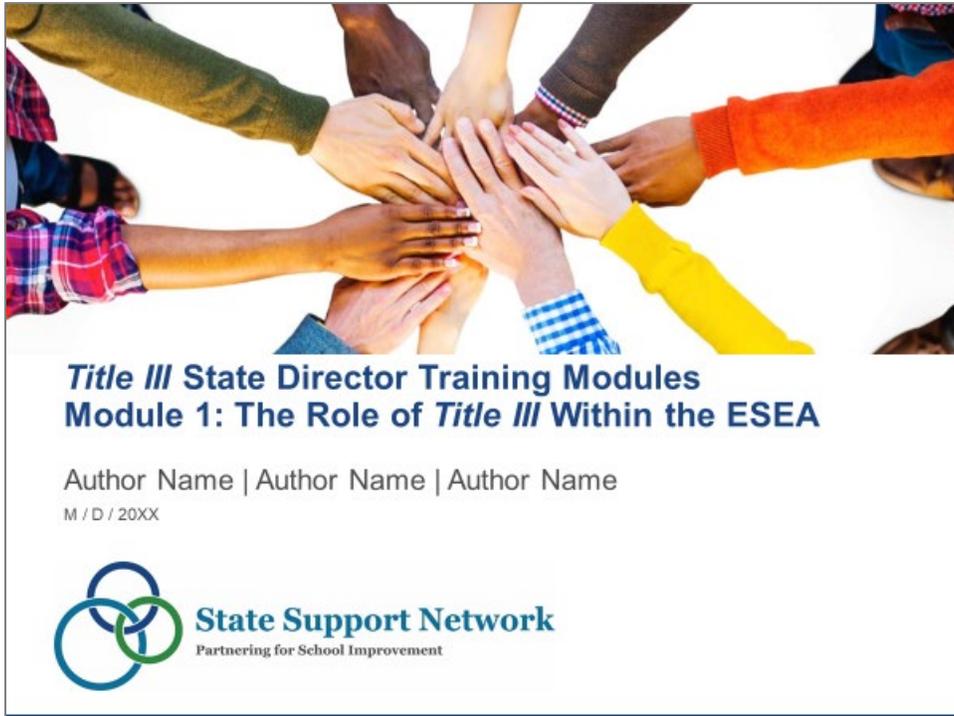


Title III State Director Training Modules: **Module 1: The Role of Title III Within the ESEA**



Module 1: Overview

This module (Module 1) provides key background information on the purpose and requirements of *Title III, Part A*, under the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA). All references to ESEA within this and other modules refer to the ESEA as amended by ESSA.

This module will take approximately 30 minutes to complete.

Module 1: Topics Covered in This Module

1. Purpose of *Title III*
2. Terminology in *Title III*
3. Essential connections between *Title III* and other laws
 - Civil Rights
 - *Title I, Part A*

Module 1: Objectives

By the time you finish this module, you will be able to:

- Describe the purposes of *Title III*.
- Define terms specific to *Title III* and, when appropriate, to *Title I*.
- Describe the essential connections between *Title III* and other laws.

Topic 1: Purpose of Title III, Part A

There are five purposes of Title III under the ESEA:

1. "To help ensure that English learners (ELs), including immigrant children and youth, attain English language proficiency (ELP) and develop high levels of academic achievement in English;
2. To assist all ELs, including immigrant children and youth, to achieve at high levels in academic subjects so that all ELs can meet the same challenging State academic standards that all children are expected to meet;
3. To assist teachers (including preschool teachers), principals and other school leaders, State educational agencies (SEAs), local educational agencies (LEAs), and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching ELs, including immigrant children and youth;
4. To assist teachers (including preschool teachers), principals and other school leaders, State educational agencies (SEAs), and local educational agencies (LEAs) to develop and enhance their capacity to provide effective instructional programs designed to prepare ELs, including immigrant children and youth, to enter all-English instructional settings; and
5. To promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of ELs."
(ESEA § 3102)

ESEA § 3102 PURPOSES.

The purposes of this part are—

- (1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;
- (2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet;
- (3) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;
- (4) To assist teachers (including preschool teachers), principals and other school leaders, State educational agencies (SEAs), and local educational agencies (LEAs) to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings; and
- (5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.

