

Title III State Director Training Modules:
Module 2: Foundations of *Title III*



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Module 2: Foundations of *Title III*



State Support Network
Partnering for School Improvement

**If you have not yet completed
Module 1: The Role of *Title III* Within
the ESEA, please complete Module 1
before moving on to this module
(Module 2).**

Module 2: Overview

This module provides key information on the activities and programs supported by *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 60 minutes to complete.

Module 2: Topics Covered in This Module

1. State Plans
2. State Educational Agency (SEA) Requirements for Standards, Assessments, and Accountability
3. SEA *Title III* Grants to Local Educational Agencies (LEAs)
 - English Learners (ELs)
 - Required Activity #1: Language Instruction Educational Programs (LIEPs)
 - Required Activity #2: Professional Development
 - Required Activity #3: Parent, Family, and Community Engagement
 - Immigrant Children and Youth
4. LEAs Services to Private Schools Under *Title III*
5. LEAs Parental Notification and Outreach
6. Reporting Requirements
 - LEAs to the SEAs
 - SEAs to the U.S. Department of Education

Module 2: Objectives

By the end of this module, you will be able to:

1. List the key required *Title III* components of the consolidated State plan.
2. Demonstrate an understanding of the SEA's role in ELP standards, assessment, and accountability.
3. Describe the activities and provisions under *Title III* EL and Immigrant Children and Youth subgrants.
4. Detail the requirements of *Title III*-funded LEAs in serving private schools with ELs.
5. Explain the LEA requirements for notifying and providing outreach to parents of ELs.
6. Detail the reporting requirements under *Title III* for LEAs to SEAs and for SEAs to the U.S. Department of Education.

Topic 1: SEA Plans

SEAs may provide individual plans for each of their programs to the U.S. Department of Education or submit a consolidated State plan designed to simplify the application requirements and reduce the burden for SEAs.

(ESEA § 8302(a))

**Revised State Template for the
Consolidated State Plan**
The Elementary and Secondary Education Act of 1965, as
amended by the Every Student Succeeds Act



U.S. Department of Education
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ESEA § 8302(a). GENERAL AUTHORITY.

(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection

(b), shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

- (A) each of the covered programs in which the State participates; and
- (B) such other programs as the Secretary may designate.

Topic 1: State Plans
SEA Title III Requirements

To be eligible to receive *Title III* funds, SEAs are required to submit plans to the U.S. Department of Education that address, among other elements, the following:

1. Standardized entrance and exit procedures for ELs
2. ELP Assessment of ELs
3. LIEPs
4. Timely and meaningful consultation with LEAs
5. Technical assistance and support to LEAs

(ESEA § 3113(b))

Long-term goals: State-designed long-term goals including measurements of interim progress towards meeting such goals, based on the State’s ELP assessment and the challenging State academic standards.

ESEA § 3113(b). CONTENTS.

Each plan submitted under subsection (a) shall—

- describe the process that the agency will use in awarding subgrants to eligible entities under section 3114(d)(1);

(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, Statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;

(3) provide an assurance that—

(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) regarding assessment of English learners in English;

(B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the

English proficiency of all English learners participating in a program funded under this subpart, consistent with section 1111(b)(2)(G);

(C) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes

and in all geographic areas, including school systems with rural and urban schools;

(D) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such

entities to carry out effective language instruction educational programs for English learners;

(E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways

that will build such recipient's capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards;

(F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable federal fiscal requirements; and

(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;

(4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this Act and other Acts, as appropriate;

(5) describe how each eligible entity will be given the flexibility to teach English learners—

(A) using a high-quality, effective language instruction curriculum for teaching English learners; and

(B) in the manner the eligible entity determines to be the most effective;

(6) describe how the agency will assist eligible entities in meeting—

(A) the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of

interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

(B) the challenging State academic standards;

(7) describe how the agency will meet the unique needs of children and youth in the State being served through the reservation of funds under section 3114(d); and

(8) describe—

(A) how the agency will monitor the progress of each eligible entity receiving a subgrant under this subpart in

helping English learners achieve English proficiency; and

(B) the steps the agency will take to further assist eligible entities if the strategies funded under this subpart

are not effective, such as providing technical assistance and modifying such strategies.

Topic 1: State Plans
Required Components

Component	Requirement
Standardized entrance and exit procedures	Describe how your SEA will establish and implement, with timely and meaningful consultation with LEAs representing the geographic diversity of the State, standardized, Statewide entrance and exit procedures, including an assurance that all students who may be ELs are assessed for such status within 30 days of enrollment in a school in the State.
Assessment of ELP of ELs	Assure that LEAs receiving Title III subgrants annually assess the English proficiency of all ELs participating in a program funded under this subpart.
LIEPs	Assure that the SEA will require LEAs to use funds to build the LEA's capacity to continue to offer effective <u>LIEPs</u> that assist ELs in meeting challenging State academic standards.

Topic 1: State Plans
Required Components, cont'd.

Component	Requirement
<i>Coordination of program and consultation</i>	<i>Describe how your SEA will coordinate the Title III program and activities with other programs and activities and assure that the plan has been developed in consultation with LEAs, teachers, administrators of programs implemented under this subpart, parents of ELs, and other relevant stakeholders.</i>
<i>Technical assistance and support to LEAs</i>	<i>Describe how your SEA will monitor and provide technical assistance to LEAs if their strategies, funded under the Title III subgrant, are not effective in helping ELs reach English proficiency; in addition, describe how the SEA will monitor for the effectiveness of LIEPs.</i>

Topic 1: State Plans

Resources for State Plan Development and Amendments

For more information on State plans, please see the following resources from the U.S. Department of Education:

- [Approved Consolidated State Plans](#)
- [Revised Consolidated State Plan Template](#)
- [Crosswalk of Consolidated State Plan Requirements](#)
- [Secretary DeVos Letter regarding updated consolidated State plans](#) (March 13, 2017)

Topic 2: Standards, Assessments, and Accountability

In addition to ensuring that all ELs participating in *Title III*-supported programs participate in annual ELP assessments, consolidated State plans must address compliance with *Title I* requirements related to ELs, including standards, assessments, and accountability.

(ESEA § 3113(b))

While not the direct responsibility of the Title III State Director, it is important to be aware of these Title I requirements for ELs when communicating with LEAs and collaborating with SEA colleagues.

We will briefly review the relevant Title I requirements for standards, assessment, and accountability next.



ESEA § 3113(b). CONTENTS.

Each plan submitted under subsection (a) shall—

- describe the process that the agency will use in awarding subgrants to eligible entities under section 3114(d)(1);

(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, Statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;

(3) provide an assurance that—

(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) regarding assessment of English learners in English;

(B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the

English proficiency of all English learners participating in a program funded under this subpart, consistent with section 1111(b)(2)(G);

(C) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes

and in all geographic areas, including school systems with rural and urban schools;

(D) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such

entities to carry out effective language instruction educational programs for English learners;

(E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways

that will build such recipient's capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards;

(F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable federal fiscal requirements; and

(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;

(4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this Act and other Acts, as appropriate;

(5) describe how each eligible entity will be given the flexibility to teach English learners—

(A) using a high-quality, effective language instruction curriculum for teaching English learners; and

(B) in the manner the eligible entity determines to be the most effective;

(6) describe how the agency will assist eligible entities in meeting—

(A) the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of

interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

(B) the challenging State academic standards;

(7) describe how the agency will meet the unique needs of children and youth in the State being served through the reservation of funds under section 3114(d); and

(8) describe—

(A) how the agency will monitor the progress of each eligible entity receiving a subgrant under this subpart in

helping English learners achieve English proficiency; and

(B) the steps the agency will take to further assist eligible entities if the strategies funded under this subpart

are not effective, such as providing technical assistance and modifying such strategies.

Topic 2: Standards, Assessments, and Accountability Standards—What States Must Do

Under *Title I*, States must establish ELP standards that

- “(i) are derived from the four 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)(1)(F))

These requirements, which are now part of *Title I* of the ESEA as amended by ESSA, are the same as the requirements previously in *Title III* of the ESEA prior to the ESSA amendments.

(Non-Regulatory Guidance: English Learners and *Title III* § B-1)

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

(1) 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.

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

B-1. What are the requirements for English language proficiency standards?

Section 1111 (b)(1)(F) requires that “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.” These requirements in *Title I* are essentially identical to the requirements that were previously in *Title III* of the ESEA prior to the ESSA amendments.

Topic 2: Standards, Assessments, and Accountability
Standards—What States Must Do, cont'd.

- ELP standards must be aligned with challenging State academic standards and reflect the language demands of each content area.
 - For example, as mathematics assessments become increasingly language-heavy, it is essential that ELs learn the corresponding English vocabulary of mathematics in order to succeed in that subject area.
- ELP standards should reflect research on the process of language acquisition and, based on this research, reflect the elements needed for ELs to acquire the English language skills necessary to meet the academic content standards.
(Non-Regulatory Guidance: English Learners and *Title III* § B-4)
- ELP standards should “address the different proficiency levels of ELs.”
(ESEA § 1111(b)(1)(F))

Non-Regulatory Guidance: English Learners and *Title III* § B-4

B-4. What does it mean for English language proficiency standards to be “aligned with” academic standards?

