

# Federal Program Requirements for English Learner and Immigrant Students

KDE Office of Continuous Improvement and Support  
Division of School and Program Improvement



# Goals

- ▶ **Participants in this training will gain an understanding of ...**
  - **Requirements for serving English learner (EL) and immigrant students under:**
    - ✓ Title I, Part A
    - ✓ Title III, Part A
    - ✓ Title III Immigrant subgrant
  - **Grant Management Application and Planning (GMAP) System Title III applications**

# ELs and Title I, Part A

- ▶ **The enactment of the Every Student Succeeds Act (ESSA) saw several requirements related to ELs move from Title III to Title I, Part A.**
  - **This includes requirements at the state, district and school levels.**
- ▶ **These changes allow Title I funds to be used for a broader range of EL-related purposes.**

# Assessment and Accountability Requirements

| Title I, Part A Requirement                                                           | Summary and Significance                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>English Language Proficiency Standards</b><br><i>ESSA 1111(b)(1)(F)</i>            | Each state must adopt English Language Proficiency (ELP) standards that are derived from the 4 recognized domains of speaking, listening, reading and writing; address the different proficiency levels of ELs; and are aligned with the challenging state academic standards.<br><b>As a member of the WIDA consortium, Kentucky adopted the WIDA English Language Development (ELD) Standards to meet this requirement.</b>                                                                          |
| <b>English Language Proficiency Assessment</b><br><i>ESSA 1111(b)(2)(G)</i>           | Each state must demonstrate that LEAs will provide an annual assessment of ELP of all ELs and that the assessment is aligned with the state's ELP standards. (Note: This requirement has always been included under Title I, Part A. ESSA removed the identical requirement from Title III).<br><b>As a member of the WIDA consortium, Kentucky uses WIDA's ACCESS for ELLs as the annual ELP assessment.</b>                                                                                          |
| <b>Accountability: English Learner Subgroup</b><br><i>ESSA 1111(b)(3)(B)</i>          | Former ELs are to be included in the EL subgroup for accountability purposes for 4 years. Prior to ESSA, they were included for only 2 years.                                                                                                                                                                                                                                                                                                                                                          |
| <b>Accountability: Long Term Goals</b><br><i>ESSA 1111(c)(4)(A)(ii)</i>               | Each state must establish ambitious, state-designed, long-term goals, which include measures for ELs for proficiency on content assessments and increases in the percentage of ELs making progress in achieving ELP within a state-determined timeline.<br><b>Districts receiving Title I funds are now held accountable for this measure rather than only districts receiving Title III funds.</b>                                                                                                    |
| <b>Accountability: Annual Meaningful Differentiation</b><br><i>ESSA 1111(c)(4)(C)</i> | Accountability determinations known under NCLB as Adequate Yearly Progress (AYP) are now known as Annual Meaningful Differentiation (AMD). AMD includes separate accountability indicators for ELs and the requirement to include differentiation for underperforming subgroups.<br><b>A school may be identified for Targeted Support and Improvement (TSI) based solely on the academic performance of the EL subgroup, allowing school improvement funds to be used for ELs for the first time.</b> |

# Parent Engagement Requirements

- ▶ **ESSA Section 1112(e) includes several requirements related to the parents of ELs:**
  - Parent Notification
  - Parent Outreach
  - Notice and Format
- ▶ **Section E of the *English Learners and Title III Non-Regulatory Guidance* contains additional information on these topics.**

# Parent Notification

- ▶ **ESSA Section 1112(e)(3)(A-B) requires each district provide parents with notification of their child's identification as an EL and their placement in a language instruction educational program (LIEP).**
- ▶ **The notification must be provided no later than 30 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 year.**

# Parent Notification Requirements

---

The reason for the 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.

---

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.

---

# Parent Participation and Outreach

- ▶ **ESSA Section 1112(e)(3)(C)** states that each district must implement an effective means of outreach to the parents of all ELs to inform them of how they can:
  - Be involved in the education of their children.
  - Be active participants in assisting their children to:
    - ✓ Attain English proficiency
    - ✓ Achieve at high levels within a well-rounded education
    - ✓ Meet the challenging state academic standards expected of all students



# Regular Parent Meetings

- ▶ Implementing an effective means of outreach must include holding and sending notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from the parents of ELs.
- ▶ Meeting requirements:
  - Specifically for the parents of ELs
  - Cannot be held at the same time as another meeting for parents

# Notice and Format



**ESSA Section 1112(e)(4) requires the notice and information provided to parents be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.**

# Coordinate with Other Programs

- ▶ **The district's Title I, Part A plan (application in GMAP) must assure that the district will coordinate and integrate services provided under Title I, Part A with other educational services at the district or school level, such as services for ELs, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program. [See ESSA Section 1112(c)(4)]**

# Using Title I, Part A Funds for ELs

## ► Guiding questions

- Is Title I supplemental to the core EL program provided by state and local funds?
- Is Title I supplemental to civil rights obligations?
- Can the district ensure the Title I school is receiving sufficient state and local funds for EL programs?
- Is an EL workshop or professional development for teachers a sustained activity?
- Is the school or district avoiding the unnecessary segregation of EL students?

