

The purpose of this presentation is to address federal requirements for serving English language learners (ELLs).



Who are ELLs? ESEA Definitions

Understanding the federal definitions as described in the ESEA for ELLs and IY students is essential to:

- ▣ **Identifying these students in order to ensure they are provided full and equal access to the same curriculum and educational opportunities as all students**
- ▣ **Determining the Title III, Part A, allocations to school divisions based on an accurate count of ELLs and IY students.**

Federal Definition of Limited English Proficient (LEP) Students

According to the federal definition as described in the ESEA, an LEP student is defined as:

A student

(A.) who is aged 3 through 21;

(B.) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C.) (i.) who was not born in the United States or whose native language is a language other than English; and who comes from an environment where a language other than English is dominant;

OR

(ii.) (I.) who is a Native American or Alaska Native, or a native resident of outlying areas; and

(II.) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency;

OR

(iii.) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant;

Federal Definition of Limited English Proficient (LEP) Students

AND

- D). whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny the individual –
- the ability to meet the state's proficient level of achievement on state assessments described in Section 1111(b)(3);
 - the ability to achieve successfully in classrooms where the language of instruction is English; or
 - the opportunity to participate fully in society.

[ESEA, Title IX, Part A, Sec. 9101, (25)]

FURTHER CLARIFICATION ON HIGH SCHOOL EXCHANGE STUDENTS

For students on J-1 (Exchange Visitor) visas and F1 (Exchange High School Student) visas, the standard identification, screening, and placement process must be followed as required by Title VI of the *Civil Rights Act of 1964* to determine if the student is an ELL. If a school division has followed this process and determined that the exchange student is not an ELL, this determination should be documented in the student's educational record.

Immigrant Children and Youth (IY):

Immigrant and youth (IY) students are classified as those students who:

- are aged 3 through 21;
- were not born in any state; and
- have not been attending one or more schools in any one or more states for more than three full academic years*.

ESEA, Section 3301(6)

*The “three full academic years” requirement must be applied on a **cumulative** basis.

It is also important to note that IY students may or may not be ELLs.

Further Clarification of Immigrant Children and Youth (IY)

The term “state” means each of the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. Therefore, students born in Puerto Rico are **not** considered immigrant.

Students born in U.S. territories such as Guam, American Samoa, or the U.S. Virgin Islands, may be considered immigrant if they meet the federal definition.

ESEA, Section 3101(14)

Further Clarification of Immigrant Children and Youth (IY)

The following students may be considered as IY if they meet all of the criteria in the federal definition of immigrant children and youth:

- Children of U.S. military personnel
- Children of NATO families
- Children of visiting faculty
- Children who are temporarily residing in the U.S. because of parental employment
- Students on Exchange Visitor (J-1) visas or Exchange High School Student (F-1) visas

Identification, Screening, Placement, and Assessment of ELLs and Exiting from LEP Status

Identification

Equity in the Identification Process

- **All students enrolling in the school division should be identified with the same procedures and in the same manner to ensure that students are not over- or under- identified as ELLs.**
- **Students should not be selectively identified based on ethnicity, nationality, name, appearance, or family background.**

Identifying Questions

Identifying questions should be included in the enrollment process to ensure that ELLs are consistently identified. Below are example identifying questions:

- **What was the first language spoken by the student?**
- **Is there a language other than English spoken at home?**
- **Does the student speak a language other than English?**

Home Language Survey

School divisions may choose to use a home language survey (HLS) to determine the need for:

- **an English language proficiency screening;**
and
- **possible English as a Second Language (ESL) services.**

The HLS may also be used to collect additional information about the student to aid in determining effective instructional practices.

Exiting LEP Status

Exiting LEP Status

Exiting Limited English Proficient (LEP) status means that ELLs have met the statewide proficiency criteria and are designated as Level 6, years 1 and 2.

- Formerly LEP students no longer participate in ACCESS for ELLs testing.
- The SOL reading and mathematics scores of formerly LEP students are included in the LEP subgroup for the two years that the student is designated as Level 6.

Exiting LEP Status

- Formerly LEP students are no longer eligible for testing options or accommodations available to ELLs.
- **School divisions do not receive Title III funding for formerly LEP students.**
- **Students classified as formerly LEP (Level 6 Years 1 and 2) must be monitored for two full academic years to ensure that they are able to participate meaningfully in the regular educational program.**

Re-designation as LEP

Federal law allows for students to be re-designated as LEP.

