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Title III A -- Allowable Activities – Language Instruction for English Learners (ELs) and Immigrant Students

This part may be cited as the “*English Language Acquisition, Language Enhancement, and Academic Achievement Act*”.

General Purpose of Title III: To help ensure that English Learners (ELs), including immigrant children and youth, attain English language proficiency and meet the same challenging State academic standards that *all* children are expected to meet.

SEC. 3102. Specific Purposes are to -

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

SEC. 3115. (a) Purposes of Subgrants: An SEA may make a subgrant to an LEA or Consortium of LEAs from funds received by the SEA only if the the LEA(s) agree to expend the funds to improve the education of ELs by assisting the children to learn English and meet the challenging State academic standards. In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching ELs and immigrant children and youth for the following purposes:

- (1) Developing and implementing new LIEPs and academic content instructional programs for ELs and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.
- (2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing LIEPs and academic content instructional programs for ELs and immigrant children and youth.
- (3) Implementing, within an individual school, school-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to LIEPs and academic content instruction for ELs and immigrant children and youth.
- (4) Implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to LIEPs and academic content instruction for ELs and immigrant children and youth.

Title III Required Activity 1:

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| Strategy | <p>Effective Language Instruction Educational Programs (LIEPs) [Section 3115(c)(1) of the ESEA] – Increase the English language proficiency of ELs by providing <i>effective</i> LIEPs that meet the needs of ELs and demonstrate success in increasing –</p> <p style="padding-left: 40px;">(A) English language proficiency;</p> <p style="padding-left: 40px;">(B) and student academic achievement in core academic subjects.</p> |
| Allowable | <p><i>In order to carry out Title III Required Activities, LEAs may use funds to:</i></p> <ul style="list-style-type: none"> • Develop, implement, and administer <i>effective</i> LIEPs at elementary, middle, secondary, and preschool levels, ensuring that these are supported by evidence and data, and coordinated with other relevant programs and services, if feasible; • Upgrade EL program objectives and instructional strategies; • Improve instructional programs for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures; • Provide to ELs— <ul style="list-style-type: none"> ○ tutorials and academic or career and technical education; ○ intensified instruction, which may include providing materials in a language that the student can understand, interpreters, and translators; • Improve the instruction of ELs, which may include ELs with a disability, by providing for— <ul style="list-style-type: none"> ○ the acquisition or development of educational technology or instructional materials; |

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| Strategy | <p>Effective Language Instruction Educational Programs (LIEPs) [Section 3115(c)(1) of the ESEA] – Increase the English language proficiency of ELs by providing <i>effective</i> LIEPs that meet the needs of ELs and demonstrate success in increasing –</p> <p>(A) English language proficiency;</p> <p>(B) and student academic achievement in core academic subjects.</p> |
| | <ul style="list-style-type: none"> ○ access to, and participation in, electronic networks for materials, training, and communication; and ○ incorporation of the above resources into curricula and programs, such as those funded under this subpart. ● Offer early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education; ● Carry out other activities that are consistent with the purposes of this section; ● LEAs may choose among programs designed for instructing ELs provided the program is educationally sound and effective in practice; ● LEAs may only use Title III funds for <i>supplemental</i> staff if it has already staffed and provided sufficient resources to effectively implement the programs—i.e., qualified EL teachers, support staff, and appropriate instructional materials. ● LEAs may use Title III funds to implement all or part of a comprehensive support and improvement plan, if activities are allowable under Title III and supplemental. |
| Non-Allowable | <p>LEAs cannot use Title III funds to -</p> <ul style="list-style-type: none"> ● provide the <i>core</i> LIEP, which is a civil rights obligation under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA), for <i>all</i> ELs; ● carry out the <u>basic procedures it is required to have in place by Federal law</u>, e.g., administering a home language survey at time of enrollment, identifying and screening all potential ELs through a valid and reliable assessment, administering an annual ELP assessment. ● provide meaningful access to all curricular and extracurricular programs which must be available to ALL students and parents under state or local laws, e.g., grade level curricula, career and technical education, special education and related services, report cards, parent-teacher conferences. ● provide services that were provided with Federal, State, or local funds in the prior year. |