Topic 1: Purpose of Title III
Federal, State, and Local Roles in Title III

- To meet the purposes of *Title III*, the Secretary of the U.S. Department of Education makes grants to each SEA with an approved consolidated State plan.
(ESEA § 3111(a))
- In turn, each SEA awards subgrants to each eligible entity (i.e., LEAs).
(ESEA § 3114(a))

We will review more on SEA and LEA funding for Title III in Modules 2 and 3.



ESEA § 3111(a) FORMULA GRANTS TO STATES.

(a) IN GENERAL.—In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 3113, the Secretary shall make a grant for the year to the agency for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

ESEA § 3114(a) WITHIN-STATE ALLOCATIONS.

(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 3111(c)(2) shall award subgrants for a fiscal year by allocating in a timely manner to each eligible entity in the State having a plan approved under section 3116 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State.

Topic 2: Terminology in *Title III*

The definitions section of the ESEA defines specific terms used in Title III for the understanding of SEAs and LEAs. For new Title III State Directors, all these terms may be new; for experienced Title III State Directors, some of these terms may be familiar.

There are three key terms we will review on the next few slides:

- English learners (ELs)*
- Immigrant children and youth
- Language instruction educational program (LIEP)

Please note that ELs are defined by ESEA § 8101, whereas immigrant children and youth and LIEP are defined by ESEA § 3201.

**Note: Although the definition has remained the same, English learners is a new term in ESEA as amended by ESSA, replacing the term limited English proficiency (LEP) used under ESEA as amended by the No Child Left Behind Act.*

Topic 2: Title III Terminology
English Learner (EL)

“The term ‘English learner,’ when used with respect to an individual, means an individual—

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose native language is a language other than English;
 - (ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

ESEA § 8101(20)

The term “English learner”, when used with respect to an individual, means an individual—

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose native language is a language other than English;
 - (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
 - (i) the ability to meet the challenging State academic standards;
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.

Topic 2: Title III Terminology
English Learner (EL) (cont.)

- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
- (i) the ability to meet the challenging State academic standards;
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.”
(ESEA § 8101(20))

Native American students can also be served if they meet the EL definition.
(ESEA §8101(20))

Note: The term English learner replaced the term limited English proficiency (LEP) when the ESEA was amended by ESSA in 2015.

ESEA § 8101(20)

The term “English learner”, when used with respect to an individual, means an individual—

- (A) who is aged 3 through 21;
 - (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
 - (C)(i) who was not born in the United States or whose native language is a language other than English;
 - (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
(II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
 - (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
- (i) the ability to meet the challenging State academic standards;
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English;
or
 - (iii) the opportunity to participate fully in society.

Topic 2: Title III Terminology

Immigrant Children and Youth

"The term 'immigrant children and youth' means individuals who are

- (A) aged 3 through 21;
- (B) were not born in any State*; and
- (C) have not been attending one or more schools in any one or more States for more than three full academic years"
(ESEA § 3201(5))

**Note that "State" is defined in Section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico. Therefore, students born in Puerto Rico cannot be included as "immigrant" students under Title III.*

The next slide provides a brief check for understanding criteria for determining immigrant children and youth.

ESEA § 3201(5) DEFINITIONS.

(5) IMMIGRANT CHILDREN AND YOUTH.—The term "immigrant children and youth" means individuals who—

- (A) are aged 3 through 21;
- (B) were not born in any State; and
- (C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

ESEA § 3201(13) DEFINITION.

(13) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Topic 2: *Title III* Terminology Immigrant Children and Youth Subgrant

Check for Understanding: Who Are Immigrant Children and Youth? *Based on the Title III definition provided, determine which students meet the criteria for "immigrants."*

Deepika entered the United States 4 years ago in another State and has attended school there for the past 4 years.

Mark came to the United States this year from Canada. He is a native speaker of English.

Four years ago, Ethan entered the United States in another State; 2 years ago, Ethan returned to the United Kingdom and attended school there for 2 years; recently, Ethan enrolled in school in your State.



Topic 2: *Title III* Terminology

Immigrant Children and Youth Subgrant

Check for Understanding: Who Are Immigrant Children and Youth? *Answers*

Student	Immigrant Status
Deepika	<i>✗ Deepika is not an immigrant. She has attended a U.S. school for more than 3 full academic years.</i>
Mark	<i>✓ Yes, Mark meets the criteria for an immigrant. Students who are native English speakers are immigrants if they meet the definition of immigrant children and youth.</i>
Ethan	<i>✓ Yes, Ethan is an immigrant. The 2 years Ethan attended school in the United Kingdom do not count toward the cumulative total of 3 full academic years in U.S. schools, so Ethan has only had 2 full academic years in U.S. schools to date.</i>

Note: We will review funding through Immigrant and Youth Subgrants in more detail in Module 2 and Module 3.