Prior to re-designating a formerly LEP student, the school division should:

- **Provide consistent interventions to the formerly LEP student for a reasonable period of time;**
- **Ensure that the interventions are the same as those available to all students at risk for academic failure;**
- **Convene a committee of stakeholders during the process to determine the impact of the interventions on the student's academic performance; and**
- **Involve the parents in the process.**

Screening

Screening

Once the identifying questions have been asked and the student has been identified as a potential ELL during the enrollment process, an English language screening tool must be administered to determine the student's English language proficiency level.

Screening

School divisions must screen potential ELLs to determine each student's English language proficiency level. Divisions may use one of the following English language proficiency screening tools:

1. W-APT
2. WIDA model
3. Locally developed or selected tool(s)

Screening

Optional screening tools*:

Once a screening tool has been administered and the ELP level determined, additional assessments, such as reading or mathematics tests, may be administered to assist with placing the student appropriately in instructional programs.

*Optional screening tools **may not** be used to determine a student's English language proficiency level.

Placement

Placement

Once the screening tool has been used to determine the student is an ELL and an ELP level has been provided, the student must be placed in an instructional program that will help him or her attain high levels of academic achievement, develop English proficiency, and have access to the same curriculum and student support services as all students.

Placement

An effective instructional program for ELLs must be an integral part of a division-wide academic achievement program.

The Virginia Standards of Learning (SOL), in conjunction with the World-Class Instructional Design and Assessment (WIDA) English Language Development (ELD) standards, should guide the development of the academic curriculum and the classroom instructional practices of both ESL teachers and general education teachers of ELLs.

Placement

Instructional programs and services for ELLs **must**:

- provide meaningful access to the same curriculum and educational opportunities as all students
- allow meaningful participation in content classrooms with English speaking peers
- help ELLs attain English proficiency
- be based on sound educational theory

Placement

- ELLs **cannot** be placed in special education programs solely based on their lack of English language skills
- Divisions implementing a program for ELLs should provide resources sufficient enough to meet the intent of the program
- After a reasonable period of time past implementation, a program that fails to help ELLs overcome linguistic barriers should be evaluated and revised

Parent Notification Letter

School divisions must inform parents **annually** regarding their child's placement in a language instruction education program within 30 days after the beginning of the school year, or within two weeks of the child's placement within a program.

A checklist and sample letter have been posted to Title III Web page of the Virginia Department of Education (VDOE) Web site.

http://www.doe.virginia.gov/federa_programs/esea/title3/index.shtml

Look in the Title III Toolkit under the Compliance tab

Title III Funding

Supplement, not Supplant, Provisions under Title III

**Title III
Funds**

**Local, State, and
Other Federal
Requirements
including Title I**

***Lau* Requirements
Title VI Requirements**

Title III Supplement, not Supplant

Questions when considering whether Title III funds can be used without violating Title III supplement, not supplant, provisions:

- **What instructional programs/services are provided to all students?**
- **What does the division do to meet requirements under Title VI, *Lau v Nichols*, and Title I?**
- **What services is the division required by other federal, state, and local laws or regulations to provide?**
- **Was the program/service previously provided with federal, state, and/or local funds?**

Title III Supplement, not Supplant

More information on Title III supplement, not supplant, provisions can be found on the Title III Web page of the VDOE Web site.

http://www.doe.virginia.gov/federal_programs/esea/title3/index.shtml

Look in the Title III Toolkit under the Funding tab.

Reminder:

Title III supplement,
not supplant, provisions
apply to **both** LEP and
Immigrant and
Youth (IY) funds.

Two Subsets of Title III Funding

LEP

LEP allocations to divisions are determined on a per pupil basis.

Limitation: Divisions must receive a minimum of \$10,000 in LEP funding to apply.

School divisions that receive less than \$10,000 in LEP funding must enter into a consortium with other school divisions to receive funds.

Two Subsets of Title III Funding

Immigrant and Youth (IY)

IY allocations based on a significant increase of IY students as compared to the average of the two preceding fiscal years qualify for IY funds.

***Significant increase is defined as five or more students.**

State awards \$2,000 to all divisions meeting the IY funding criteria and an additional per pupil amount.

Divisions allocated IY funds may apply for these funds through the Title III application.