Just as under the former law, a State’s English language proficiency standards must be aligned with the challenging academic standards in the content areas of reading/language arts, mathematics, and science. It is especially important that the English language proficiency standards reflect the language demands of each content area. For example, as mathematics assessments become increasingly language-heavy, it is essential that ELs learn the corresponding English vocabulary of mathematics in order to succeed in that subject area. ... A State’s English language proficiency standards should reflect research on the process of language acquisition and, based on this research, reflect the elements needed for EL students to acquire the English language skills necessary to meet academic content standards.

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.

Topic 2: Standards, Assessments, and Accountability

ELP Assessments—What States Must Do

States are required to provide annual ELP assessments for all students identified as ELs that:

- Are aligned to the State's ELP standards.
 - Note: This requirement moved to *Title I* from *Title III* under ESEA as amended by ESSA.
(ESEA § 1111(b)(2)(G)(ii))
- Must be uniform, valid, reliable, and Statewide, and provide coherent and timely information to parents about each student's attainment of the State's ELP standards.
(34 CFR §200.6(h)(1-2))
- Apply to all grades K–12 in which there are ELs in schools served by the State.
 - Note: Students must take these tests for all years in which they are identified as an EL, which may not directly correspond with the years in which they take State assessments and are thus included in State accountability system results (i.e., grades 3-8 and one year in high school).
(34 CFR § 200.5(a)(2))

ESEA § 1111(b)(2)(G)(ii). ALIGNMENT.

The assessments described in clause (i) shall be aligned with the State's English language proficiency standards described in paragraph (1)(F).

34 CFR § 200.6(h)(1-2). Assessing English language proficiency of English learners.

(1) Each State must -

(i) Develop a uniform, valid, and reliable Statewide assessment of English language proficiency, including reading, writing, speaking, and listening skills; and

(ii) Require each LEA to use such assessment to assess annually the English language proficiency, including reading, writing, speaking, and listening skills, of all English learners in kindergarten through grade 12 in schools served by the LEA.

(2) The assessment under paragraph (h)(1) of this section must -

(i) Be aligned with the State's English language proficiency standards under section 1111(b)(1)(F) of the Act;

(ii) Be developed and used consistent with the requirements of § 200.2(b)(2), (4), and (5); and

(iii) Provide coherent and timely information about each student's attainment of the State's English language proficiency standards to parents consistent with § 200.2(e) and section 1112(e)(3) of the Act.

(3) If a State develops a computer-adaptive assessment to measure English language proficiency, the State must ensure that the computer-adaptive assessment -

(i) Assesses a student's language proficiency, which may include growth toward proficiency, in order to measure the student's acquisition of English; and

(ii) Meets the requirements for English language proficiency assessments in paragraph (h) of this section.

34 CFR § 200.5(a)(2) Frequency.

A State must administer the English language proficiency assessment required under § 200.6(h) annually to all English learners in schools served by the State in all grades in which there are English learners, kindergarten through grade 12.

Topic 2: Standards, Assessments, and Accountability
ELP Assessments—What States Must Do,
cont'd.

A State can use the following types of assessments for measuring ELP:

- *Assessments that are used for the identification, screening, and classification process associated with ELs*
- *Summative annual ELP assessments that measure ELs' attainment of ELP and track progress for accountability purposes*
- *Alternate ELP assessments for ELs with the most significant cognitive disabilities*
- *Interim assessments that provide useful feedback to improve instructional planning and other decisions regarding a student's schooling.*

Topic 2: Standards, Assessments, and Accountability

Accountability—What States Must Do

A State's accountability system must include the following:

- Establishment of State long-term goals, including one for progress in achieving ELP, and which include measurements of interim progress toward meeting the goals
(ESEA § 1111(c)(4)(A))
- Establishment of school indicators, including one for progress in achieving ELP
(ESEA § 1111(c)(4)(B)(iv))
- Identification of interventions to address ELs' academic achievement and progress for schools identified for targeted support and improvement based on the EL subgroup
(ESEA § 1111(c)(4)(D)).

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(c)(4)(a). ESTABLISHMENT OF LONG-TERM GOALS.

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:

(A) Establish ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals—

- for all students and separately for each subgroup of students in the State—

(I) for, at a minimum, improved—(aa) academic achievement, as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and (bb) high school graduation rates, including—(AA) the four-year adjusted cohort graduation rate; and (BB) at the State's discretion, the extended-year adjusted cohort graduation rate, except that the State shall set a more rigorous long-term goal for such graduation rate, as compared to the long term goal set for the four-year adjusted cohort graduation rate;

(II) for which the term set by the State for such goals is the same multi-year length of time for all students and for each subgroup of students in the State; and

(III) that, for subgroups of students who are behind on the measures described in items (aa) and (bb) of subclause (I), take into account the improvement necessary on such measures to make significant progress in closing Statewide proficiency and graduation rate gaps; and

(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 (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)(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 2: Standards, Assessments, and Accountability
Entrance and Exit of ELs—What States Must Do

SEAs must establish, in consultation with LEAs, standardized Statewide procedures for the following:

- Identifying students as ELs (i.e., entrance procedures)
- Classifying ELs as English proficient (i.e., exit procedures).
(ESEA § 3113(b)(2)
(Addendum to Non-Regulatory Guidance: English Learners and *Title III*, 1–13)

Note: All students who may be ELs must be assessed for such status within 30 days of enrollment in a school in the State.

ESEA § 3113(b)(2). CONTENTS.

Each plan submitted under subsection (a) shall—

(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, Statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;

Addendum to Non-Regulatory Guidance: English Learners and *Title III*

Please see the entire document using the link.

Topic 2: Standards, Assessments, and Accountability
Reporting EL Performance—What States Must Do

Title III requires States to disaggregate ELs with a disability from ELs without disabilities for reporting purposes.
(ESEA § 3121(a)(2))

Note: this applies for the measure of progress toward ELP and achieving State standards for each after the 4 years after the student has exited. This does not apply to all reporting requirements.

ESEA § 3121(a)(2). IN GENERAL.

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—

- a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, which shall include a description of how such programs and activities supplemented programs funded primarily with State or local funds;
- the number and percentage of English learners in the programs and activities who are making progress toward achieving English language proficiency, as described in section 1111(c)(4)(A)(ii), in the aggregate and disaggregated, at a minimum, by English learners with a disability;

Check for Understanding: Standards, Assessments, and Accountability

Now, let's review the concepts we've covered so far in a check for understanding exercise.

Check for Understanding: Standards, Assessments, and Accountability

Choose the corresponding text to complete each Statement.

Statement	Answer	Text
1. States must ensure that ELP standards are aligned to _____.		a. Includes ELs with disabilities
2. States that receive both Title I and Title III funds must establish a _____.		b. Identifying students as ELs (i.e., entrance procedures) and classifying ELs as English proficient (i.e., exit procedures).
3. Academic achievement goals apply to all students—both native speakers and ELs. The demonstration of proficiency on the ELP assessment applies to ELs and _____.		c. The State's challenging State academic standards.
4. SEAs must establish, in consultation with LEAs, standardized Statewide procedures for _____.		d. System of ELP standards and assessments.

Check for Understanding: Standards, Assessments, and Accountability

Answers

Statement	Answer	Text
1. States must ensure that ELP standards are aligned to _____.	C	a. Includes ELs with disabilities
2. States that receive both Title I and Title III funds must establish a _____.	D	b. Identifying students as ELs (i.e., entrance procedures) and classifying ELs as English proficient (i.e., exit procedures).
3. Academic achievement goals apply to all students—both native speakers and ELs. The demonstration of proficiency on the ELP assessment applies to ELs and _____.	A	c. The State's challenging State academic standards.
4. SEAs must establish, in consultation with LEAs, standardized Statewide procedures for _____.	B	d. System of ELP standards and assessments.

Topic 3: SEA Title III Funding to LEAs

Now that we've covered the State requirements for establishing the Title III Statewide program, we will turn to discussing the funds Title III provides to LEAs.



Topic 3: SEA Title III Funding to LEAs
Types of Subgrants Available Under Title III

There are two types of subgrants available under Title III:

EL Subgrants



Immigrant Children and Youth Subgrants



Let's start by reviewing EL subgrants.

Topic 3: SEA Title III Funding to LEAs

Title III EL Subgrant: Required LEA Activities

LEAs are required to complete three activities using EL subgrants:

1. Provide an effective language instruction educational program (LIEP)
2. Provide professional development
3. Provide other effective activities and strategies that enhance or supplement LIEPs for ELs, which must include parent, family, and community engagement activities, and may include strategies that serve to coordinate and align related programs

(ESSA § 3115(c))

Note that the third activity is a new requirement in the ESEA as amended by ESSA.