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| Strategy | <p>Effective Language Instruction Educational Programs (LIEPs) [Section 3115(c)(1) of the ESEA] – Increase the English language proficiency of ELs by providing <i>effective</i> LIEPs that meet the needs of ELs and demonstrate success in increasing –</p> <p>(A) English language proficiency;</p> <p>(B) and student academic achievement in core academic subjects.</p> |
| Requirements | <ul style="list-style-type: none"> • LEAs must comply with the Title III Supplement-not-Supplant provisions, including use of Title III funds to <i>supplement</i>, not supplant, the program. • All LEAs in the state must implement State English Language Proficiency/Development standards. • LEAs must follow standardized entry and exit procedures and annually assess <i>all ELs</i> in K-12 with the State’s ELP assessment. • Every second fiscal year, LEAs report to SEA on Title III-funded programs and activities, and <i>how</i> Title III activities, supplemented programs funded primarily with State and/or local funds. • Based on State’s ELP annual assessment and academic assessments, LEAs must also report to SEA on – <ul style="list-style-type: none"> ○ numbers/percentages of ELs who - <ul style="list-style-type: none"> ▪ make progress in achieving English language proficiency by end of each school year; ▪ attain ELP and exit LIEPs by end of each school year; ▪ meet challenging academic standards for each of 4 years after exiting LIEPs; ▪ have not attained ELP within 5 years of initial classification as an EL and first enrollment in the LEA. • LEAs must (minimally) disaggregate this performance data for ELs with disabilities and are encouraged to do so for other EL subgroups for program and instructional planning purposes. • LEAs must provide for equitable participation of eligible private school students, teachers, and other educational personnel. |
| Considerations | <ul style="list-style-type: none"> • Does the LEA have an <i>effective</i> (educationally sound) LIEP that meets its civil rights obligations under Title VI and EEOA? Does it have criteria to evaluate effectiveness and compliance with Federal laws? • Are students’ needs met and does the program demonstrate success in increasing English language proficiency and student academic achievement in academic content areas? |

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| Strategy | <p>Effective Language Instruction Educational Programs (LIEPs) [Section 3115(c)(1) of the ESEA] – Increase the English language proficiency of ELs by providing <i>effective</i> LIEPs that meet the needs of ELs and demonstrate success in increasing –</p> <p>(A) English language proficiency;</p> <p>(B) and student academic achievement in core academic subjects.</p> |
| | <ul style="list-style-type: none"> • Are the proposed activities to meet Required Activity 1 based on student demographic and performance data related to language and academic needs and goals (identified in the needs assessment and reflected in the continuous improvement plan and/or Title III plan)? • Are they supported by the highest level of evidence available? • Does language instruction for ELs with disabilities take into account specific special education and any necessary services, as well as language needs? • Do the proposed activities <i>supplement</i> and not supplant the LEA’s core LIEP? Would the LEA be required to provide these services in the absence of Title III funds? Were they previously provided with other state, local, or federal funds? Title III has its own provision prohibiting supplanting of other Federal, State, and local funds. (Section 3115(g)). |

Title III Required Activity 2:

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| Strategy | <p>Effective Professional Development [Section 3115(c)(2) of the ESEA]- Provide effective professional development to classroom teachers, (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that supplements the professional development requirements under Title VI.</p> |
| Allowable | <p><i>Professional Development funded with Title III must be -</i></p> <ul style="list-style-type: none"> • Designed to improve the instruction and assessment of ELs; • Designed to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs; |

