levels in a reasonable amount of time.

21.1 The LEA has implemented a plan to assist all English learners to achieve at high levels in the core academic subjects so that those children can meet the same challenging state academic content and achievement standards all children are expected to meet.

21.2 The LEA has developed and is implementing a plan for monitoring and overcoming any academic deficits English learners incur while acquiring English. Actions to overcome academic deficits are taken before the deficits become irreparable.

(20 U.S.C. §§ 1703 (f), 6312, 6825 (c)(1)(B); EC §§ 306, 310; 5 CCR § 11302(b); Casta&#241;eda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1009-1011.)

(20 U.S.C. § 6812.)

#### Associated Documents

Required and Suggested Documents Courses designated for ELs and/or master schedule showing courses designated for ELs [r]  
EL procedural guidelines and criteria for placement [r]  
Intervention program for ELs [r]  
LEA plan for monitoring ELs progress including benchmarks and catch-up plan [r]  
Master Class Schedule [r]

#### Legal References