Topic 2: Terminology in Title III

Language Instruction Educational Program (LIEP)

“The term ‘language instruction educational program’ means an instruction course—

- (A) in which an EL is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic standards; and
- (B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the participation of English-proficient children if such course is designed to enable all participating children to become proficient in English and a second language.”

(ESEA § 3201(7))

We will review more details on LIEPs in Module 2.

ESEA § 3201(7) DEFINITIONS.

Except as otherwise provided, in this title, the term “language instruction educational program” means an instruction course—

- (A) in which an English learner is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic standards; and
- (B) that may make instructional use of both English and a child’s native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

Topic 2: Terminology in Title III

Additional Categories of ELs in the ESEA

There are four additional categories of ELs included in the ESEA. These four categories address the unique needs and heterogeneity of ELs:

- *ELs with disabilities**
- *Recently arrived ELs*
- *Long-term ELs***
- *Former ELs*

We define these categories in the next set of slides.

**Note that ELs with disabilities can also be categorized as recently arrived or long-term ELs; likewise, students with disabilities can also be categorized as former ELs.*

***Note that "long-term ELs" is a reporting requirement under ESEA and is not defined in Title III.*

Topic 2: Terminology in *Title III* **English Learners With Disabilities**

“The term ‘English learner with a disability’ means an EL who is also a child with a disability, as that term is defined in the Individuals with Disabilities Education Act” (IDEA).

(ESEA § 3201(4))

With the connection to IDEA, we’ll consider later the importance of the coordination of staff at all levels who are working with ELs and students with disabilities.



ESEA § 3201(4). ENGLISH LEARNER WITH A DISABILITY.

The term “English learner with a disability” means an English learner who is also a child with a disability, as that term is defined in section 602 of the Individuals with Disabilities Education Act

Topic 2: Terminology in *Title III*
Recently Arrived English Learners

“Recently arrived English learners” are students “who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months.”
(ESEA § 1111(b)(3)(A))



ESEA § 1111(b)(3). ASSESSMENTS.

With respect to recently arrived English learners who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months.

Topic 2: Terminology in *Title III* Long-Term English Learners

The ESEA does not define “long-term English learners.” However, States may consider the reporting requirements of the ESEA (i.e., the number and percentage of ELs who have not attained English language proficiency [ELP] within 5 years of initial EL classification) when determining which ELs served under *Title III* may be classified as long-term ELs.

(Non-Regulatory Guidance: English Learners and *Title III* § I-1) (ESEA § 3121(a)(6))

We will discuss reporting around long-term ELs in more detail in Module 2.



ESEA § 3121(a)(6) REPORTING.

Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and children served under such subpart that includes—

(6) the number and percentage of English learners who have not attained English language proficiency within 5 years of initial classification as an English learner and first enrollment in the local educational agency.

Non-Regulatory Guidance: English Learners and *Title III* § I-1

I-1. How is a long-term EL defined by the ESEA?

The ESEA does not define “long-term English learner.” However, the reporting requirement under ESEA Section 3121(a)(6) may be instructive in determining which ELs served under Title III are long-term ELs. Specifically, this provision requires LEAs receiving Title III subgrants to biannually report the number and percentage of ELs who have not yet attained English language proficiency within five years of initial classification as an EL and first enrollment in the LEA. Thus, beyond the specific reporting requirement in ESEA Section 3121(a)(6), States and LEAs may consider ELs who have not attained English language proficiency after five years as long-term ELs. Long-term ELs who remain in EL status for prolonged periods of time may face significant barriers to attaining English language proficiency and graduating college- and career-ready. Thus, many SEAs and LEAs have focused recent efforts on decreasing the number of long-term ELs in schools and on providing additional supports to these students. These students may require additional supports in order to achieve English language proficiency

Topic 2: Terminology in Title III Former English Learners

The ESEA requires that LEAs report on “the number and percentage of ELs meeting the challenging State academic standards for each of the four years after such children are no longer receiving [Title III] services.” Former ELs are those who have achieved ELP and no longer receive EL services.

(ESEA Section 3121(a)(5))
(Non-Regulatory Guidance:
English Learners and Title III § J-1)

We will discuss reporting around former ELs in more detail in Module 2.



