



# English Learner 2022–23 Program Instrument

California Department of Education  
May 2022

## 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

## 2022–23 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: ELACadvstry

Description: For each site under review, provide current and previous year member rosters with their child’s English Language acquisition status, roles, meeting agendas, attendance records, minutes, including input for the SPSA, needs assessment, and training materials.

Item Instructions: EL 01: If the ELAC has opted to create bylaws (not required for ELAC), please provide them.

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.

## 2022–23 English Learner Program Instrument

- (f) Review and comment on the written notifications required to be sent to parents and guardians. (5 *CCR* Section 11308)
  - (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[c])

### Evidence Requests

#### District English Learner Advisory Committee

Abbreviation: DELACadvstry

Description: Current and previous year member rosters, roles, meeting agendas, minutes, attendance records, needs assessment, training materials, and written input into the LCAP development.

Item Instructions: EL 02: If the DELAC has opted to create bylaws (not required for DELAC), please provide them.

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. (20 United States Code [U.S.C.] 6823[b][2]; *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

## 2022–23 English Learner Program Instrument

primary or native language of the student is a language other than English. (20 U.S.C. 6823[b][2]; 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 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. (20 U.S.C. 6823[b][2]; 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. (20 U.S.C. 6823[b][2]; *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. (20 U.S.C. sections 6311[b][2][G], 6823[b][3][B]; *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)

## 2022–23 English Learner Program Instrument

### Evidence Requests

#### Combined EL Assessment, Placement, and Enrollment Data

|                    |  |
|--------------------|--|
| Abbreviation:      | CombAllELdata  |
| Description:       | Most recent ELP and academic assessment results and dates, and language acquisition program placement. Identify long term English learners (LTELs) or ELs at risk of becoming LTELs. |
| Item Instructions: | EL 03: Include all currently enrolled ELs in the LEA. See sample spreadsheet for EL 03, 13, and 15 in Resource Box.  |
| 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 Initial 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 English language development (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 or consortium 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:
    - i. ELP; and
    - ii. Student academic achievement; (20 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:

## 2022–23 English Learner Program Instrument

- 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])
  - (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;

## 2022–23 English Learner Program Instrument

- 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])
  - (i) Carrying out other activities that are consistent with the purposes of this section. (20 U.S.C. Section 6825[d][9])
- 4.3 Immigrant children and youth means individuals who:
- (a) Are aged 3 through 21;
  - (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 enhanced 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



## 2022–23 English Learner Program Instrument

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 children and youth.

Item Instructions: EL 04: Provide local procedure for making available any specialized immigrant student instructional opportunities or family outreach services funded by Title III Immigrant funds (resource 4201).

Related Items: EL 04

#### LEA Title III Plan

Abbreviation: TtIIIPln

Description: LEA Title III Plan for the current subgrant year, such as the LCAP Federal Addendum and current annual evaluation and revision of Title III spending plan, which meets the criteria of EL 04.

Item Instructions:

Related Items: EL 04

#### Title III Consortia Memorandum of Understanding

Abbreviation: Ttl3lcnstia

Description: Applies only to Title III consortium leads and members 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, please state so in the California Department of Education Monitoring Tool (CMT) 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. (*EC* Section 64001[c])
- 5.1 The development of the SPSA shall include the following actions:
- (a) The administration of a comprehensive needs assessment with an analysis of academic performance and language development data, that includes a determination of EL student and program needs. (*EC* Section 64001[g][2][A])
  - (b) Identification of the process for annually evaluating and monitoring implementation and progress toward accomplishing program goals identified in the SPSA, including those which address the needs of ELs not meeting or at risk of not meeting challenging state academic content standards. (20 U.S.C. 6314[b][6]; 34 *Code of Federal Regulations* [CFR] Section 200.25[a]; *EC* Section 64001[g][2][B])
- 5.2 An approved SPSA must contain:
- (a) Goals to improve student outcomes, identified through the needs assessment, including those 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 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 SPSA shall be reviewed and updated annually, and approved by the local governing board whenever there are material changes to the plan. (*EC* Section 64001[i])

## 2022–23 English Learner Program Instrument

### 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.

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/identification number;
- (d) Funding source;
- (e) Acquisition date;
- (f) Original Cost;
- (g) Location and use;
- (h) Percentage of Federal participation in the project costs for the Federal award under which the property was acquired;
- (i) Title holder;
- (j) Current condition; and
- (k) Transfer, replacement, or disposition of obsolete or unusable equipment.

