

*Elementary and Secondary
Education Act of 1965 (ESEA),
as Amended by the
No Child Left Behind Act of 2001 (NCLB)
P. L. 107-110*

**Title III, Part A
Language Instruction for Limited English
Proficient and Immigrant Students**

Individual Application
Guidelines ♦ Instructions ♦ Assurances

**Application Submission Date:
July 1, 2016**

**ESEA Grant Award Period:
July 1, 2016 – September 30, 2017**

**Virginia Department of Education
Division of Instruction
Office of Program Administration and Accountability
P. O. Box 2120
Richmond, VA 23218-2120**

Application Guidelines

Purpose of Program and General Use of Funds of Title III – Language Instruction for Limited English Proficient and Immigrant Students

The overarching purpose of Part A of Title III, known as the *English Language Acquisition, Language Enhancement, and Academic Achievement Act*, is to support the provisions outlined under each principle in Virginia's approved ESEA flexibility plan and ensure that English learners (ELs), including immigrant children and youths, attain English language proficiency and meet the same challenging academic content and achievement standards that other students are expected to meet.

The principles include:

- Supporting student mastery of K-12 college-and career-ready reading and mathematics standards, and attainment of proficiency or better on corresponding assessments;
- For high schools with a graduating class, supporting student completion of graduation requirements in a timely fashion; and
- Ensuring that students are taught by effective teachers meeting Virginia licensing and professional teaching requirements and providing meaningful professional development and support to promote effective instruction to increase student achievement.

Funding priorities include:

- increasing the English language proficiency and academic achievement of ELs and immigrant students by providing high-quality language instruction programs;
- providing high-quality professional development to enable classroom teachers to deliver effective content and English language instruction to ELs and immigrant students; and
- promoting parental, family, and community participation in programs for ELs and immigrant students.

Supplement, Not Supplant, Provisions Under Title III, Part A

Title III funds cannot be used for core programs and services and core language programs and services for ELs that are required under other local, state, and federal laws to include Title I of the ESEA, Title VI of the *Civil Rights Act of 1964*, and the *Lau v. Nichols* U.S. Supreme Court decision of 1974. Among core programs and services and core language programs and services are the following:

- identifying, screening, placing, and assessing ELs;
- implementing effective, scientifically-based instructional programs and services to meet EL academic and language needs;
- engaging sufficient, qualified personnel to provide core instruction and core language instruction to ELs as required by federal, state, or local laws;
- providing school-level, division-level, state, or federal information that is not specific to Title III to the parents of ELs in a language the parents can understand;
- implementing effective monitoring of formerly LEP students (Level 6, Year 1 and Year 2); and
- purchasing or administering the annual English language proficiency (ELP) assessment or providing training to administer the ELP assessment.

Application Submission and Approval Deadline

- The consolidated or individual application submission date is by Wednesday, July 1, 2016; the application may be submitted prior to July 1.

- A school division that submits an approvable application by July 1, 2016, will have the 2016-2017 funds available on a reimbursement basis as of July 1, 2016. A school division that submits an approvable application after July 1, 2016, will have the 2016-2017 funds available on a reimbursement basis as of the date the application is received at the Department.
- The division should make every effort to submit program applications by the due date.
- Failure to adhere to the submission deadline indicates that the division may not have a process in place to ensure that it implements only approved programs and services and that funds are allocated only on approved activities.

Submission to the Virginia Department of Education

- Applications will be submitted using the Web-based Online Management of Education Grant Awards (OMEGA) system. Instructions for the electronic application completion and submission process are explained on pages 3-4.
- The application cover page signed by the division superintendent and the local school board chairperson should be retained and filed at the division level. The signed application cover page **should not be submitted** to the Virginia Department of Education. **The signed application cover page should be retained at the local level and the online certification by the superintendent will indicate compliance with application assurances.** Additional information on assurances is included in the “General Assurances and Program Specific Assurances” section on page 3.