# Title III is and Title III is not...

-  Language Instruction
-  Professional Development
-  Academic Achievement
-  Family and Community Programs
-  Materials
-  Technology
-  Administrative Expenses

-  Core EL Program
-  General Activities
-  Interpretation/Translation
-  Federal/State Mandated Assessments
-  Unlicensed Staff
-  Fluent or Native English Speakers
-  Activities Required by Other Laws

# Program Participation

- ▶ Districts are not required to participate in Title III.
- ▶ Funds generated under Title III for districts declining to participate will be redistributed among participating districts.
- ▶ Title III funds **cannot** be transferred to another federal program.

# Title III Subgrants

- ▶ Federal requirement to qualify:
  - Enough EL students to generate a minimum \$10,000 for a standalone programs.
  - Districts not generating \$10,000 may join consortiums.
- ▶ LEAs must use Title III funds for supplemental
  - *Effective* EL instruction;
  - *Effective* professional development for all staff; and
  - Parent, family and community engagement.

# Effective EL Instruction

## [ESSA Section 3115(a)]

- ▶ Districts are obligated under the Civil Rights Act to provide ELs with a language assistance program that is educationally sound and proven successful.
  - *Title III funds must supplement and not supplant all civil rights obligations.*
- ▶ ESSA requires language instruction educational programs to be *effective*.



# Title III Funds and Effective EL Instruction

- ▶ **Effective approaches and methodologies for teaching ELs**
  - Effective approaches and methodologies should meet the three Castañeda standards.
- ▶ Increase English Language proficiency by providing *effective* language instruction education programs (LIEP) that meet the needs of ELs and demonstrate success in increasing English language proficiency (ELP) and academic achievement;
- ▶ Build capacity to continue to offer effective LIEPs that assist ELs in meeting challenging state academic standards; and
- ▶ Include in its local plan for a Title III subgrant, a description of the effective programs and activities that will be provided, including LIEPs.

# Use of Funds Scenario 1

- ▶ Your district is purchasing tablets for all students in the district and would like to use Title III funds to pay for tablets used by EL population currently enrolled. The tablets will be used for all students to gain access to curriculum in the home and also will allow EL students an opportunity to participate in bilingual material/translation services to help with understanding core content and assignments. Would this be considered supplemental?
  - **No. The same funding source that purchased tablets for the other students would need to be used for the EL students in order to avoid supplanting.**

# Use of Funds Scenario 2

- ▶ Your district pays the partial salary of a certified EL teacher to provide additional services to newcomer students who have recently enrolled. Would this be considered supplemental?
  - **Yes. Paying staff to provide specialized services in addition to those activities provided by the core LIEP would be allowable for Title III funds, as long as all civil rights obligations are met. Accurate and up-to-date time and effort maintenance would be required.**

# Effective Language Instruction Educational Programs (LIEPs)

- ▶ Driven by data on the unique needs of ELs
- ▶ Aligned with local needs assessments
- ▶ Based on rigorous, relevant research on instructional approaches proven effective for promoting English Language proficiency and high academic achievement.
- ▶ Examined through performance monitoring and program evaluation as part of continuous improvement of LIEP implementation and effectiveness; and
- ▶ Included as part of a systemic approach to serving ELs, based on the English language proficiency standards and state content standards.

# Effective Professional Development

- ▶ Designed to improve the instruction and assessment of ELs;
- ▶ Designed to enhance the implementation of curriculum, assessment measures and practices, and instructional strategies for ELs;
- ▶ Effective in increasing ELP and subject matter knowledge, teaching knowledge and teaching skills of teachers;
- ▶ Sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom.

# Statutory Requirements of Professional Development (PD)

- ▶ How do LEAs determine if a PD meets statutory requirements and demonstrates effectiveness with regards to language development and academic outcomes for ELs?
  - Ensure activities are part of state, district and school criteria, strategies, goals and improvement plans;
  - Collaborative, and job-embedded;
  - Data-driven and classroom-focused;
  - Developed in consultation with the appropriate stakeholders;
  - Regularly evaluated for their impact on increased teacher effectiveness and academic achievement to improve the quality of the training;
  - Provide follow-up training to ensure knowledge and skills are implemented in classrooms;
  - Allow personalized plans for each educator to address their specific needs identified during observations or other feedback; and
  - Advance teacher understanding of effective instructional strategies that are evidence-based for improving student achievement.