ESSA § 3115(c). REQUIRED SUBGRANTEE ACTIVITIES.

An eligible entity receiving funds under section 3114(a) shall use the funds—

(1) to increase the English language proficiency of English learners by providing effective language instruction educational

programs that meet the needs of English learners and demonstrate success in increasing—

(A) English language proficiency; and (B) student academic achievement;

(2) to 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, ...

(3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which—

(A) shall include parent, family, and community engagement activities; and

(B) may include strategies that serve to coordinate and align related programs.

Topic 3: SEA Title III Funding to LEAs

Title III EL Subgrant: Required LEA Activities, cont'd.

Please note the following:

- *Title III* EL subgrants must be used to supplement the services an LEA is required to provide to all English learners pursuant to civil rights requirements.
- The high-quality LIEP services provided with *Title III* funds (i.e., required activity #1) must be supplemental to the core instructional LIEP.
(ESEA § 3115(g))
(Non-Regulatory Guidance: English Learners and *Title III* § A-3, A-4)

ESEA § 3115(g) SUPPLEMENT, NOT SUPPLANT.

Federal funds made available under this subpart shall be used so as to supplement the level of federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such federal, State, and local public funds.

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.

A-4. Does the *Title III* supplement-not-supplant prohibition mean that States and LEAs can no longer use *Title III* funds for State or LEA EL-related activities that have moved from *Title III* to *Title I*?

States and LEAs may continue to use *Title III* funds to carry out activities relating to ELs that have been moved from *Title III* to *Title I* in the circumstances described below. The inclusion of English language proficiency standards and assessments, and the inclusion of progress in attaining English proficiency as a separate component of the Statewide accountability system under *Title I*, will help facilitate a unified Statewide approach to supporting ELs across *Title I* and *Title III*, and should provide a necessary focus on the nation's growing EL population and high-quality services for these students.

Topic 3: SEA Title III Funding to LEAs

Title III EL Subgrants: Other Authorized LEA Activities

LEAs may also support authorized activities under Title III such as the following:

- Upgrade program objectives and instructional strategies.
- Acquire curricula and instructional materials.
- Provide tutorials/intensified instruction and academic or career and technical education.
- Develop and implement effective preschool, elementary school, or secondary school LIEPs that are coordinated with other relevant programs and services.
- Provide community participation programs, family literacy services, and parent and family outreach and training activities.
- Acquire or develop educational technology or other activities that help ELs learn English and meet academic standards.

(ESEA § 3115(d))

ESEA § 3115(d). AUTHORIZED SUBGRANTEE ACTIVITIES.

Subject to sub-section (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve any of the purposes described in sub-section (a) by undertaking 1 or more of the following activities:

- (1) Upgrading program objectives and effective instructional strategies.
- (2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.
- (3) Providing to English learners— (A) tutorials and academic or career and technical education; and (B) intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators.
- (4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.
- (5) Improving the English language proficiency and academic achievement of English learners.
- (6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families—
 - (A) to improve the English language skills of English learners; and
 - (B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.
- (7) Improving the instruction of English learners, which may include English learners with a disability, by providing for—

- (A) the acquisition or development of educational technology or instructional materials;
- (B) access to, and participation in, electronic networks for materials, training, and communication; and
- (C) incorporation of the resources described in sub- paragraphs (A) and (B) into curricula and programs, such as those funded under this subpart.
- (8) Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education.
- (9) Carrying out other activities that are consistent with the purposes of this section.

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #1
Language Instruction Educational Programs

An LIEP is an instructional course that LEAs must provide in which an EL is placed for the purpose of developing and attaining English proficiency while meeting challenging State academic standards.

(ESEA § 3201(7) and 3115(c))



ESEA § 3201(7). LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.

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 as required by section 1111(b)(1); 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, designed to enable all participating children to become proficient in English and a second language

ESEA § 3115(c). REQUIRED SUBGRANTEE ACTIVITIES.

An eligible entity receiving funds under section 3114(a) shall use the funds—

(1) to increase the English language proficiency of English learners by providing effective language instruction educational

programs that meet the needs of English learners and demonstrate success in increasing—

(A) English language proficiency; and

(B) student academic achievement;

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #1
Language Instruction Education Programs, cont'd.

- LEAs must choose LIEPs based on the LIEPs' demonstrated success in increasing ELP and student academic achievement.
(Non-Regulatory Guidance: English Learners and *Title III* § C-3)
- LIEPs are to be effective in meeting the needs of all ELs, including those with disabilities.
 - Note that under the ESEA as amended by ESSA, LIEPs must be "effective," whereas under the ESEA as amended by NCLB, LIEPs had to be "scientifically-based."
(ESEA § 3115(c)(1))
(Non-Regulatory Guidance: English Learners and *Title III* § C-1)

ESEA § 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

(1) to increase the English language proficiency of English learners by providing effective language instruction educational

programs that meet the needs of English learners and demonstrate success in increasing—

(A) English language proficiency; and

(B) student academic achievement;

Non-Regulatory Guidance: English Learners and *Title III* § C-3

C-1. What are the requirements for LIEPs?

Title III of the ESEA replaces the expectation in the ESEA, as amended by NCLB, that LIEPs be "scientifically based" with a new expectation—that LIEPs be "effective."

Specifically, for States:

- A State may use *Title III* funds to provide technical assistance to LEAs on identifying and implementing effective language instruction educational programs and curricula for teaching ELs (ESEA Section 3111(b)(2)(D)(i)); and
- A State must ensure that EL formula subgrants to LEAs are of sufficient size and scope to allow the LEAs to carry out effective language instruction educational programs for ELs (ESEA Section 3113(b)(3)(D)).

Similarly, an LEA must:

- o Use *Title III* funds for effective approaches and methodologies for teaching ELs (ESEA Section 3115(a));
- o Increase the English proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) student academic achievement (ESEA Section 3115(c)(1));
- o Use *Title III* funds in ways that build its capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards (ESEA Section 3113(b)(3)(E)); and
- o Include in its local plans for a *Title III* subgrant a description of the effective programs and activities that will be provided, including language instruction educational programs (ESEA Section 3116(b)(1)).

Under *Title VI* and the EEOA LEAs must provide a language assistance program that is effective—educationally sound and proven successful. For additional information about LEAs' obligations in this area, see the English Learner Students and Limited English Proficient Parents DCL referenced in A-3 above. Please see A-2 and A-3 for additional information about LEAs' obligation to use *Title III* to supplement, not supplant, funds used to meet this civil rights obligation.

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #2
Language Instruction Education Programs, cont'd.

LEAs applying for *Title III* funds must include a certification in their local plans that all teachers (in any LIEP) are fluent in English and other languages used for instruction.

(ESEA § 3116(c))

For example, in a two-way bilingual Spanish-English program, the teachers must be fluent in both Spanish and English (if they are teaching both languages). "Fluency" includes written and oral communication skills.

ESEA § 3116(c). TEACHER ENGLISH FLUENCY.

Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #1
Language Instruction Educational Programs, cont'd.

LEAs and schools may select the methods of instruction and programs of the LIEPs for their ELs. These programs may be bilingual, English as a Second Language (ESL) programs, or other types.

(ESEA § 3113(b)(5))
(ESEA § 3201(7))

Note: Title III funds must be used to supplement an existing LIEP. We will cover this concept in more detail in Module 3.

The U.S. Department of Education does not prescribe or recommend a particular program or program type for LIEPs.
(Non-Regulatory Guidance: English Learners and Title III § C-1, C-4)

ESEA § 3113(b)(5). CONTENTS.

Each plan submitted under subsection (a) shall

(5) describe how each eligible entity will be given the flexibility to teach English learners— (A) using a high-quality, effective language instruction curriculum for teaching English learners; and (B) in the manner the eligible entity determines to be the most effective

ESEA § 3201(7). LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.

The term “language instruction educational program” means an instruction course—

- in which an English learner is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic standards; and
- 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.

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

C-1. What are the requirements for LIEPs?

Title III of the ESEA replaces the expectation in the ESEA, as amended by NCLB, that LIEPs be “scientifically based” with a new expectation—that LIEPs be “effective.”

Specifically, for States:

- A State may use *Title III* funds to provide technical assistance to LEAs on identifying and implementing effective language instruction educational programs and curricula for teaching ELs (ESEA Section 3111(b)(2)(D)(i)); and

- A State must ensure that EL formula subgrants to LEAs are of sufficient size and scope to allow the LEAs to carry out effective language instruction educational programs for ELs (ESEA Section 3113(b)(3)(D)).

Similarly, an LEA must:

- o Use *Title III* funds for effective approaches and methodologies for teaching ELs (ESEA Section 3115(a));
- o Increase the English proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) student academic achievement (ESEA Section 3115(c)(1));
- o Use *Title III* funds in ways that build its capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards (ESEA Section 3113(b)(3)(E)); and
- o Include in its local plans for a *Title III* subgrant a description of the effective programs and activities that will be provided, including language instruction educational programs (ESEA Section 3116(b)(1)).