Revisions and Amendments to Applications

- Revisions are changes that are necessary to the program application, or budget *before* approval can be granted. Revisions to the application are made after the original submission only if the application is denied.
- Amendments are changes that are made to the program application or budget *after* the approval of the application. If the amendment involves only programmatic changes, a budget transfer request is not required. If the amendment involves programmatic and budget changes, a budget transfer must also be submitted.
- The division should make every effort to submit revisions and amendments in a timely manner.
- **NOTE: Any changes to the program budget should first be reflected in an amended application, followed by a budget transfer within 7 business days of approval of the amended application. Budget transfers are no longer accepted without an approved amended application reflecting budget changes.**
- Revisions and amendments should be identified on the first page of the application on the first page in the upper right-hand corner. Indicate whether a revision or an amendment is being submitted and include the date. Next select the “Explain” link. A section will be displayed where details about the changes to the application should be provided. Please be specific. Provide the number and date of the revision or amendment.
- All changes, whether submitted in a revision or amendment, should be made to the original or most recently approved version of the application. The file should then be resubmitted using OMEGA in a similar manner as was used for the original submission of the application file. Additional information on revisions or amendments submission is available in the OMEGA modules located at: http://www.doe.virginia.gov/federal_programs/esea/applications/index.shtml.

Criteria for Application Approval

- Funds must supplement the core programs and services and core language programs and services provided to ELLs as required under other local, state, and federal laws.
- Funds must be used for programs that will increase the English language proficiency and academic achievement in core content classes of ELs and immigrant students.
- Funds must be used to provide sustained high-quality professional development.
- Programs must be based on scientifically-based research.
- Funds for parental outreach programs that assist families with the attainment of English language proficiency and assist their children with attaining academic achievement.

- Administrative costs are limited to 2 percent or less of the LEP subgrant award.
- LEP subgrants that fall below \$10,000 require school divisions must apply in consortium with one or more other school divisions to reach the \$10,000 threshold.

Release of Federal Funds and Grant Award Period

- At the conclusion of the approval process, Title III, Part A, funds are available to school divisions on a reimbursement basis. The grant award period is July 1, 2016, through September 30, 2017. Under the Tydings Amendment, school divisions have until September 30, 2018, to encumber 2016-2017 funds.
- Final reimbursements must be submitted to the Department by November 15, 2018. Reimbursements are submitted using the OMEGA system.
- If the 2016-2017 allocation amounts are not available to school divisions by the application submission date, the 2015-2016 Title III, Part A, allocation may be used as the estimated amount for budget purposes. **School divisions should not include Immigrant Children and Youth (IY) funds in the estimation.** When the school division's final 2016-2017 federal allocations have been received, applicants should follow the electronic revision or amendment process as outlined in the OMEGA modules located at:
http://www.doe.virginia.gov/federal_programs/esea/applications/index.shtml.

General Assurances and Program Specific Assurances

- Assurances represent policies, procedures, and activities that must be developed by the school division to carry out the provisions of the law. The "General Assurances and Program Specific Assurances" are located in Appendix A of this document and must be retained at the division level.
- **The superintendent's/designee's and board chairperson's signatures on the application cover page certify that the local educational agency will implement the general and program specific assurances. The signed original of the application cover page must be retained at the division level.**

Instructions for Electronic Completion and Submission of Application

- The application has been created in a Microsoft Excel format. Users can enter information in the white cells. Use the "Tab" key to move from cell to cell. Use the "Tab" key to move from cell to cell. **Do not** use the "Enter" key to advance to the next cell.
- The completed application must be saved as an Excel document with the following name: "XXXTitleIIIPtA16-17.xls" (The "XXX" should be replaced by the three-digit LEA/Payee Code for your particular division). For example, Accomack County's Title III, Part A, application should be saved as "001TitleIIIPtA16-17.xls" in the electronic files for the school division. **The file name cannot exceed 50 characters.**
- The completed application should be uploaded to the OMEGA system by selecting the appropriate options to indicate the type of application (individual or consolidated) and then the appropriate federal program(s) in the application(s). Print copies will not be accepted.
- OMEGA can be accessed through the Virginia Department of Education's (VDOE's) Single Sign-on for Web System (SSWS) located at:
<https://p1pe.doe.virginia.gov/ssws/login.page.do>.
- A log-in ID and password are necessary to access the system.
- Additional information and guidance regarding the submission of the application using OMEGA can be found in the [technical assistance document](#) and in the OMEGA modules at: http://www.doe.virginia.gov/federal_programs/esea/applications/index.shtml. If additional technical support is needed, please e-mail OMEGA.Support@doe.virginia.gov or call (804) 371-0993.
- All other correspondence should be directed as follows:
 - School divisions located in Superintendents' Regional Study Groups I, II, IV, and VI should contact Stacy Freeman, Title III specialist, at Stacy.Freeman@doe.virginia.gov or at (804) 371-0778.