(2 CFR Section 200.313[d][1]); EC Section 35168; 5 CCR Section 3946)

## 2022–23 English Learner Program Instrument

- 6.1 Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity. (2 CFR Section 200.439[b][2])
- 6.2 Equipment purchased with a fair market value in excess of \$5,000 may be retained, sold, or disposed of with written approval of the Federal awarding agency or pass-through entity. Equipment with a current fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the Federal awarding agency or pass-through entity. (2 CFR Section 200.313[e][1]-[4])
- 6.3 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. (2 CFR Section 200.313[d][2])

### Evidence Requests

#### Equipment Inventory Records

- Abbreviation: EqmntInvntyRcrds
- 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 sections 300, 305[a])
- 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])
- 7.2 The LEA shall ensure that costs charged to the program(s) under Title III are reasonable, necessary, and allocable in accordance with applicable statutes, regulations, and program plan(s). (2 CFR 200.403 – 200.405)
- 7.3 Each LEA must use 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 cost of 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 CMT Resource File.
- Related Items: EL 07, EL 14

## 2022–23 English Learner Program Instrument

### 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 EL and 4201-Title III immigrant. Include a chart of accounts, including carryover and administrative costs. |
| Item Instructions: | EL 07: Title III general ledger for 2021–22 and 2022–23; include date, description, vendor name, and total amount for each expenditure line item for entire period(s) under review. Upon review, additional documents may be requested.   |
| Related Items:     | EL 07   |

### Title III Funded Professional Development

|                    |   |
|--------------------|---|
| Abbreviation:      | T3FndPrfnlDvlpmt  |
| Description:       | A list of standard instructional program professional development and Title III funded supplemental professional development (denoting funding sources) designed to enhance the learning and instruction of ELs and immigrant students. |
| Item Instructions: |   |
| Related Items:     | EL 07   |

### Duty Statements

|                    |  |
|--------------------|--|
| Abbreviation:      | DtyStmnt   |
| Description:       | An individual employee's 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. Delineate duties by funding source.                              |
| 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                                      |

## 2022–23 English Learner Program Instrument

### 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: Submit payroll records showing wages and benefits funded by Title III resources (4201 and 4203). Upon review, additional documents may be requested.

Related Items: EL 07

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

8.0 The LEA must properly charge and document allowable salaries and wages that are reasonable and necessary in accordance with applicable Title III program requirements and federal accounting requirements. (2 CFR sections 200.302, 200.303, 200.430[a] and [i])

### 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. Current year.

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

## 2022–23 English Learner Program Instrument

### Time and Effort Records

- Abbreviation: TmEfrtRcrds
- 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: EL 08: Provide time and effort records for any employee whose duties and/or activities were charged to Title III, including extra duties, overtime, or stipends.
- Related Items: AE 02, FM 01, FM 03, EXLP 09, CTE 02, EL 08, HE 10, ME 09, CE 10, CE 13, NorD 05

### Duty Statements

- Abbreviation: DtyStmnt
- Description: An individual employee's 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. Delineate duties by funding source.
- 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 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 such LEA receiving Title III funds must provide a program evaluation 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])

### Evidence Requests

#### Title III-Funded Services and Supplemental Program Evaluation

Abbreviation: TtIIIFnddSrvcsMtrlsRprt

Description: An evaluation of the effectiveness of Title III funded activities. Include all supporting data listed in 9.1 (a–f).

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 English learners 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)
- 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)

## 2022–23 English Learner Program Instrument

### 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, reviewer will request three completed reclassification records/forms with proof of parent/guardian consultation.

Item Instructions: EL 10: Reviewer will select from RFEP progress monitoring spreadsheet provided by the LEA.

Related Items: EL 10

#### Reclassified to Fluent English Proficient (RFEP) Progress Monitoring

Abbreviation: RFEPPrclsMntrng

Description: Submit a sortable spreadsheet of all students in the LEA reclassified beginning in 2018–19 through the current year.

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

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 in which ELs are enrolled must have the appropriate authorizations and be fluent in English.

(20 U.S.C. Section 6826 [c]; *EC* sections 44253.1, 44253.2, 44253.3, 44253.4, 44253.5, 44253.6, 44253.7, 44253.10; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1012–1013; 5 *CCR* Section 11309[c][2])

### Evidence Requests

#### EL Teacher Authorization

Abbreviation: ELTchrAthrztn

Description: Sortable spreadsheet with all currently employed teachers listed only once by name (first, middle, and last), site, and appropriate Commission on Teacher Credentialing EL authorization code (e.g., ELA1, S12, BLSP, etc.) or evidence of a temporary county certificate (TCC) with EL authorization.

Item Instructions: EL 11: Include only teachers of record. Do not include non-teaching certificated staff, such as administrators, speech pathologists, school psychologists, nor counselors.

Related Items: EL 11

### EL 12: Professional Development Specific to English learners

12.0 Each LEA must provide sufficient professional development (PD) to effectively implement the LEA's EL program. (5 *CCR* 11309(c)(2); *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989, 1012–1013)

12.1 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

## 2022–23 English Learner Program Instrument

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 classroom teachers, administrators, and support staff that is 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

#### Implementation of EL-Specific PD

Abbreviation: ImplmntnELpd

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

Item Instructions: EL 12: Three samples from each site under review.