Under *Title VI* and the EEOA LEAs must provide a language assistance program that is effective—educationally sound and proven successful. For additional information about LEAs' obligations in this area, see the English Learner Students and Limited English Proficient Parents DCL referenced in A-3 above. Please see A-2 and A-3 for additional information about LEAs' obligation to use *Title III* to supplement, not supplant, funds used to meet this civil rights obligation

Non-Regulatory Guidance: English Learners and *Title III* § C-4

C-4. Are States or LEAs required to implement any particular type of LIEP?

No. Consistent with ESEA section 3124, the Department does not recommend any particular curricula, program of instruction, or instructional materials, nor does it prohibit any language instruction educational program used with ELs that is consistent with *Title III* of the ESEA and other laws, including *Title VI* and the EEOA. States and LEAs may select any LIEP that is effective, as indicated in C-3 above, and meets its *Title VI* and EEOA obligations, as indicated in A-3 and C-1 above. For more information on various types of LIEPs, see chapter 2 of the EL Toolkit available at <http://www2.ed.gov/about/offices/list/oela/english-learnertoolkit/eltoolkit.pdf>. Regardless of the LIEP that a State or LEA chooses to implement, States and LEAs may wish to incorporate methods of supporting home language development. Research on language use in early childhood programs and in elementary school, and on supporting home language development, including fostering bilingualism, maintaining cultural connections and communication with family members, and the transferability of home language skills to English language acquisition, suggests that systematic and deliberate exposure to English, paired with supporting home language development within high quality educational settings, can result in strong, positive outcomes for children who are non-native English speakers, as well as positive outcomes for native English speakers.

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #2
Provide High-quality Professional Development

The second activity LEAs must conduct when using *Title III* funds is to provide effective professional development for their teachers and other staff.

(ESEA § 3115(c)(2))



ESEA § 3115(c)(2) REQUIRED SUBGRANTEE ACTIVITIES.

An eligible entity receiving funds under section 3114(a) shall use the funds—

(2) to 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—

(A) designed to improve the instruction and assessment of English learners;

(B) 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 English learners;

(C) effective in increasing children's English language proficiency or substantially increasing the subject matter

knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) of sufficient intensity and duration (which shall not include activities such as 1-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 local educational agency employing the teacher, as appropriate;

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #2
Provide High-Quality Professional Development, *cont'd.*

Recipients of professional development include the following:

- Classroom teachers, including teachers in classroom settings that are not the settings of LIEPs
- Principals, other school leaders, and administrators
- Other school- or community-based organizational personnel, such as specialized instructional personnel, paraprofessionals, and early childhood educators (as applicable).

(ESEA § 3115(c)(2))

ESEA § 3115(c)(2) REQUIRED SUBGRANTEE ACTIVITIES.

An eligible entity receiving funds under section 3114(a) shall use the funds—

(2) to 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—

(A) designed to improve the instruction and assessment of English learners;

(B) 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 English learners;

(C) effective in increasing children's English language proficiency or substantially increasing the subject matter

knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) of sufficient intensity and duration (which shall not include activities such as 1-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 local educational agency employing the teacher, as appropriate;

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #2
Provide High-Quality Professional Development,
cont'd.

Professional development supported by Title III funds must be

- “Designed to improve the instruction and assessment of ELs;
- 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;
- Effective in increasing children’s ELP or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
- Of sufficient intensity and duration to have a positive and lasting impact on the teachers’ performance in the classroom”.

(ESEA § 3115(c)(2))

ESEA § 3115(c)(2) REQUIRED SUBGRANTEE ACTIVITIES.

An eligible entity receiving funds under section 3114(a) shall use the funds—

(2) to 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—

(A) designed to improve the instruction and assessment of English learners;

(B) 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 English learners;

(C) effective in increasing children’s English language proficiency or substantially increasing the subject matter

knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) of sufficient intensity and duration (which shall not include activities such as 1-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 local educational agency employing the teacher, as appropriate;

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #2
Provide High-Quality Professional Development, cont'd.

“Professional development” in the ESEA is defined as activities that

- “Are an integral part of school and LEA strategies for providing educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and
- Are sustained (not stand-alone, one-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused.”

(ESEA § 8101(42))

(Non-Regulatory Guidance: English Learners and Title III § D-1)

ESEA § 8101(42). PROFESSIONAL DEVELOPMENT.

(42) PROFESSIONAL DEVELOPMENT.—The term “professional development” means activities that—

- are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

(B) are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

- improve and increase teachers’—
- knowledge of the academic subjects the teachers teach;

(II) understanding of how students learn; and

(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback;

(iv) improve classroom management skills;

(v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

(vi) advance teacher understanding of—

- effective instructional strategies that are evidence-based; and

(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

(vii) are aligned with, and directly related to, academic goals of the school or local educational agency;

(viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;

(ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

(xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of *Title I*) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

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

D-1. What is the definition of “professional development” under the ESEA?

Under ESEA Section 8101(42) the term “professional development” means activities that—

(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

(i) improve and increase teachers'—(I) knowledge of the academic subjects the teachers teach; (II) understanding of how students learn; and (III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

(iv) improve classroom management skills;

(v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

(vi) advance teacher understanding of (I) effective instructional strategies that are evidence-based; and (II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

(vii) are aligned with, and directly related to, academic goals of the school or local educational agency;

(viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;

(ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

(xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in Section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of *Title I*) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #2
Provide High-Quality Professional Development, cont'd

Whether a teacher is required to be specifically certified in ESL or bilingual education to teach in such programs is the decision of the SEA, which determines certification requirements.

SEAs are expected to identify and report, in the Annual State Report Card, "the professional qualifications of all teachers in the State, including the number and percentage of

- Inexperienced teachers, principals, and other school leaders;
- Teachers teaching with emergency or provisional credentials; and
- Teachers who are not teaching in the subject or field for which they are certified or licensed."

(ESEA § 1111(h)(1)(C)(ix))

ESEA § 1111(h)(1)(C)(ix). MINIMUM REQUIREMENTS.

Each State report card required under this subsection shall include the following information:

(ix) The professional qualifications of teachers in State, including information (that shall be presented in the aggregate and disaggregated by high- poverty compared to low-poverty schools) on the number and percentage of—(I) inexperienced teachers, principals, and other school leaders; (II) teachers teaching with emergency or provisional credentials; and (III) teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #3
Parent, Family, and Community Engagement Activities

- LEAs that receive a *Title I* subgrant must implement an effective means of outreach to parents of ELs, including holding, and sending notice of opportunities for, regular meetings in order to gather and respond to recommendations from parents.
(ESEA § 1112(e)(3)(C))
- LEAs that receive a *Title III* subgrant must conduct parent, family, and community engagement.
(ESEA § 3115(c)(3)).
- The ESEA allows SEAs to use State-level activity funds under *Title III* to provide technical assistance to LEAs to strengthen and increase family and parent engagement programs that serve ELs, as well as community engagement in programs that serve ELs.
(ESEA § 3111(b)(2)(D)(iv))
(Non-Regulatory Guidance: English Learners and *Title III* § E-1)

ESEA § 1112(e)(3)(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 well rounded 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*.

ESEA § 3115(c)(3) REQUIRED SUBGRANTEE ACTIVITIES.

An eligible entity receiving funds under section 3114(a) shall use the funds—

(3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which— (A) shall include parent, family, and community engagement activities; and (B) may include strategies that serve to coordinate and align related programs.

ESEA § 3111(b)(2)(D)(iv). STATE ACTIVITIES.

Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out one or more of the following activities:

(D) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

(iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners.

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

E-1 What are the requirements in the ESEA for parent, family, and community engagement with regard to ELs?

First, *Title I* now requires that each LEA that receives a *Title I* subgrant implement an effective means of outreach to parents of ELs. The outreach must include holding, and sending notice of opportunities for, regular meetings in order to gather and respond to recommendations from parents. (ESEA Section 1112(e)(3)(C)). Second, an LEA receiving a *Title III* formula subgrant must conduct parent, family, and community engagement, in addition to the required uses of funds for supplementing LIEPs for ELs and providing professional development to teachers and school leaders. (ESEA Section 3115(c)(3)). Third, the ESSA expanded allowable uses of *Title III* State-level activity funds to include providing technical assistance to LEAs to strengthen and increase not only parent and community engagement in programs that serve ELs, but also family engagement in such programs. (ESEA Section 3111(b)(2)(D)(iv)). Fourth, a State must ensure that its *Title III* State plan, or a consolidated State plan that includes *Title III* funds, has been developed in consultation with parents of ELs, in addition to LEAs, teachers, administrators of *Title III* programs and other relevant stakeholders. (ESEA Section 3113(b)(3)(G)). It is important to note that all LEAs have language assistance obligations to LEP parents under *Title VI* and the EEOA. LEAs must ensure meaningful communication with LEP parents in a language they can understand and adequately notify LEP parents of information about any program, service, or activity of an LEA or State that is called to the attention of non-LEP parents.²⁷ As part of this obligation, an LEA must provide language assistance to LEP parents effectively with appropriate, competent staff or appropriate and competent outside resources. In addition, each LEA must develop and implement a process for determining whether parents are LEP and what their language needs are. An LEA may not use *Title III* funds to meet its obligations under *Title VI* and the EEOA. *Title III* funds may be used to supplement an LEA's activities if the LEA is already meeting its obligation to ensure meaningful communication with LEP parents in a language they can understand.