ESEA § 3121(a)(5) REPORTING.

Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and children served under such subpart that includes—

(5) the number and percentage of English learners meeting challenging State academic standards for each of the 4 years after such children are no longer receiving services under this part, in the aggregate and disaggregated, at a minimum, by English learners with a disability.

Non-Regulatory Guidance: English Learners and Title III § J-1

J-1. Which ELs must be included as part of the reporting requirement regarding former ELs under ESEA Section 3121(a)(5)?

ESEA Section 3121(a)(5) requires that LEAs report on the number and percentage of ELs meeting the challenging State academic standards for four years after such students are no longer receiving Title III services. To meet this requirement, an LEA must report to the State on the academic achievement of an EL for each year of the four years after such student *has achieved English language proficiency* and no longer receives EL services. These data must include results on content assessments for reading/language arts, mathematics, and science. The students included in this reporting must include *all* former ELs served by the LEA who have achieved English language proficiency and therefore no longer receive any EL services.

These data must be disaggregated by English learners with disabilities. (ESEA Section 3121(a)(5)). For more information, please see question H-2. An LEA should also disaggregate 35 A similar reporting requirement under the ESEA prior to the ESSA revisions required reporting on former ELs for two years. These students are often referred to as “monitored former ELs.” See question J-3 below regarding civil rights obligation to monitor former ELs. 40 data by year after exit (e.g., 1st year, 2nd year) to ensure that any academic deficits incurred due to participation in a language assistance program are recouped.

Topic 3: *Title III* and Essential Connections

Title programs do not “stand alone” but connect and correspond to one another and to other federal laws and regulations. SEAs, LEAs, and schools that utilize Title III funding to support ELs should consider the connections, overlaps, and similarities across these laws and regulations.

Essential connections integrated within Title III include the following:

- *Services for students at risk of academic failure, such as those provided under Title I*
- *Civil Rights*
- *Equity*



Topic 3: *Title III* and Essential Connections
Coordination With *Title I* Programs and Services

The purpose of *Title I* "is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments."

(ESEA § 1001)

It is important to communicate and collaborate with Title I-funded programs and services within the SEA to ensure State and local supports are coordinated and supported by data. It is also important for Title III State Directors to coordinate with Title I staff to ensure a unified approach and appropriate delivery of services to ELs.



ESEA § 1001 STATEMENT OF PURPOSE.

The purpose of this title is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.

Topic 3: *Title III* and Essential Connections
Important EL Provisions in *Title I, Part A*

While not included in Title III, there are several requirements and associated activities related to ELs in Title I, Part A. These included the following:

- *SEA activities—serving ELs under Title I, Part A*
- *LEA activities—serving ELs under Title I, Part A*
- *Accountability measures*
- *ELP attainment*

We will summarize these provisions in the next few slides.

**Note that many of these requirements and associated SEA activities shifted from Title III to Title I when the ESEA was amended by ESSA in 2015.*

*Source: U.S. Department of Education. (October 18, 2016). *Overview – Non-Regulatory Guidance: English learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds act (ESSA)*. Retrieved from <https://www.ed.gov/essa/documents/guidance-overview-ell.pdf>

Topic 3: Title III and Essential Connections

Important EL Provisions in Title I, Part A, cont'd.

Important SEA activities in Title I regarding ELs include the following:

Alignment of ELP standards to State content standards (ESEA § 1111(b)(1)(F))

Alignment of ELP assessments to ELP standards (ESEA § 1111(b)(2)(G))

Establishment of ELP goals and indicators for accountability purposes

(ESEA § 1111(c)(4)(A)(ii))

(ESEA § 1111(c)(4)(B)(iv))

Identification of interventions to address ELs' academic achievement and progress in attaining ELP

(ESEA § 1111(c)(4)(C)(iii))

(ESEA § 1111(c)(4)(D))

We will review SEA activities around Title III in more detail in Module 2.

ESEA § 1111(b)(1)(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS.

Each State plan shall demonstrate that the State has adopted English language proficiency standards that— (i) are derived from the 4 recognized domains of speaking, listening, reading, and writing; (ii) address the different proficiency levels of English learners; and (iii) are aligned with the challenging State academic standards.

ESEA § 1111(b)(2)(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.

(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency. (ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State's English language proficiency standards described in paragraph (1)(F).

ESEA § 1111(c)(4)(A)(ii) ESTABLISHMENT OF LONG-TERM GOALS.