- School divisions located in Superintendents' Regional Study Groups III, V, VII and VIII should contact Christopher Kelly, Education specialist, at Christopher.Kelly@doe.virginia.gov or at (804) 225-2122.

Instructions for Completing the Application

A. Cover Page (Pages 1-2)

1. Complete the school division information section. Select the drop down box that appears in the Applicant (Legal Name of Agency) cell and locate your school division name. Select your school division name. This feature will automatically insert your school division name and number throughout the application.
2. The local school board must review and approve the application prior to submission to the Virginia Department of Education.
3. The designated division representative should complete the Local Educational Agency Certification by securing all appropriate signatures and by indicating the date of the school board meeting.
4. The 2015-2016 Title III, Part A funding allocations will appear in the cells in the column labeled 2015-2016 Allocation. Please indicate whether or not you submitted a consolidated application for 2015-2016 by selecting "yes" or "no" from the drop down list in the column marked 2015-2016 Consolidated Application.
5. After completing step 1 above, in the far right column labeled 2016-2017 Allocation Total, enter your school division's allocations for Title III, Part A, to be included in the 2016-2017 Individual Applications. If you do not know your 2016-2017 allocation, you may use the 2015-2016 amount. **Do not include Immigrant Children and Youth (IY) funds.**

B & C. Budget (Title III Budget Tab Pages 3-9)

1. The program budget must reflect the programs and services described in the program overview section and the resources needed to achieve the Title III AMAOs. Please note that administrative costs are limited to two (2) percent of the Title III subgrant award.
2. If a division has been awarded both a LEP and Immigrant Children and Youth subgrant the budget must be divided accordingly. **Immigrant Children and Youth (IY) funds must be specifically targeted to eligible immigrant students and their families.**
3. Complete the following budget forms:
 - Budget Summary
 - Detailed Budget Breakdown
4. The "Expenditure Accounts Description" on page 16 provides definitions for the object codes. Please review carefully.

D. Program Overview (LEP Tab Pages 10-15)

Sections 3116 and 3121 of the ESEA require that subgrantees accepting Title III funds submit a local plan that includes the following components: NOTE: The order has been rearranged, and some items added or deleted.

- A description of how the division provides ELs with meaningful and equitable access to core instruction programs and services as required under Title VI of the Civil Rights Act of 1964.
- A description of how core language instruction programs and services are implemented to ensure that ELs develop English proficiency as required under the Lau v. Nichols Supreme Court Decision of 1972
- A description of how the funds will be used to meet the Annual Measurable Achievement Objectives (AMAOs) and how schools will be held accountable for meeting these AMAOs. (During the

transition from the *Elementary and Secondary Education Act* [ESEA] to the newly authorized *Every Student Succeeds Act* [ESSA], USED is not requiring states to report performance against Title III AMAOs for the 2014-2015 or 2015-2016 school years)

- A description of how the division ensures that the same division and school information which is brought to the attention of non-EL parents is provided to the parents of ELs in a language they can understand.
- A description of how the division will expend Title III funds to provide **supplemental** support for core instruction and core language programs and services.
- A description of the process for evaluating the effectiveness of division core language programs and services to ensure that ELs are acquiring English proficiency and exiting services.

E. Coordination Of Services (Page 16-17)

Describe the partnership within your division between Title III, Part A funded programs and other federal, state and/or local programs in the delivery of services to the targeted population(s). Describe the collaboration of program staff, parents, and the community to provide services and activities that will contribute to the attainment of the measurable objectives in the application.