Topic 3: SEA Title III Funding to LEAs
Title III EL Subgrant: Required Activity #3
Parent, Family and Community Engagement Activities

For more information on parent and family engagement programs that serve ELs, please see the Non-Regulatory Guidance for ELs and Title III § E-2-4.



Non-Regulatory Guidance: English Learners and Title III § E-2

E-2 For purposes of outreach to families of ELs, how are “families” defined in the ESEA?

The ESEA does not define the term “families.” Families may include relatives involved in the social, emotional, and academic support of the student and expand beyond parents and guardians to include siblings, grandparents, aunts, uncles, cousins and others. As such, States, LEAs, and schools looking to involve and support families should be responsive to their students’ diverse family structures. For an EL or immigrant student, extended family members may have a powerful impact on the student’s academic success. In many cultures, grandparents in particular play a pivotal role in guiding and shaping household values. Providing outreach to those relatives, including through information about school programs and student progress, as well as opportunities for meaningful involvement, such as participation in school functions like family literacy nights and other such events, can have a positive impact on student learning. It is also important to consider the family situation of foster youth, unaccomp

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

E-3 For purposes of outreach to an EL student’s community, how is “community” defined in the ESEA?

The ESEA does not define the term “community.” A community may include the local and extended network of organizations that exist to support the student and his or her family. These communities can include private, non-profit, for-profit, or faith-based organizations. A school and LEA should make an effort to familiarize themselves with the various community organizations that support the students and families in their area. Knowing the churches, synagogues, mosques or other faith-based communities to which families belong can provide avenues for communicating about school events, including important dates, like back to school night or kindergarten enrollment. Non-profit organizations such as cultural centers, heritage language schools and mutual assistance associations in the local community often provide valuable educational services outside of school hours, such as tutoring and mentoring. Sharing

information about students' needs and progress, with parental consent, can align those organizations' efforts with the school's efforts and magnify the positive impact.

Non-Regulatory Guidance: English Learners and *Title III* § E-4

E-4 What parent and family engagement activities may be conducted using *Title III* funds?

A State may use its State-level activity funds to strengthen and increase parent, family, and community engagement in programs that serve ELs. (ESEA Section 3111(b)(2)(D)(iv)). An LEA, in addition to using funds for each of the parent, family, and community engagement activities described in question E-1 above, may also use its subgrant—

- o To coordinate and align related programs for ELs, which may include programs for parents and families of ELs. (ESEA Section 3115(c)(3)).

- o To provide community participation programs, family literacy services, and parent and family outreach and training activities, which may include English as a Second Language courses for parents and families of ELs in order to assist parents and families in helping their children to improve their academic achievement, and to help parents and families to become active participants in the education of their children. (ESEA Section 3115(d)(6)).

- An LEA receiving *Title III* immigrant subgrant funds under ESEA Section 3114(d)(1) may use those funds—

- o For family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children; and

- o To provide activities, in coordination with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services. (ESEA Section 3115(e)(1)(A), (G)).

For all of these activities, an LEA may not use *Title III* funds to meet its obligations under *Title VI* and the EEOA, as described in question E-1. *Title III* funds may be used to supplement an LEA's activities if the LEA is already meeting its obligation to ensure meaningful communication with LEP parents in a language they can understand.

Topic 3: SEA Title III Grants to LEAs
Immigrant Children & Youth Subgrant

Having reviewed EL subgrants, the next (and final) part of Topic 3 describes Immigrant Children and Youth subgrants.



Topic 3: SEA Title III Grants to LEAs

Immigrant Children & Youth Subgrant, cont'd

As discussed in Module 1, one of the five purposes of Title III is to help ensure that ELs, including immigrant children and youth, attain ELP and meet the same challenging State academic standards as all students in the State.

In referring to "immigrant children and youth," the term 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 three full academic years."
- (ESEA § 3201(5))

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.

Topic 3: SEA Title III Grants to LEAs
Immigrant Children and Youth Subgrant—What States Must Do

States must reserve at least enough funds to make one subgrant to an eligible LEA to serve immigrant students that is of sufficient size and scope to carry out a grant that is effective in meeting the purposes of the immigrant children and youth grant program.

(ESEA § 3114(d)(1))

(Non-Regulatory Guidance:
English Learners and Title III § G-2-3)

Immigrant children and youth subgrants must not exceed 15 percent of the total State Title III funds. We will cover this concept in more detail in Module 3.



ESEA § 3114 WITHIN-STATE ALLOCATIONS. (d)(1)) REQUIRED RESERVATION.

A State educational agency receiving a grant under this subpart for a fiscal year—

(1) shall reserve not more than 15 percent of the agency’s allotment under section 3111(c)(2) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities

Non-Regulatory Guidance: English Learners and Title III § G-2

G-2 How must a State allocate funds reserved under ESEA Section 3114(d)—the required reservation for immigrant children and youth (immigrant subgrant)? How might a State allocate immigrant subgrant funds in a manner that increases the potential impact of these funds?

A State must reserve at least enough funds to make one subgrant to an eligible LEA to serve immigrant students that is of sufficient size and scope to carry out a program that is effective in meeting the purposes of Title III (ESEA Section 3114(d)). Each State must award these funds to one or more LEAs that have experienced a significant increase in the percentage or number of immigrant children and youth, as compared to the two preceding fiscal years. (ESEA Section 3114(d)(1)). While a State may choose whether to use an increase in the percentage or number of immigrant children and youth in awarding funds to LEAs, we encourage States to consider both increases in the percentage and in the number of immigrant children and youth in order to ensure an equitable allocation of funds across LEAs of various sizes. A State may define the “significant increase” criteria used to determine eligibility of LEAs for this subgrant (see question A-16). If a State’s definition is not sufficient to allow at least one LEA to meet the definition and

permit at least one immigrant subgrant to be made, the State may change its definition. Defining “significant increase” may provide a State the opportunity to award an immigrant subgrant to an LEA that, while it has experienced a significant increase in immigrant students, still does not have enough EL students to qualify for the minimum formula subgrant award of \$10,000. (ESEA Section 3114(b)).

In order to ensure that immigrant subgrant awards are used for meaningful activities that improve outcomes for immigrant children and youth, we encourage States to provide awards of an adequate size (i.e., making fewer, larger awards) so that each LEA can use these funds for a high-quality program. In awarding these subgrants, a State must equally consider LEAs that have limited or no experience in serving immigrant children and youth. States must also consider the quality of the local plans that the LEAs submit under Section 3116. (ESEA Section 3114(d)). In order to make at least one immigrant subgrant, a State has discretion with respect to:

1. The size and scope of the award;
2. Whether to make such awards on a discretionary or formula basis;
3. Whether to make awards multi-year or for a single year; and
4. The definition of “significant increase.”

Non-Regulatory Guidance: English Learners and *Title III* § G-3

G-3 How must a State determine whether an LEA has had a “significant increase” in immigrant children and youth?

The ESEA prior to the ESSA amendments required a State to consider the preceding fiscal year’s data as compared to the average of the two fiscal years preceding that year. The ESEA as amended by the ESSA requires a State to consider the current fiscal year’s data as compared to the average of the two preceding fiscal years. For more information, please see question A-16.

Topic 3: SEA Title III Grants to LEAs

Immigrant Children and Youth Subgrant—What States Must Do, cont'd.

States must award these funds to one or more LEAs that have experienced a significant increase (as defined by the State) in the percentage or number of immigrant children and youth, as compared to the two preceding fiscal years.

(ESEA § 3114(d)(1))

(Non-Regulatory Guidance: English Learners and *Title III* § E-1)

ESEA § 3114(d)(1) REQUIRED RESERVATION.

A State educational agency receiving a grant under this subpart for a fiscal year—

(1) shall reserve not more than 15 percent of the agency's allotment under section 3111(c)(2) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities

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

E-1. What are the requirements in the ESEA for parent, family, and community engagement with regard to ELs?