(4) DESCRIPTION OF SYSTEM.—The Statewide accountability system described in paragraph (1) shall be based on the challenging State academic standards for reading or language arts and mathematics described in subsection (b)(1) to improve student academic achievement and school success. In designing such system to meet the requirements of this part, the State shall carry out the following:

- Establish ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals— (ii) for English learners, for increases in the percentage of such students making progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline.

ESEA § 1111(c)(4)(B)(iv) INDICATORS.

Except for the indicator described in clause (iv), annually measure, for all students and separately for each subgroup of students, the following indicators: (iv) For public schools in the State, progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline for all English learners— (I) in each of the grades 3 through 8; and (II) in the grade for which such English learners are otherwise assessed under subsection (b)(2)(B)(v)(I) during the grade 9 through grade 12 period, with such progress being measured against the results of the assessments described in subsection (b)(2)(G) taken in the previous grade.

ESEA § 1111(c)(4)(C)(iii). ANNUAL MEANINGFUL DIFFERENTIATION.

Establish a system of meaningfully differentiating, on an annual basis, all public schools in the State, which shall—(iii) include differentiation of any such school in which any subgroup of students is consistently underperforming, as determined by the State, based on all indicators under subparagraph (B) and the system established under this subparagraph.

ESEA § 1111(c)(4)(D). IDENTIFICATION OF SCHOOLS.

Based on the system of meaningful differentiation described in subparagraph (C), establish a State-determined methodology to identify— (i) beginning with school year 2017–2018, and at least once every three school years thereafter, one Statewide category of schools for comprehensive support and improvement, as described in subsection (d)(1), which shall include— (I) not less than the lowest-performing 5 percent of all schools receiving funds under this part in the State; (II) all public high schools in the State failing to graduate one third or more of their students; and (III) public schools in the State described under subsection (d)(3)(A)(i)(II); and (ii) at the discretion of the State, additional Statewide categories of schools.

Topic 3: Title III and Essential Connections

Important EL Provisions in Title I, Part A, cont'd.

Important LEA activities in Title I regarding ELs include the following:

EL parental notification regarding LIEPs and related information (ESEA § 1112(e)(3))

Parental participation (regular EL parent meetings)
(ESEA § 1116(f))

Reporting to the State on the number and percentage of ELs achieving ELP
(ESEA § 1111(h)(2))

We will review LEA activities around Title III in more detail in Module 2.

ESEA § 1112(e)(3). PARENTS RIGHT-TO-KNOW.

(3) LANGUAGE INSTRUCTION.— (A) NOTICE.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program, of— (i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program; (ii) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement; (iii) the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction; (iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child; (v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation; (vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools; (vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and (viii) information pertaining to parental rights that includes written guidance— (I) detailing the right that parents have to have their child immediately removed from such program upon their request; (II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and (III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity. (B) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to

the beginning of the school year but are identified as English learners during such school year, the local educational agency shall notify the children's parents during the first 2 weeks of the child being placed in a language instruction educational program consistent with subparagraph (A). (C) PARENTAL PARTICIPATION.— (i) IN GENERAL.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can— (I) be involved in the education of their children; and (II) be active participants in assisting their children to— (aa) attain English proficiency; (bb) achieve at high levels within a wellrounded education; and (cc) meet the challenging State academic standards expected of all students. (ii) REGULAR MEETINGS.—Implementing an effective means of outreach to parents under clause (i) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part or title III. (D) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

ESEA § 1116(f). ACCESSIBILITY.

In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.

ESEA § 1111(h)(2). ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.

- PREPARATION AND DISSEMINATION.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency.
- IMPLEMENTATION.—Each local educational agency report card shall be—
 - concise;
 - presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and
 - accessible to the public, which shall include—
 - placing such report card on the website of the local educational agency; and
 - in any case in which a local educational agency does not operate a website, providing the information to the public in another manner determined by the local educational agency.

(C) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C), disaggregated in the same manner as required under such paragraph, except for clause (xii) of such paragraph, as applied to the local educational agency and each school served by the local educational agency, including—

- in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole;

- in the case of a school, information that shows how the school’s students’ achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole; and
- any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency, whether or not such information is included in the annual State report card.

(D) ADDITIONAL INFORMATION.—In the case of a local educational agency that issues a report card for all students, the local educational agency may include the information under this section as part of such report.