# Professional Development Scenario

- ▶ Your district would like to send the EL staff to the national WIDA Annual Conference. Your professional development plan would be for EL staff to bring back materials, topics and resources to disseminate to school staff during PLC meetings, staff meetings and/or other designated district/school PD opportunities. The goal would be to provide content teachers with the knowledge and skills to provide instruction and appropriate language support in mainstream classrooms. EL staff would collaborate with content teachers during PLCs to discuss strategies implemented and evaluate the effectiveness of the resources and strategies used. Would this be an allowable activity for Title III funds?
  - **Yes. While some WIDA materials would not be allowable purchases with Title III funds, using Title III funds to provide professional development opportunities to all staff that would have a lasting impact on the teachers' performance in the classroom is a required activity of Title III funds.**

# Parent, Family and Community Engagement

- ▶ LEAs receiving Title III funds must conduct parent, family and community engagement in addition to the requirements of other programs.
- ▶ LEAs may use Title III funds to:
  - Coordinate and align related programs for ELs, which may include programs for parents and families of ELs.
  - Provide community participation programs, family literacy services and parent and family outreach and training activities in order to assist in helping their children to improve academic achievement and become active participants in the education of their children.



# Parent Engagement Scenario 1

- ▶ Your district would like to use Title III funds to pay for notifications and light snacks to encourage parents of EL students to attend PSP meetings. Would this be an allowable activity for Title III funds?
  - **No. Any required activity of other programs or civil rights obligations would not be an allowable use of Title III funds.**

# Parent Engagement Scenario 2

- ▶ Your district would like to use Title III funds to provide English as a Second Language courses for parents of ELs to assist them in supporting their child's academic achievement. Would this be an allowable activity for Title III funds?
  - **Yes. ESSA permits districts to use Title III funds in order to provide community participation programs, family literacy services, parent and family outreach, and training opportunities.**

# Title III – Immigrant Subgrant

## ► Immigrant Children and Youth –

- The term “immigrant children and youth” means individuals who:
  - ✓ (A) Are ages 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.

# Immigrant Subgrant Eligibility

- ▶ District has experienced a “significant increase” as compared to the average of the two preceding fiscal years in the percentage or number of immigrant children and youth.
- ▶ All districts are eligible, not just those receiving Title III grants.
- ▶ Data is pulled and calculated in October.

# Immigrant Subgrant Required Activities

- ▶ 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.

# Immigrant Subgrant Required Activities (*Cont.*)

- ▶ 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.

# Grant Management Application and Planning (GMAP) System

- ▶ Helps districts to maximize the use of their grant dollars from federal non-competitive programs.
- ▶ Allows districts to apply for and manage grant applications.
- ▶ Provides monitoring, approval and reporting functionality for KDE staff.