First, *Title I* now requires that each LEA that receives a *Title I* subgrant implement an effective means of outreach to parents of ELs. The outreach must include holding, and sending notice of opportunities for, regular meetings in order to gather and respond to recommendations from parents. (ESEA Section 1112(e)(3)(C)). Second, an LEA receiving a *Title III* formula subgrant must conduct parent, family, and community engagement, in addition to the required uses of funds for supplementing LIEPs for ELs and providing professional development to teachers and school leaders. (ESEA Section 3115(c)(3)). Third, the ESSA expanded allowable uses of *Title III* State-level activity funds to include providing technical assistance to LEAs to strengthen and increase not only parent and community engagement in programs that serve ELs, but also family engagement in such programs. (ESEA Section 3111(b)(2)(D)(iv)). Fourth, a State must ensure that its *Title III* State plan, or a consolidated State plan that includes *Title III* funds, has been developed in consultation with parents of ELs, in addition to LEAs, teachers, administrators of *Title III* programs and other relevant stakeholders. (ESEA Section

3113(b)(3)(G)). It is important to note that all LEAs have language assistance obligations to LEP parents under *Title VI* and the EEOA. LEAs must ensure meaningful communication with LEP parents in a language they can understand and adequately notify LEP parents of information about any program, service, or activity of an LEA or State that is called to the attention of non-LEP parents.²⁷ As part of this obligation, an LEA must provide language assistance to LEP parents effectively with appropriate, competent staff or appropriate and competent outside resources. In addition, each LEA must develop and implement a process for determining whether parents are LEP and what their language needs are. An LEA may not use *Title III* funds to meet its obligations under *Title VI* and the EEOA. *Title III* funds may be used to supplement an LEA's activities if the LEA is already meeting its obligation to ensure meaningful communication with LEP parents in a language they can understand.

Topic 3: SEA Title III Grants to LEAs

**Immigrant Children & Youth Subgrant—
Allowable Activities**

An eligible entity receiving *Title III* funds may use the funds "to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;
- Recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth; and
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds."

(ESEA § 3115(e)(1))

ESEA § 3115(e)(1). IN GENERAL.

An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

- family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

(B) recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds

(E) basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services. ds;

Topic 3: SEA Title III Grants to LEAs
Immigrant Children & Youth Subgrant:
Allowable Activities, cont'd.

An eligible entity receiving *Title III* funds may also use the funds “to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include:

- Basic instructional services that are directly attributable to the presence of immigrant children and youth in the LEA involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;
Other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.”
(ESEA § 3115(e)(1))

ESEA § 3115(e)(1). IN GENERAL.

An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

- family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

(B) recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded fun

(E) basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

Topic 3: SEA Title III Grants to LEAs
Immigrant Children and Youth Subgrant:
What Must States Do? “Significant Increase,” cont’d.

- States may choose whether to use an increase in the percentage or number of immigrant children and youth in awarding funds to LEAs.
- States are required to consider the current fiscal year’s data as compared to the average of the two fiscal years preceding that year.
(ESEA § 3114(b))
(Non-Regulatory Guidance: English Learners and *Title III* § G-2-4)
- States are encouraged to consider both increases to ensure an equitable allocation of funds across LEAs of various sizes.
For example, one SEA might determine that LEAs have experienced a significant increase if the number of immigrant students increases by 25 percent over the previous two years. Another SEA might define it as an increase of 20 or more immigrant students in an LEA over the previous two years.

ESEA § 3114(b). LIMITATION.

A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than \$10,000.

Non-Regulatory Guidance: English Learners and *Title III* § G-2

G-2. How must a State allocate funds reserved under ESEA Section 3114(d)—the required reservation for immigrant children and youth (immigrant subgrant)? How might a State allocate immigrant subgrant funds in a manner that increases the potential impact of these funds?

A State must reserve at least enough funds to make one subgrant to an eligible LEA to serve immigrant students that is of sufficient size and scope to carry out a program that is effective in meeting the purposes of *Title III*. (ESEA Section 3114(d)). Each State must award these funds to one or more LEAs that have experienced a significant increase in the percentage or number of immigrant children and youth, as compared to the two preceding fiscal years. (ESEA Section 3114(d)(1)). While a State may choose whether to use an increase in the percentage or number of immigrant children and youth in awarding funds to LEAs, we encourage States to consider both increases in the percentage and in the number of immigrant children and youth in order to ensure an equitable allocation of funds across LEAs of various sizes. A State may define the “significant increase” criteria used to determine eligibility of LEAs for this subgrant (see question A-16). If a State’s definition is not sufficient to allow at least one LEA to meet the definition and permit at least one immigrant subgrant to be made, the State may change its definition. Defining “significant increase” may provide a State the opportunity to award an immigrant subgrant to an LEA that, while it has experienced a significant increase in immigrant students, still does not have enough EL students to qualify for the minimum formula subgrant award of \$10,000. (ESEA Section 3114(b)). In order to ensure that immigrant subgrant awards are used for meaningful

activities that improve outcomes for immigrant children and youth, we encourage States to provide awards of an adequate size (i.e., making fewer, larger awards) so that each LEA can use these funds for a high-quality program. In awarding these subgrants, a State must equally consider LEAs that have limited or no experience in serving immigrant children and youth. States must also consider the quality of the local plans that the LEAs submit under Section 3116. (ESEA Section 3114(d)). In order to make at least one immigrant subgrant, a State has discretion with respect to: 1. The size and scope of the award; 2. Whether to make such awards on a discretionary or formula basis; 3. Whether to make awards multi-year or for a single year; and 4. The definition of “significant increase.”

Non-Regulatory Guidance: English Learners and *Title III* § G-3

G-3. How must a State determine whether an LEA has had a “significant increase” in immigrant children and youth?

The ESEA prior to the ESSA amendments required a State to consider the preceding fiscal year’s data as compared to the average of the two fiscal years preceding that year. The ESEA as amended by the ESSA requires a State to consider the current fiscal year’s data as compared to the average of the two preceding fiscal years. For more information, please see question A-16.

Non-Regulatory Guidance: English Learners and *Title III* § G-4

G-4. How must an LEA use *Title III* immigrant subgrant funds? How might an LEA prioritize certain uses of funds to respond to the unique needs of the immigrant children and youth that it serves?

Under the statute, an LEA must use the immigrant subgrant to provide enhanced instructional opportunities for immigrant children and youth (ESEA Section 3115(e)). Activities may include (with ESSA changes emphasized):

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;
- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program;
- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education; and
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

We strongly encourage an LEA that receives *Title III* immigrant subgrant funds to prioritize activities that will meet the unique needs of the immigrant children and youth enrolled in the LEA, as well as parents and families of these students. Conducting a needs assessment and measuring the impact of activities provided using *Title III* funds may help to ensure that these funds are used meaningfully and that LEAs are able to successfully support immigrant children and youth.

Topic 3: SEA Title III Grants to LEAs
Immigrant Children and Youth Subgrant:
What Must States Do? “Significant Increase,” cont'd.

Reflect: How does your SEA define significant increase?

For additional information, see the [resources from U.S. Department of Education, Educational Resources for Immigrants, Refugees, Asylees and other New Americans](#).

Topic 4: *Title III* Services to ELs in Private Schools

Private schools are nonprofit day or residential private schools that provide elementary and secondary education, including religiously affiliated schools, located in the geographic areas served by the LEA.

The ESEA provides specific requirements regarding how LEAs provide services to ELs, their teachers and other educational personnel in private schools. Please note that *Title III* subgrants are subject to the requirements in *Title VIII* of the ESEA regarding equitable services for students in private schools.
(ESEA § 8101(a)(1))



ESEA § 8501(a)(1). IN GENERAL.

Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

Topic 4: *Title III* Services to ELs in Private Schools
Timely and Meaningful Consultation

The key to providing equitable services to ELs and their teachers, or to other educational personnel, in private schools is timely and meaningful consultation between public and private school officials on the design and development of *Title III* programs.
(ESEA § 8501(c))

ESEA § 8501(c). CONSULTATION.

(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as— (A) how the children’s needs will be identified; (B) what services will be offered; (C) how, where, and by whom the services will be provided; (D) how the services will be assessed and how the results of the assessment will be used to improve those services; (E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined; (F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers; and (G) whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and (H) whether to provide equitable services to eligible private school children— (i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or (ii) in the agency’s participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.

(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium,

or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

(3) **TIMING.**—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

(4) **DISCUSSION REQUIRED.**—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

(5) **16 DOCUMENTATION.**—Each local educational agency shall maintain in the agency's records, and provide to the State educational agency involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

(6) **COMPLIANCE.**— (A) **IN GENERAL.**—If the consultation required under this section is with a local educational agency or educational service agency, a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by this section. (B) **PROCEDURE.**—If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide the appropriate documentation to the appropriate officials. (C) **SERVICES.**—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have— (i) requested that the State educational agency provide such services directly; and (ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.

Topic 4: Title III Services to ELs in Private Schools
Timely and Meaningful Consultation, cont'd.

Timely and meaningful consultation must take place before the LEA "makes any decision that affects the opportunities of eligible private school children, teachers, or other educational personnel to participate in programs." The obligation to initiate the timely and meaningful consultation process lies with the LEA that is responsible for providing equitable services.
(ESEA § 8501(c))

ESEA § 8501(c). CONSULTATION.