Topic 3: *Title III* and Essential Connections

Civil Rights

The initial ESEA was signed into law in 1965 by President Lyndon Baines Johnson, who believed that "full educational opportunity" should be "our first national goal." From its inception, ESEA was a civil rights law ([U.S. Department of Education](#)). Civil rights and educational opportunity are intertwined; subsequently, ESEA has historically helped underserved children access resources.

It is a civil rights obligation to identify ELs who can be supported under *Title III* through the provision of a LIEP.

(*Title VI* of the Civil Rights Act of 1965)

(The Equal Educational Opportunities Act of 1974)

Title VI of the Civil Rights Act of 1965

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Equal Educational Opportunities Act of 1974: Entitlement to equal educational opportunity

The Congress declares it to be the policy of the United States that—

- all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, sex, or national origin.

Topic 3: Title III and Essential Connections Civil Rights, cont'd.

It is important for directors of Title III—at both the State and district levels—to be familiar with the relevant civil rights requirements for ELs under the ESEA. In your role, it is important that you can answer the question, “What is the core instructional program for ELs that LEAs in our State must provide in order to meet civil rights requirements?”

To become familiar with the requirements, click [here](#) to open the U.S. Department of Education site Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents. It will open in a separate window. This website includes links to many resources, including the following:

- Office for Civil Rights “Questions and Answers” page
- Non-Regulatory Guidance: English Learners and Title III § A-3
- Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (January 7, 2015)
- English Learner Tool Kit (2nd rev. ed.)

Non-Regulatory Guidance: English Learners and Title III § A-3.

A-3 What are the legal obligations of States and LEAs to ELs under Title VI of the Civil Rights Act of 1964 and the EEOA?

Under Title VI of the Civil Rights Act of 1964 and the EEOA, all States and LEAs must ensure that ELs can participate meaningfully and equally in educational programs and services. To meet their obligations under Title VI and the EEOA, LEAs must, for example:

- Identify and assess all potential EL students in a timely, valid, and reliable manner;
- Provide EL students with a language assistance program that is educationally sound and proven successful, consistent with *Castañeda v. Pickard* and the Supreme Court decision in *Lau v. Nichols*;
- Provide sufficiently well prepared and trained staff and support the language assistance programs for EL students;
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
- Avoid unnecessary segregation of EL students;
- Ensure that EL students who have or are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are identified, located, and evaluated in a timely manner and that the language needs of students who need special education and disability related services because of their disability are considered in evaluations and delivery of services;
- Meet the needs of EL students who opt out of language assistance programs;
- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;
- Evaluate the effectiveness of a school district’s language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program is reasonably calculated¹¹ to allow EL students to attain parity of participation in the standard

instructional program within a reasonable period of time; and • Ensure meaningful communication with limited English proficient (LEP) parents. Additional information about States' and LEAs' legal obligations under Title VI and the EEOA can be found in a 2015 Dear Colleague Letter about EL students and LEP parents jointly released by the Department of Education and the Department of Justice (hereinafter "DCL"), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>. Recommendations on promising practices to ensure that language instruction educational programs (LIEPs) facilitate improved English language proficiency and academic outcomes can be found in the Department's English Learner Tool Kit, available at <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>.

FOOTNOTE ON UNECESSARY SEGREGATION: As further explained in Section I. E. of the 2015 EL DCL (pages 22-24), while EL programs may require that an EL student receive separate instruction for a limited period of time, EL programs may not unjustifiably segregate students on the basis of national origin or EL status—thus, LEAs must carry out their chosen EL program in the least segregative manner consistent with achieving the program's Stated educational goals.

Dear Colleagues Letter States: (pg. 7): Title III also contains its own non-discrimination provision, which provides that a student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

Topic 3: Title III and Essential Connections
Civil Rights, cont'd.

You can also click [here](#) to open the U.S. Department of Education English Learners resource page, which includes resources from the Office of Civil Rights, including:

- *Schools' Civil Rights Obligations to English Learners*
- *Strategies and Considerations to Increase Student Diversity*

Topic 3: *Title III* and Essential Connections

Equity

One of the purposes of the ESEA is to advance equity.

Title III State Directors can consider how supports through Title III promote equity for ELs through

- 1. Access to learning opportunities focused on higher order thinking skills;*
- 2. Multiple measures of equity;*
- 3. Resource equity; and*
- 4. Evidence-based interventions.*

Congratulations!

You have completed Module 1.
Please continue to Module 2.