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| Strategy | <p>Effective Professional Development [Section 3115(c)(2) of the ESEA]- Provide effective professional development to classroom teachers, (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that supplements the professional development requirements under Title VI.</p> |
| | <ul style="list-style-type: none"> • Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and • Of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences <i>unless</i> part of a larger, comprehensive professional learning plan) to have a positive and lasting impact on the teachers’ performance in the classroom. • In addition to previously mentioned groups of educators and community service providers, professional development may include teachers in <i>publically funded</i> preschool programs. |
| Non-Allowable | <ul style="list-style-type: none"> • LEAs cannot use Title III funds to provide professional development that: (1) replaces supplemental training necessary to meet its Title VI and EEOA civil rights obligations to staff and support an EL program; (2) it is required to make available under other state or local laws. |
| Requirements | <ul style="list-style-type: none"> • Must be <i>effective</i>, meet the highest available level of evidence, and conform to the definition of professional development in ESSA and Title III, including activities that are part of a comprehensive professional learning plan, targeted to educators and/or other school or community-based personnel who serve ELs; • Include plan for evaluating effectiveness of the professional development and implementation; • LEAs must provide for equitable participation of eligible private teachers and other educational personnel in professional development, based on consultation. |
| Considerations | <ul style="list-style-type: none"> • Does the LEA demonstrate that the EL professional development opportunities – <ul style="list-style-type: none"> ○ are based on student demographic and performance data, disaggregated to identify specific needs of EL student subgroups such as newcomers, students with disabilities or interrupted formal education? ○ reflect the varied needs of teachers, administrators, instructional support staff, specialists, and other service providers in the district; |

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| | <ul style="list-style-type: none"> ○ identify specific PD goals, participants, implementation timelines, outcomes, and evaluation measures in the Local Plan? ○ meet the criteria (above) for Title III professional development? ○ <i>supplement</i> other professional development <i>required</i> to meet Title VI civil rights obligations? |

Title III Required Activity 3:

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| Strategy | Parent, Family, and Community Engagement [Section 3115(c)(3) of the ESEA]- - Provide and implement other effective activities and strategies that <i>enhance or supplement</i> LIEPs for ELs, which – (A) shall include parent, family, and community <i>engagement</i> activities; and (B) may include strategies that serve to coordinate and align related programs. |
| Allowable | <ul style="list-style-type: none"> • Provide community participation programs to ELs and their families. • Provide family literacy services to ELs and their families. • Provide parent and family outreach and training activities to ELs and their families. • Title III funds may be used to <i>supplement</i> an LEA’s activities if the LEA is already meeting its obligation to ensure <i>meaningful communication</i> with limited English proficient parents in a language they can understand. • LEAs may combine Title I and Title III funds for the same EL-related purpose(s). • LEAs may still use Title III funds for EL-related activities previously required under Title III and now required under Title I (e.g., annual parental notification of child’s identification as an EL and placement in an LIEP) as long as the: <ul style="list-style-type: none"> ○ use of funds is consistent with the purpose of Title III and are “reasonable and necessary costs;” |

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| Strategy | <p>Parent, Family, and Community Engagement [Section 3115(c)(3) of the ESEA]- - Provide and implement other effective activities and strategies that <i>enhance or supplement</i> LIEPs for ELs, which –</p> <p>(A) shall include parent, family, and community <i>engagement</i> activities; and</p> <p>(B) may include strategies that serve to coordinate and align related programs.</p> |
| | <ul style="list-style-type: none"> ○ use of funds is supplemental to the SEA’s or LEA’s civil rights obligations to ELs under Title VI and the EEOA; and ○ LEA can demonstrate it is also using Title III funds to conduct activities required under Title III. |
| Non-Allowable | <ul style="list-style-type: none"> ● LEAs cannot use Title III funds to – <ul style="list-style-type: none"> ○ ensure <i>meaningful communication</i> with limited English proficient parents in a language they can understand, such as through translated materials or a language interpreter, in order to meet Federal Title VI and EEOA obligations; ○ provide parent, family, community participation services it is required to make available under other state or local laws, or that were provided with other funds in the prior year. |
| Requirements | <ul style="list-style-type: none"> ● LEAs must – <ul style="list-style-type: none"> ○ use some part of their Title III subgrant for parent, family, and community <i>engagement</i> activities for the purpose of enhancing, supplementing the Language Instruction Educational Programs for ELs, parents, families, and communities. |
| Considerations | <ul style="list-style-type: none"> ● Does the LEA have Title VI procedures in place to identify the languages in which parents need information communicated about programs, services, activities that are called to the attention of English proficient parents? ● Do the parent, family, and community engagement activities specifically relate to improving the LIEP? ● When Title III funds are used to translate materials and hire language interpreters, is it for enhancing and supplement the LIEPs for ELs? As opposed to meeting the LEAs meaningful communication requirements under Title VI and EEOA? |