(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as— (A) how the children's needs will be identified; (B) what services will be offered; (C) how, where, and by whom the services will be provided; (D) how the services will be assessed and how the results of the assessment will be used to improve those services; (E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined; (F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers; and (G) whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and (H) whether to provide equitable services to eligible private school children— (i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or (ii) in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.

(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium,

or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

(3) **TIMING.**—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

(4) **DISCUSSION REQUIRED.**—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

(5) **16 DOCUMENTATION.**—Each local educational agency shall maintain in the agency's records, and provide to the State educational agency involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

(6) **COMPLIANCE.**— (A) **IN GENERAL.**—If the consultation required under this section is with a local educational agency or educational service agency, a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by this section. (B) **PROCEDURE.**—If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide the appropriate documentation to the appropriate officials. (C) **SERVICES.**—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have— (i) requested that the State educational agency provide such services directly; and (ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.

Topic 4: Title III Services to ELs in Private Schools
Timely and Meaningful Consultation, cont'd.

The timely and meaningful consultation between the LEA and private school officials should address topics such as the following:

- How the needs of students (ELs) will be identified
- What services will be offered
- How, where, and by whom the services will be provided
- How the services will be assessed and how assessment results will be used to improve services
- Size and scope of services and funds available for services
- How and when the LEA will make decisions about delivery of services (ESEA §8501(c)(1))

ESEA § 8501(c)(1). IN GENERAL.

To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as— (A) how the children’s needs will be identified; (B) what services will be offered; (C) how, where, and by whom the services will be provided; (D) how the services will be assessed and how the results of the assessment will be used to improve those services; (E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined; (F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers; and (G) whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and (H) whether to provide equitable services to eligible private school children— (i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or (ii) in the agency’s participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.

Topic 4: Title III Services to ELs in Private Schools
Timely and Meaningful Consultation, cont'd.

- *Title III* services provided to private school children and educational personnel must be secular, neutral, and nonideological. (ESEA § 8501(a)(2))
- LEAs may serve private school ELs and educational personnel either directly or through contracts with public and private agencies, organizations, and institutions. (ESEA § 8501(d)(2))

ESEA § 850(a)(2). SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.

Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

ESEA § 8501(d)(2). PROVISION OF SERVICES.

- **IN GENERAL.**—The provision of services under this section shall be provided— (i) by employees of a public agency; or (ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

(B) INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency. **(C) COMMINGLING OF FUNDS PROHIBITED.**—Funds used to provide services under this section shall not be commingled with non-federal funds.

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



There are seven steps that LEAs must take to engage in the process of timely and meaningful consultation with private school officials. It is important for Title III State Directors to be aware of these steps when communicating with LEAs.

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



1. Identify eligible private schools.

LEAs should identify private schools that are not-for-profit schools that may enroll ELs and immigrant children and youth who are eligible to participate in *Title III*.

(Non-Regulatory Guidance: English Learners and *Title III* § C-6)

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



2. Share information with schools.

LEAs should share information about the *Title III* program with appropriate private school representatives.

(Non-Regulatory Guidance: English Learners and *Title III* § C-6)

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



3. Identify eligible students. Students eligible to participate should be identified. For students to be identified as ELs for the EL formula subgrant, the LEA and private school will determine an appropriate assessment through consultation. This assessment need not be the same assessment as the State ELP assessment but must be objective and reliable in determining whether students are ELs.

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



3. Identify eligible students (continued).

If requested, the LEA may assist the private school in identifying ELs. Assistance with identification of students, such as through a placement ELP test, may be considered part of the *Title III* services provided by the LEA.

(Non-Regulatory Guidance: English Learners and *Title III* § C-6)

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



4. Consult with private school officials about needs of ELs.

Throughout the process, the LEA should engage in timely and meaningful consultation with private school officials regarding the needs of the ELs or immigrant children and youth who are private school students.

(Non-Regulatory Guidance: English Learners and *Title III* § C-6)

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



5. Develop a written plan.

A written plan describing services to be provided by the LEA should be developed. Note that services, not funds, should be provided; likewise, the control of funds must remain in the LEA.

(Non-Regulatory Guidance: English Learners and *Title III* § C-6)

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



6. Provide services.

Title III services are to be provided.
(Non-Regulatory Guidance: English Learners and *Title III* § C-6)

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



7. Evaluate services.

The *Title III* services provided to private school students and their teachers or other personnel must be evaluated. The method used to evaluate those services should be agreed upon through consultation and should be appropriate to the services. For example, if afterschool tutoring is provided, it may be appropriate to use an ELP assessment to measure students' progress in English.

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: *Title III* Services to ELs in Private Schools The Process of Timely and Meaningful Consultation



7. Evaluate services (continued).

If professional development is provided by the LEA to private school teachers, a participant survey may be one way to measure the effectiveness of this training.

(Non-Regulatory Guidance: English Learners and *Title III* § C-6)

Non-Regulatory Guidance: English Learners and *Title III* § C-6.

C-6 Must an LEA provide for the equitable participation of eligible private school students, their teachers and other educational personnel in *Title III*, Part A programs?

Yes. An LEA must provide for the equitable participation of eligible private school students, their teachers and other educational personnel in private schools located in areas served by the LEA. This requirement applies to both the EL and immigrant youth subgrants. An LEA must engage in timely and meaningful consultation with private school officials during the design and development of their *Title III*, Part A programs and prior to making any decision that may affect the participation of private school students, their teachers and/or other educational personnel in the program. (ESEA Sections 8501-8504).

Topic 4: Title III Services to ELs in Private Schools
Check for Understanding: Service to ELs in Private Schools

Review the steps in the process for LEAs to provide services to ELs in private schools under Title III. Determine the two steps that are not part of the process.

Steps in Providing Services to ELs in Private Schools	Answers
1 Identify private schools that are eligible to participate in Title III.	
2 Share information about the Title III program with the private school.	
3 Identify private school students who are eligible to participate.	
4 Consult with private school officials about the needs of ELs in private school.	
5 Provide a written plan describing the services the LEA will provide to the private school.	
6 Provide Title III services to ELs in the private school.	
7 Evaluate the Title III services provided to private school students.	
8 Ensure that Title III funds are not used for afterschool activities.	
9 Ensure that Title III services are provided directly to students rather than to teachers.	

Topic 4: Title III Services to ELs in Private Schools
Check for Understanding: Service to ELs in Private Schools

Answers

Steps in Providing Services to ELs in Private Schools	Answers
1 Identify private schools that are eligible to participate in Title III.	Yes. Step 1 belongs on the list.
2 Share information about the Title III program with the private school.	Yes. Step 2 belongs on the list.
3 Identify private school students who are eligible to participate.	Yes. Step 3 belongs on the list.
4 Consult with private school officials about the needs of ELs in private school.	Yes. Step 4 belongs on the list.
5 Provide a written plan describing the services the LEA will provide to the private school.	Yes. Step 5 belongs on the list.
6 Provide Title III services to ELs in the private school.	Yes. Step 6 belongs on the list.
7 Evaluate the Title III services provided to private school students.	Yes. Step 7 belongs on the list.
8 Ensure that Title III funds are not used for afterschool activities.	Title III funds can be used for afterschool activities in some instances. Step 8 does not belong on the list.
9 Ensure that Title III services are provided directly to students rather than to teachers.	Title III funds can be used to provide professional development to teachers in some instances. Step 9 does not belong on the list.

Topic 5: Parental Notification and Outreach Under *Title III*

When a child or youth is initially identified as an EL, and annually thereafter, LEAs must notify parents of:

- The reasons for the identification of their child as an EL
- The child's level of English proficiency
- The instructional methods used in the LIEP
- How the LIEP will meet the child's needs
- How the LIEP will help the child learn English
- The exit requirements of the LIEP
- In the case of a child with a disability, how the LIEP meets the objectives of the child's individualized education program (ESEA § 1112(e)(3))



ESEA § 1112(e)(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 well-rounded 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.

Topic 5: Parental Notification and Outreach Under Title III
Parental Notification Information

The information LEAs must notify parents of includes the following:

1. The reasons for the identification
2. The child's or youth's level of English proficiency and the status of the child's or youth's academic achievement
3. The methods of instruction used in the program
4. How the program will meet the educational strengths and needs of their child or youth
5. How such a program will help their child or youth learn English and meet academic achievement standards
6. The specific exit requirements for the program and the expected rate of graduation from high school
7. In the case of a child or youth with a disability, how such a program meets the objectives of the individualized education program of the child or youth (20 U.S.C. 1414(d))
8. Parental rights to remove their child or youth from the program, detailing the options that parents have to enroll their child or youth in another program or method of instruction, if available.
(ESEA § 1112(e)(3))

ESEA § 1112(e)(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 well-rounded 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.

Topic 5: Parental Notification and Outreach Under *Title III* Notification Timelines

LEAs must provide notification to parents:

- No later than 30 days after the beginning of the school year.
- For those enrolled after the beginning of the school year, within the first two weeks of placement in a LIEP.