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. 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 for English learners to ensure English acquisition as rapidly and as effectively as possible. Such programs must include instruction on the state-adopted academic content standards, including the ELD standards. 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* sections 11300[d], 11309[c])
- 13.2 The annual notice of parent and guardian rights and responsibilities shall also notify parents of the language acquisition and language programs available in the LEA. The annual notice must be distributed as required by *EC* sections 48980 and 48981. Parents of all pupils enrolling in an LEA after the beginning of the academic school year shall be provided the notice of rights and responsibilities described above upon enrollment. The annual notice of parent and guardian rights and responsibilities 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;
  - (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.

## 2022–23 English Learner Program Instrument

(*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 such 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 and academic assessment results and dates, and language acquisition program placement. Identify long term English learners (LTELs) or ELs at risk of becoming LTELs.
- Item Instructions: EL 13: Include all currently enrolled ELs in the LEA. See sample spreadsheet for EL 03, 13, and 15 in Resource Box.
- Related Items: EL 03, EL 13, EL 15

## 2022–23 English Learner Program Instrument

### Parental Notice

|                    |  |
|--------------------|--|
| Abbreviation:      | PrntlNtc   |
| Description:       | The LEA’s parental notice of rights and responsibilities required by <i>EC 48980</i> and <i>48981</i> which includes the information in 13.2 above: language acquisition and language programs offered, including SEI, and the local procedure for determining placement which demonstrates parent choice. |
| Item Instructions: | EL 13: The LEA’s parent handbook or parent rights and responsibilities notice provided to all parents/guardians upon a child’s enrollment. EL program placement must demonstrate parent’s right to choose a program for their child.   |
| Related Items:     | EL 13  |

### Program Request Process

|                    |   |
|--------------------|---|
| Abbreviation:      | PrgrmRqstPrCs   |
| Description:       | Submit LEA board policy, administrative regulations, board adopted EL master plan (or EL plan) with processes and procedures for schools responding to parent requests for language acquisition programs. |
| Item Instructions: | EL 13: The process for parents to request an additional program must be present in board policies as well as the annual notice of parent and guardian rights and responsibilities.                        |
| 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



## 2022–23 English Learner Program Instrument

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. (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)
- 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]; *EC* sections 300, 305, 306, 310; 5 *CCR* sections 11302[a], 11309; *Castañeda v. Pickard* [5th Cir. 1981] 648 F.2d 989)
- 14.3 ELD must be based on sound educational theory, implemented effectively with adequate resources and personnel, and 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, 1009–1010; 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

## 2022–23 English Learner Program Instrument

### EL Instructional Scheduling

Abbreviation: InstrctnlSchdng

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

Item Instructions: EL 14: Provide a master or daily schedule for all sites under review. In addition, provide 3 redacted transcripts or schedules with current ELP level, for each secondary site under review.

Related Items: EL 14, EL 15

### ELD Evaluation

Abbreviation: ELDEvltn

Description: An evaluation of whether the LEA's comprehensive ELD program 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 locally adopted 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.

Related Items: EL 07, EL 14

## 2022–23 English Learner Program Instrument

### 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, meaning they cannot be denied any of the following:
- (a) Enrollment in the standard instructional program, which, at a minimum, consists of:
    - 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 are not part of the standard instructional program but either meet the subject matter requirements for purposes of recognition for college admissions, or are advanced courses, 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.

## 2022–23 English Learner Program Instrument

(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.)

### Evidence Requests

#### Combined EL Assessment, Placement, and Enrollment Data

- Abbreviation: CombAllELdata
- Description: Most recent ELP and academic assessment results and dates, and language acquisition program placement. Identify long term English learners (LTELs) or ELs at risk of becoming LTELs.
- Item Instructions: EL 15: Include all currently enrolled ELs in the LEA. See sample spreadsheet for EL 03, 13, and 15 in Resource Box.
- Related Items: EL 03, EL 13, EL 15

#### EL Access to the Standard Instructional Program

- Abbreviation: AcsSndrdInstrnlPrgm
- Description: Procedural guidelines and criteria for placement of ELs including newcomers in grades 6–12, at all proficiency levels, in the standard instructional program and interventions.
- Item Instructions:
- 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 or daily schedule for all sites under review. In addition, provide 3 redacted transcripts or schedules with current ELP level, for each secondary site under review.
- Related Items: EL 14, EL 15

## 2022–23 English Learner Program Instrument

### **EL Student Progress Monitoring**

Abbreviation: StdntPrgrsMntrng

Description: Description of progress monitoring and support services implemented for ELs in the standard instructional program.

Item Instructions: EL 15: Provide a description and three redacted samples from each site under review of individual EL student progress monitoring that includes interventions and objectives for exiting intervention programs.

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