Required Uses of Funds for LEP Subgrants

- **Programs that increase English language proficiency and student achievement in core content classes**
- **Providing high-quality professional development to classroom teachers, principals, administrators, and other school personnel**

ESEA, Section 3111(b)

Allowable Uses of Funds for LEP Subgrants

- Upgrading program objectives and instructional strategies
- Improving ESL instruction through updating or upgrading ESL curriculum, materials, or technology
- Tutoring
- Developing/implementing elementary or secondary language instruction programs coordinated with other relevant programs

ESEA, Section 3111(b)

Allowable Uses of Funds for LEP Subgrants

- **Improving the English proficiency and academic achievement of LEP children**
- **Providing community participation programs**
- **Improving LEP instruction through the acquisition of technology**

ESEA, Section 3111(b)

Allowable Uses of Funds for IY Subgrants

IY funds may be used for:

- **Family literacy and parental outreach**
- **Support for personnel**
- Tutoring or mentoring
- **Identification/acquisition of curriculum, materials and technology**
- **Classroom supplies or transportation costs directly related to program**

Title III Grant Applications

Application for Title III Funds

Applications for 2014-2015 federal funds under the ESEA

- **Applications Due: July 1, 2014**
- **Options Available: Individual or Consolidated Application**

Assistance to Complete the Application for Title III Funds

Pre-recorded Technical Assistance module topics include:

Application overview and mechanics of data entry

Common elements: conducting the needs assessment, completing the program overview, coordination of services, measurable objectives, and budget pages

Program specific modules including Title III

http://www.doe.virginia.gov/federal_programs/esea/applications/index.shtml

Statewide Title III Consortium

For the 2014-2015 fiscal year, the Department developed a statewide Title III consortium to include divisions allocated under \$10,000 in Title III funds

65 divisions are participating

Virginia Tech will serve as the fiscal lead

Virginia Tech will submit a Title III application on behalf of the consortium. Participating divisions should not completed any other Title III application.

Title III Accountability Requirements

Title III Annual Measurable Achievement Objectives (AMAOs)

Title III requires states to ensure:

- **annual increases in the number or percentage of LEP students making progress in learning English (Annual Measurable Achievement Objective AMAO 1)**
- **annual increases in the number or percentage of LEP students achieving full proficiency in English (AMAO 2)**
- **annual increases in the percentage of LEP students meeting the Annual Measurable Objective (AMO) targets in reading/language arts and mathematics (AMAO 3)**

Annual Measurable Achievement Objectives (AMAOs) for Title III

AMAO	2014-2015 Target (Based on 2013-2014 assessments)	
AMAO 1 - Progress	68%	(81%)
AMAO 2 - Proficiency	19%	(19%)
AMAO 3 - Reading*	52%	(54%)
AMAO 3 - Mathematics*	53%	(59%)
AMAO 3 - Federal Graduation Indicator (FGI)*	80%	(4 yr - 65%) (5 yr - 71%) (6 yr - 71%)

* Targets under Title I for LEP subgroup.

FGI is a new indicator for Title III results beginning with 2014-2015 determinations.

Separate Notification Letter

- **School divisions must inform the parents of ELLs of the failure to make progress on the Annual Measurable Achievement Objectives within 30 days after such failure occurs.**

ESEA, Section 3302 (b)

- **A sample separate notification letter has been posted to the VDOE Title III Web site:**

- http://www.doe.virginia.gov/instruction/esl/standards_resources/resources/failure_meet_objectives_letter.pdf

Look in the Title III Toolkit under the Compliance tab

Title III Improvement

Title III Improvement

- **Under Section 3122(b)(2) of the ESEA, an improvement plan shall be required for any division that has not met any Annual Measurable Achievement Objectives (AMAOs) for two consecutive years**
- **Under Section 3122(b)(4) of the ESEA, modification of the curriculum and method of instruction shall be required for any division that has not met its Annual Measurable Achievement Objectives (AMAOs) for four consecutive years**

Title III Improvement

More information about Title III improvement can be found on the Title III Web page of the VDOE Web site at:

http://www.doe.virginia.gov/federal_programs/esea/title9/index.shtml

Look under in the Title III Toolkit under Title III AMAOs tab

Federal Program Monitoring for Title III

Federal Program Monitoring Logistics

- **The monitoring visit for Title III, Part A, will be conducted by Title III staff from the Office of Program Administration and Accountability at VDOE**
- **Following the visit, divisions will receive a letter indicating whether the division was in full compliance, or whether there are areas of non-compliance**

Private School Participation

Private School Participation

Information about private school participation, including Title III, can be found on the VDOE Web site at:

http://www.doe.virginia.gov/federal_programs/esea/title9/index.shtml

Virginia Department of Education

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