F. Measurable Objectives (Pages 17-21)

During the transition from the *Elementary and Secondary Education Act* [ESEA] to the newly authorized *Every Student Succeeds Act* [ESSA], USED is not requiring states to report performance against Title III AMAOs for the 2014-2015 or 2015-2016 school years.

1. In the tables on pages 6-9, as needed, state the measurable objectives that will guide the development of the programs to be funded with the requested federal funds. Measurable objectives may be continued/revised from the previous school year with an adjusted time period. Indicate the federal programs that are covered within each measurable objective. Each federal program included on the application must be incorporated into the measurable objectives at least once.
2. Describe the scientifically-based research services and activities (programs, models, instructional methods, and techniques) that will be implemented to achieve each objective and that will be supported by the requested funds.
3. The goals and measurable objectives for Title III programs should be guided by the local plan described in the program overview section.
4. A definition and examples of measurable objectives are listed below.

What is a Measurable Objective?

A measurable objective has four components:

1. Subject (Who is the target or focus?);
2. Behavior (What will be changed/improved?);
3. Specific criteria for assessing improvement, readiness, or achievement; and
4. Time period for performance or assessment.

Examples:

1. In the spring of 2016, a (to be locally determined) percentage of the ELs taking the Standards of Learning reading or state-approved assessments linked to the Standards of Learning will score at the proficient level.
2. In the spring of 2016, a (to be locally determined) percentage of the ELs taking the Standards of Learning mathematics or state-approved assessments linked to the Standards of Learning will score at the proficient level.
3. The LEP subgroup will meet the federal graduation indicator (FGI) (*if the division includes one or more high schools*).
4. By the end of the 2016-2017 school year, a (to be locally determined) percentage of

- ELs will demonstrate progress in acquiring English language proficiency as demonstrated by moving from one English language proficiency level to the next.
5. By the end of the 2016-2017 school year, a (to be locally determined) percentage of ELs will attain proficiency as demonstrated on the annual ACCESS for ELLs English language proficiency assessment.

G. Title III Program Detail (Page 21)

1. Types of Languages - Indicate the number of language program(s) used by your school division or consortium. **Do not use X's instead of actual numbers.** If your division is the consortium fiscal agent, this information should include all school divisions in the consortium. Some school divisions may have multiple programs. If multiple programs are used, please report each program. Program definitions are provided at the following link: <http://www.ncele.us/rcd/bibliography/BE021775>
2. Professional Development Activities - Indicate the number professional development activities your school division or consortium members plans to conduct with Title III funds and/or Immigrant Children and Youth funds. If your school division is the consortium fiscal agent, this information should include all school divisions in the consortium.
3. Participant Information - Please indicate the estimated number of teachers, administrators, and other personnel who will participate in each type of professional development activity by putting the total number of participants in the corresponding cell. If your school division is the consortium fiscal agent, this information should include all school division in the consortium.
4. Activities for Immigrant Children and Youth - Only complete this section if the division has been allocated Immigrant Children and Youth funds. Please indicate which activities will be conducted with Immigrant and Youth funds by placing an "X" in the corresponding cell. An "X" may appear in more than one cell.

REQUIRED AND ALLOWABLE LEP SUBGRANT AND IMMIGRANT CHILDREN AND YOUTH SUBGRANT ACTIVITIES

The allowable activities are separated into the two Title III subgrant categories 1) LEP subgrant, and 2) Immigrant Children and Youth (IY) subgrant. LEP and Immigrant Children and Youth funds cannot be used for core programs and services and core language programs and services for ELs that are required under other local, state, and federal laws to include Title I of the ESEA, Title VI of the *Civil Rights Act of 1964*, and the *Lau v. Nichols* U.S. Supreme Court decision of 1974.