# Title III Intent to Participate

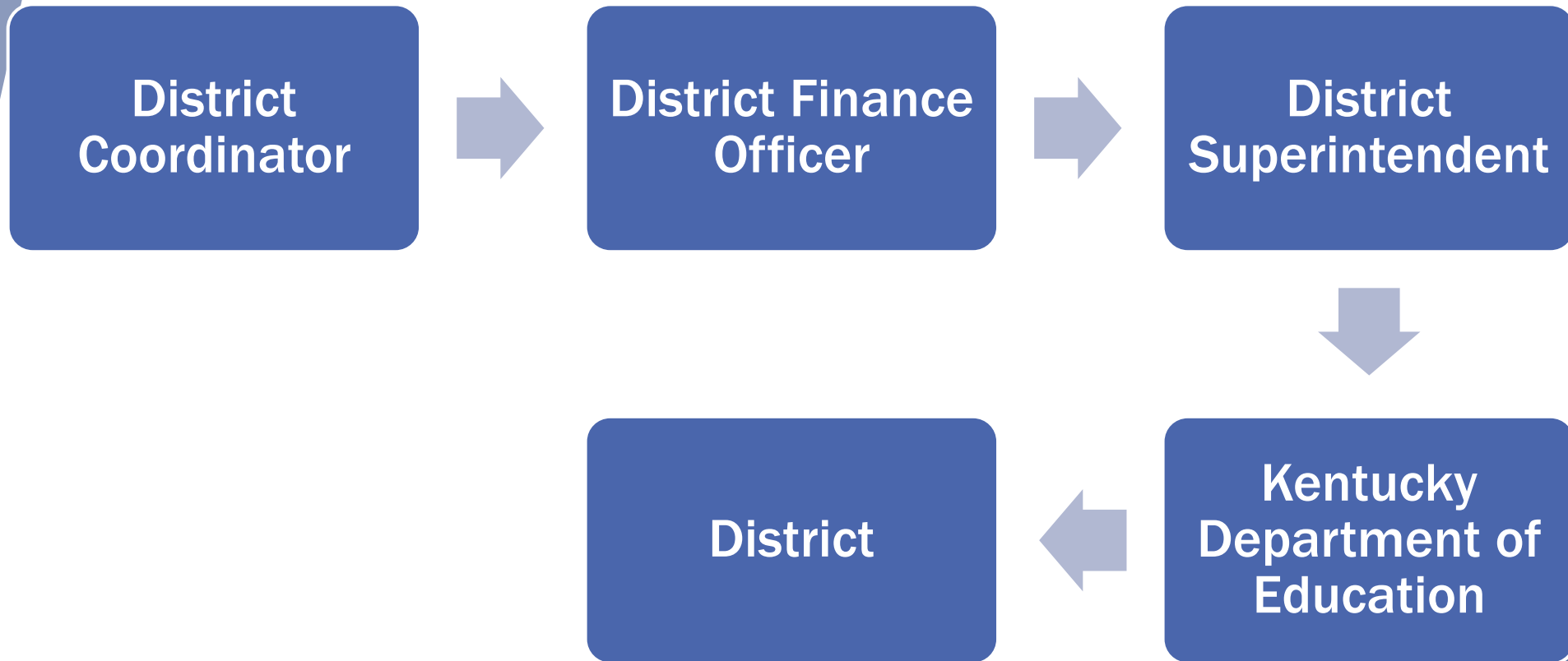
- ▶ **Completed by all districts annually in GMAP.**
- ▶ **Select from the following options:**
  - **District generates \$10,000 or more and will function as a stand-alone system**
  - **District will act as the fiscal agent for other districts**
  - **District will join a consortium to utilize Title III EL funds**
  - **District generates \$10,000 or more, BUT is releasing ALL generated Title III funds, including Title III-Immigrant funds**
  - **District DOES NOT generate \$10,000 or more, and WILL NOT join a consortium to utilize Title III EL funds**



# Title III GMAP Application

- ▶ Title III application is part of the Consolidated Application.
- ▶ The application must be completed by stand-alone districts and consortium fiscal agents.
- ▶ Applications are reviewed in the order in which they are submitted.
- ▶ Districts cannot draw down funds until the application receives initial approval.
- ▶ Districts revise the application several times throughout the year.

# Consolidated Application Workflow



# Program Details

- ▶ **Purposes of Title III**
  - Select at least one of the Title III purposes
- ▶ **Program description**
  - Describe the district's core program as well as the Title III program
- ▶ **Language Instruction Educational Programs**
  - Select the type(s) of LIEP provided in the district
  - List any languages of instruction other than English, if applicable

# Professional Development Details

- ▶ **District activities**
  - List funds being allocated for PD
- ▶ **Professional development description**
  - Describe PD for the upcoming year, including how it will meet Title III requirements and be evaluated
- ▶ **Activities offered during the previous school year**
  - Select the type of PD offered
  - Indicate the number of participants

# Personnel Details

- ▶ Any staff being paid with Title III funds must be listed on the Personnel Details page in GMAP:
  - School-based instruction and support
  - System-wide instruction and support
  - System-wide administration
- ▶ Headcount and full-time equivalency (FTE)
  - Headcount: Number of people paid with Title III funds
  - FTE: Portion of salary paid with Title III funds

# Budget

- ▶ Each budget entry requires a narrative
- ▶ Expenses on the budget should align with uses described throughout the application
- ▶ Each budgeted item must meet the “allowable, allocable and reasonable” requirement

# Immigrant Subgrant Application

## ► Program details

- Select from a list of allowable activities to be provided to eligible immigrant students
- Provide a description of the immigrant program plan
- Explain how supplement not supplant requirements will be met

## ► Budget

# Contact Information

Office of Continuous Improvement and Support

Division of School and Program Improvement

English Learners, Migrant, and Neglected Students Branch

(502) 564-3791

Kentucky Department of Education's [English Learners Contact Guide](#)



# Resources

## ▶ Title I, Part A

- [Title I, Part A Handbook](#) (KDE)

## ▶ Title III

- [English Learners and Title III Non-Regulatory Guidance](#)
- [Addendum to Non-Regulatory Guidance](#)
- [Spending Title III, Part A Funds to Support English Learners](#)
- [GMAP Title III EL Application Training Video](#) (recorded April 2019, subsequent GMAP applications may feature minor updates and changes)

## ▶ Other Resources

- [Using Evidence to Strengthen Education Investments Non-Regulatory Guidance](#)
- [Strategies to Identify and Support English Learners with Learning Disabilities](#) (companion document to the [2015 Regional Educational Laboratory West report](#))