(ESEA § 1112(e)(3))

(Non-Regulatory Guidance: English Learners and *Title III* § E-5)

ESEA § 1112(e)(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 well-rounded 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.

Non-Regulatory Guidance: English Learners and *Title III* § E-5

E-5. What notifications must an LEA provide to parents of ELs under the ESEA?

Title I requires that every LEA that uses funds under either *Title I* or *Title III* for services to ELs must provide a parent with notification that outlines their child’s identification as an EL and placement in an LIEP. (ESEA Section 1112(e)(3)). The parental notification must include: • The reason for identification of the child as an EL; • The child’s level of English language proficiency, how the level was assessed, and the status of the child’s academic achievement; • Methods of instruction used in the program in which the child is, or will be, participating, and the methods of instruction used in other available programs, including how the programs differ; • How the program will meet the educational strengths and needs of the child and help the child achieve English language proficiency, and meet academic standards; • Exit requirements for the program, expected rate of transition to a classroom not tailored for EL students, and expected rate of high school graduation; • In the case of a child with a disability, how the program meets the annual goals in the child’s individualized education program (IEP); and • Information regarding parents’ right to withdraw the child from a program upon their request, and to decline enrollment or choose another program or method of instruction, if available. (ESEA 1112(e)(3)(A)). The notification must be provided no later than 30 calendar days after the beginning of the school year or within the first two weeks of placement in an LIEP for students who enroll after the start of the school year. (ESEA Section 1112(e)(3)(A), 1112(e)(3)(B)). The notice and information provided must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.²⁸ (ESEA Section 1112(e)(4)).

Topic 5: Parental Notification and Outreach Communications With Parents

LEAs must:

- Provide communication “in an understandable and uniform format and to the extent practical, provided in a language the parent can understand”; (ESEA § 1112(e)(4))
- *Provide language assistance to parents or families of ELs effectively with appropriate, competent staff or appropriate and competent outside resources; and*
- *Develop and implement a process for determining whether parents are ELs and what their language needs are.*

LEA may not use *Title III* funds to meet its obligations under *Title VI* and the Equal Educational Opportunities Act (EEOA). *Title III* funds may be used to supplement an LEA’s activities if the LEA is already meeting its obligation to ensure meaningful communication with parents or families of ELs in a language they can understand.

(Non-Regulatory Guidance: English Learners and *Title III* § E-1)

ESEA § 1112(e)(4). NOTICE AND FORMAT.

The notice and information provided to parents under this subsection shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

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

E-1. What are the requirements in the ESEA for parent, 26 family, and community engagement with regard to ELs?

First, *Title I* now requires that each LEA that receives a *Title I* subgrant implement an effective means of outreach to parents of ELs. The outreach must include holding, and sending notice of opportunities for, regular meetings in order to gather and respond to recommendations from parents. (ESEA Section 1112(e)(3)(C)).

Second, an LEA receiving a *Title III* formula subgrant must conduct parent, family, and community engagement, in addition to the required uses of funds for supplementing LIEPs for ELs and providing professional development to teachers and school leaders. (ESEA Section 3115(c)(3)).

Third, the ESSA expanded allowable uses of *Title III* State-level activity funds to include providing technical assistance to LEAs to strengthen and increase not only parent and community engagement in programs that serve ELs, but also family engagement in such programs. (ESEA Section 3111(b)(2)(D)(iv)).

Fourth, a State must ensure that its *Title III* State plan, or a consolidated State plan that includes *Title III* funds, has been developed in consultation with parents of ELs, in addition to LEAs, teachers, administrators of *Title III* programs and other relevant stakeholders. (ESEA Section 3113(b)(3)(G)).

It is important to note that all LEAs have language assistance obligations to LEP parents under *Title VI* and the EEOA. LEAs must ensure meaningful communication with LEP parents in a language they can understand and adequately notify LEP parents of information about any program, service, or activity of an LEA or State that is called to the attention of non-LEP parents.²⁷ As part of this obligation, an LEA must provide language assistance to LEP parents effectively with appropriate, competent staff or appropriate and competent outside resources. In addition, each LEA must develop and implement a process for determining whether parents are LEP and what their language needs are. An LEA may not use *Title III* funds to meet its obligations under *Title VI* and the EEOA. *Title III* funds may be used to supplement an LEA's activities if the LEA is already meeting its obligation to ensure meaningful communication with LEP parents in a language they can understand.

Topic 5: Parental Notification and Outreach
Parental Outreach—LEAs and SEAs

Under *Title I*, LEAs must conduct effective outreach to parents of ELs.

- The outreach must include holding regular meetings to seek and respond to recommendations from parents.
- Parents must be informed of how they can be involved in the education of their children and how they can help them learn English and achieve academic success.
(ESEA § 1112(e)(3)(C))
- LEAs must also meet parental notification requirements (see slide 61).
(ESEA § 1112(e)(3))

Under *Title III*, SEAs must seek input from parents of ELs when developing the State plan.

(ESEA § 3113(b)(3)(G))

ESEA § 1112(e)(3)(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 well rounded 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*.

ESEA § 3113(b)(3)(G). CONTENTS.

Each plan submitted under subsection (a) shall—

(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders

Topic 5: Parental Notification and Outreach
Reflection

Do the LEAs in your State conduct effective outreach to parents of ELs to inform them of how they can be involved in their children's education?

If you think of gaps in your parental outreach process that can be improved, take a minute to jot them down right now.

Topic 6: Reporting Requirements Under *Title III*

LEA Reporting to the SEA

Under Title III, LEAs must report to the SEA on the following:

- *Title III* programs and activities, including their supplemental nature
- Number and percentage of ELs (and ELs who are also identified as students with disabilities) making progress toward ELP
- Number and percentage of ELs who attain proficiency
- Number and percentage of ELs who exit LIEPs
- Number and percentage of former ELs (and ELs who are also identified as students with disabilities) who meet academic content standards (for four years)
- Number and percentage of ELs who have not exited LIEPs after five years as an EL
- Any other information required by the SEA.

(ESEA § 3121(a))

(Non-Regulatory Guidance: English Learners and *Title III* § H-1)

ESEA § 3212(a). IN GENERAL.

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—

- a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, which shall include a description of how such programs and activities supplemented programs funded primarily with State or local funds;
- the number and percentage of English learners in the programs and activities who are making progress toward achieving English language proficiency, as described in section

(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on State English language proficiency standards established under section 1111(b)(1)(G) by the end of each school year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(G);

(4) the number and percentage of English learners who exit the language instruction educational programs based on their attainment of English language proficiency;

(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;

(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; and

(7) any other information that the State educational agency may require

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

H-1. Does *Title III* have additional reporting requirements for LEAs to report to States on ELs, beyond what is required to be reported under the Title I State and LEA report cards?

Yes. *Title I* requires that States and LEAs annually report on ELs' progress in achieving English language proficiency, attainment of English language proficiency, academic achievement, and high school graduation rates. (ESEA Section 1111(h)(1), (h)(2)). Under *Title III*, there are additional reporting requirements. LEAs must report to their States on:

- *Title III* programs and activities
- Number and percentage of ELs making progress toward English language proficiency
- Number and percentage of ELs who attain proficiency and exit LIEPs
- Number and percentage of former ELs who meet academic content standards (for 4 years)
- Number and percentage of ELs who have not exited LIEPs after 5 years as an EL
- Any other information required by the SEA.

Topic 6: Reporting Requirements Under *Title III*

LEA Reporting to the SEA

Under Title III, LEAs must report to the SEA on the following:

- *Title III* programs and activities, including their supplemental nature
- Number and percentage of ELs (and ELs who are also identified as students with disabilities) making progress toward ELP
- Number and percentage of ELs who attain proficiency
- Number and percentage of ELs who exit LIEPs
- Number and percentage of former ELs (and ELs who are also identified as students with disabilities) who meet academic content standards (for four years)
- Number and percentage of ELs who have not exited LIEPs after five years as an EL
- Any other information required by the SEA.

(ESEA § 3121(a))

(Non-Regulatory Guidance: English Learners and *Title III* § H-1)

ESEA § 3122. BIENNIAL REPORTS.

- STATES.—Based upon the reports provided to a State educational agency under section 3121, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education provided to English learners.
- SECRETARY.—Every second year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report— (1) on programs and activities carried out to serve English learners under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of English learners; (2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this part to teach English learners; (3) containing a critical synthesis of data reported by eligible entities to States under section 3121(a); (4) containing a description of technical assistance and other assistance provided by State educational agencies under section 3111(b)(2)(D); (5) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating English learners, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years; (6) containing the findings of the most recent evaluation related to English learners carried out under section 8601; (7) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals; (8) containing the number of English learners served by eligible entities receiving funding under this part who were transitioned out of language instruction educational programs funded under this part; and (9) containing other information gathered

from the evaluations from specially qualified agencies and other reports submitted to the Secretary under this part when applicable.

Congratulations!

You have completed Module 2.
Please continue to Module 3.