Required LEP Subgrant Activities

LEP subgrant funds must be used to:

1. Increase the English proficiency of ELs by providing high-quality language instruction educational programs that are based on scientifically-based research demonstrating the effectiveness of the programs in increasing English proficiency and improving student academic achievement in the core academic subjects; and
2. Provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is—
 - a. designed to improve the instruction and assessment of ELs;
 - b. designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for ELs;
 - c. based on scientifically-based research demonstrating the effectiveness of the professional development in increasing children's English 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 one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any school division employing the teacher.

Allowable LEP Subgrant Activities

LEP subgrant funds may be used to:

1. Upgrade program objectives and effective instruction strategies;
2. Improve the instruction program for ELs by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures;
3. Provide tutorials and academic or career and technical education and intensified instruction;
4. Develop and implement elementary or secondary language instruction educational programs that are coordinated with other relevant programs and services;
5. Improve the English proficiency and academic achievement of ELs;
6. Provide community participation programs, family literacy services, and parent outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children;
7. Improve the instruction of ELs by providing for the acquisition or development of educational technology or instructional materials, access to and participation in, electronic networks for materials, training, and communication, and incorporation of such resources into curricula and programs; and
8. Carry out other activities that are consistent with the purposes of this section.

Section 3115(g) of the ESEA provides that Immigrant Children and Youth (IY) funds must be specifically targeted to eligible immigrant students and their families through the provision of programs and services that provide enhanced instructional opportunities. Programs and services using Immigrant Children and Youth (IY) funds must be supplemental to other local, state, and federal requirements. An immigrant student may or may not be an English learner (EL).

Allowable Immigrant Children and Youth (IY) Subgrant Activities

1. Family literacy and parental outreach, and training activities designed to assist parents to become active participants in the education of their children;
2. Support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
3. Provision of tutorials, mentoring, or academic/career counseling for immigrant children and youth;
4. Identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;
5. Basic instructional programs that are directly attributable to the presence in the school district involved of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such basic instructional services;
6. Other introduction 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
7. 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 of immigrant children and youth by offering comprehensive community services.

H. Consortium Applicants (Page 22)

1. School divisions that receive a LEP subgrant of less than \$10,000 must join a consortium with one or more other school divisions to meet the \$10,000 threshold required by Section 3114 (b). There are three options for divisions receiving under \$10,000 in Title III funds:
 - a. Join the statewide Title III consortium; or
 - b. Join or form an independent Title III consortium; or
 - c. Choose not to accept Title III funding.

Membership in a Title III consortium must be in place by July 1. Divisions not in a Title III consortium by July 1 will not be able to access 2016 Title III funding

Appendix A

ASSURANCES

The assurances should be kept on file in the division.

GENERAL ASSURANCES

- Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies
- Title I, Part C – Education of Migratory Children
- Title I, Part D, Subpart 2 – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
- Title II, Part A – Teacher and Principal Training and Recruiting Fund
- Title III, Part A – English Language Acquisition, Language Enhancement and Academic Achievement
- Title VI, Part B, Subpart 2 – Rural and Low-Income School Program

The school division assures:

- I. Each program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;
- II. The control of funds provided under each program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities;
- III. The public agency, nonprofit private agency, institution, or organization, or Indian tribe, will administer those funds and property to the extent required by the authorizing statutes;
- IV. It will adopt and use proper methods of administering each program, including—
 - A. The enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program.
 - B. The correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation and that:
 1. It will maintain fiscal effort in support of free public education;
 2. It will provide services with state and local funds that are at least comparable to services provided in schools and areas not receiving special federal funds;
 3. The majority of the resources in the school division are derived from nonfederal funds;
 4. It is in compliance with the requirements regarding school prayer as specified in P. L. 107-110, Title IX, Section 9524;
 5. It will comply with the audit requirements for each program;
 6. The federal funds are used to supplement, not supplant regular nonfederal funds;
 7. It will cooperate in carrying out any evaluation of each program conducted by or for the state educational agency, the Secretary, or other federal officials;
 8. It will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to the applicant under each program;
 9. It will submit such reports to the state educational agency (which shall make the reports available to the Governor) and the Secretary of Education as the state educational agency and Secretary may require to enable the state educational agency and the Secretary to perform their duties under each program;
 10. It will maintain such records for five years, provide such information, and afford such access to the records as the state educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the state educational agency's or the Secretary's duties;
 11. It consulted with teachers, school administrators, parents, members of the community, nonprofit organizations and other interested parties in the development of this plan;
 12. It afforded a reasonable opportunity for public comment on the plan or application and considered such comment before the application was submitted;
 13. It is in compliance with the requirement regarding equal access to public school facilities as specified in P. L. 107-110, Title IX, Section 9525;
 14. It will comply with the other application requirements outlined in Section 9501. Private School Children;

Section 9502. Bypass; and

Section 9521. Maintenance of Effort under Title IX – General Provisions.

15. It will notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:
 - a) whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - b) whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
 - c) whether the child is provided services by paraprofessionals and, if so, their qualifications; and
 - d) the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
 16. It will provide information in an understandable and uniform format and, to the extent practicable, be provided in a language that the parents can understand; and
 17. It will ensure that funds are expended in accordance with the school division's approved application or amended application. In the event the local division needs to expend funds in any manner other than stipulated in the approved application, the plan must be amended using the amendment process provided by the Department of Education. The application must be amended before funds can be expended for activities not approved in the original application;
- C. That it will collect and disseminate information collected under Section 1111 in a manner that protects the privacy of individuals.
- V. The division shall comply with Section 22.1-277.01, of the *Code of Virginia* that requires the expulsion for one year of any student determined to have brought a firearm to school. A description of each incident, the name of the school concerned, the number of students expelled from each school, and the type of firearm used in each instance of expulsion will be reported to the Virginia Department of Education in compliance with provisions under Section 4141 of Title IV. This agency has a policy that requires referral to the criminal justice or the juvenile delinquency system of any student who brings a firearm or weapon to school; and
- VI. It will participate, if selected, in the state National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under Section 411(b)(2) of the National Education Statistics Act of 1994.

PROGRAM SPECIFIC ASSURANCES

Title III, Part A – English Language Acquisition, Language Enhancement and Academic Achievement

Title III funds cannot be used for core programs and services and core language programs and services provided to ELs that are required under other local, state, and federal laws to include Title I of the ESEA, Title VI of the Civil Rights Act of 1964, and the *Lau v. Nichols* U.S. Supreme Court decision of 1974. That the division will comply with the supplement, not supplant, provisions as described below:

Section 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 limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

Each school division's plan shall ensure:

- I. That it will include in the plan a certification that all teachers in any language instruction educational program for limited English proficient children 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;
- II. That it will comply with the parental notification requirements as described below:

Section 3302

- (a) IN GENERAL- Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of —
- (1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;
 - (2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
 - (3) the method 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, instruction goals, and use of English and a native language in instruction;
 - (4) how the program in which their child is, or will be participating, will meet the educational strengths and needs of the child;
 - (5) how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;
 - (6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;
 - (7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
 - (8) information pertaining to parental rights that includes written guidance —
 - (A) detailing —
 - (i) the right that parents have to have their child immediately removed from such program upon their request; and
 - (ii) 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

(B) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

- (b) SEPARATE NOTIFICATION- In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program and that has failed to make progress on the annual measurable achievement objectives described in Section 3122 for any fiscal year for which Part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs. *(During the transition from the Elementary and Secondary Education Act [ESEA] to the newly authorized Every Student Succeeds Act [ESSA], USED is not requiring states to report performance against Title III AMAOs for the 2014-2015 or 2015-2016 school years)*
- (c) RECEIPT OF INFORMATION- The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.
- II. That it will annually assess the English proficiency of all ELs participating in programs funded under this part;
 - III. That it will base its proposed plan on scientifically-based research on teaching ELs;
 - IV. That it will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging state academic content and student academic achievement standards;
 - V. That it will not violate any state law, including state constitutional law, regarding the education of ELLs, consistent with Sections 3126 and 3127;
 - VI. That the school division consulted with teachers, administrators and other school personnel, parents, and other stakeholders in developing the Title III local plan described in the program overview section; and
 - VII. That Immigrant Children and Youth (IY) funds will be specifically targeted to eligible immigrant students and their families.