

EL Requirements for Title I Funded Districts

Dr. David Holbrook

*Joint NAELPA-NAESPA Webinar
December 6, 2023*



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Panelists for today's event



Sarah Benitez



Dr. Pedro Ruiz



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Agenda

1. Civil Rights EL Requirements
2. Changes from NCLB to ESSA
3. Title I EL Requirements



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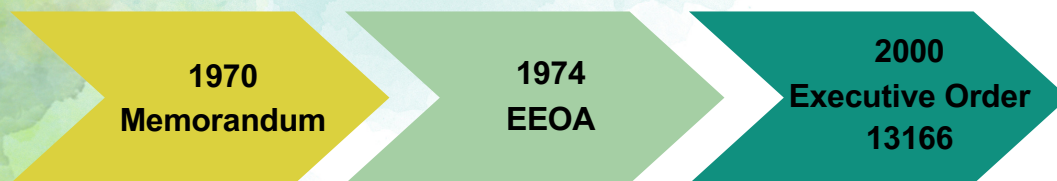
Civil Rights Act and Related Legal Requirements

Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin, laid the foundation for requirements related to ELs and LEP parents.



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Civil Rights Act and Related Laws, Memos, Orders



1. The U.S. Dept of Health, Education, and Welfare required schools and districts to notify limited English Proficiency (LEP) parents, in a language they can understand, of activities for which non-LEP parents are notified.
2. The Equal Educational Opportunities Act (EEOA) requires schools and districts to take appropriate action to overcome language barriers – provide translation & interpretation services for LEP parents.
3. Executive Order 13166 requires that federally funded agencies provide language access services to the populations they serve.



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OCR and DOJ Joint Guidance

On January 7, 2015, nearly a year before ESSA was signed into law, the USED's Office for Civil Rights (OCR) and the U.S. Department of Justice's Civil Rights Division (DOJ) issued a joint Dear Colleague Letter (2-page letter with 40 pages of guidance attached) titled:

“English Learner Students and Limited English Proficient Parents”

The 40-page guidance document includes two sections. The first section lays out States' and Districts' legal obligations to provide educational programs for ELs, and the second section identifies 10 common compliance findings related to educating ELs and engaging their parents.



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Core EL Programs

There are two components of EL programs required under Civil Rights legislation that must be satisfied whether a district is Title I funded or not

A Civil Rights required 'core' EL program must provide English Learners with services that help them:

- Attain English proficiency, and
- Access academic content (acquire content knowledge)



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Online Guidance from the USED Office for Civil Rights (OCR)

<http://www2.ed.gov/about/offices/list/ocr/eeolep/index.html>

The online document: 'The Provision of an Equal Education Opportunity to Limited-English Proficient Students' includes, among other things, five points related to procedures that school districts should use to ensure that their programs are serving EL students effectively.



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OCR's Five Procedures

In order to ensure that EL programs are effectively serving EL students, the following five procedures should be in place.

- Identify students who need assistance
- Develop a program which, in the view of experts in the field, has a reasonable chance for success
- Ensure that necessary staff, curricular materials, and facilities are in place and used properly
- Develop appropriate evaluation standards for measuring the progress of students, including program exit criteria, and
- Assess the success of the program and modify it where needed



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Changes in EL Requirements from NCLB to ESSA

The reauthorization of the Elementary and Secondary Education Act (ESEA) by the Every Student Succeeds Act (ESSA) made significant changes to requirements related to English learners (ELs) and where those requirements are found in the law when compared to NCLB.



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Changes to Wording in ESEA made by ESSA

Related to ELs, These are the two most significant wording changes

- The change from using Limited English Proficient (LEP) to using English Learner (EL)
- The switch in Title I and other ESSA Titles from using “scientifically research-based” or “based on scientific research” to using “effective” or “evidence-based”
 - This switch to ‘effective’ and ‘evidence-based’ is probably the most significant change. The switch to evidence-based is one that helps schools and districts significantly. The switch to effective requires the development of criteria to determine effectiveness.

The US Dept. of Ed. issued guidance “Using Evidence to Strengthen Education Investments” to help districts determine if programs, PD, etc. meet ‘evidence-based’ criteria (<https://www2.ed.gov/policy/elsec/leg/essa/guidanceusesinvestment.pdf>).



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English Language Proficiency (ELP) Standards

ELP Standards were moved from Title III to Title I when ESSA was passed

- Under NCLB, the adoption of English language proficiency (ELP) standards was required under Title III.
- Under ESSA, it is no longer required under Title III; it is now required under Title I, Section 1111(b)(1)(F).
- The requirement for the State's ELP standards to be aligned with the State's academic standards (content standards) is still present, and it is also part of ESSA Title I, Section 1111(b)(1)(F)(iii).
- Title I funded districts could see the impact of the shift in where ELP standards are required in the form of state or federal monitoring.



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English Language Proficiency Assessment

Under NCLB, ELP Assessment was required in both Title I and Title III

- In Title III, it was required for all students receiving Title III services
- In Title I, it was required for all ELs (not just Title III served ELs or even all Title I served ELs).
- This was confusing because students receiving Title III services are a subset of all ELs, so it seemed like a requirement to test this group of students twice.
- Under ESSA, ELP assessment is still required in Title I for all ELs (Section 1111(b)(2)(G)), but there is no separate requirement to test the ELP of Title III served students.



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Content Assessment Exemption for Newly Arrived ELs (Slide 1 of 2)

- Under NCLB, ELs that had been in US schools for less than one year could be exempt from the language arts portion of the content test as long as they participated in the ELP assessment.
- Under ESSA, there are now two options for exemptions for recently arrived ELs (Section 1111(b)(3)(A)). NOTE: Recently arrived is defined as enrolled in a school in a state or DC for less than 12 months.
- The first is similar to what was in place under NCLB, ELs in US schools for less than one year may be exempt from one administration of the reading or language arts assessment and other test results are excluded from accountability.



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Content Assessment Exemption for Newly Arrived ELs (Slide 2 of 2)

- The second exemption option for recently arrived ELs takes a three-year approach that requires the EL to take the reading/language arts and math assessments.
 - In the first year, recently arrived ELs results would be excluded from the State's accountability system.
 - In the second year, only a measure of growth, but not proficiency, would be included.
 - In the third year, a measure of proficiency would also be included.
- A State may choose either option. A State may choose both options (hybrid) if it has a uniform statewide procedure for determining how to apply the exemption.



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Accountability for English Learners

Slide 1 of 2

Your content

- Under NCLB, accountability for ELs was under Title III and called Annual Measurable Achievement Objectives (AMAOs). AMAO 3, accountability for content test performance, was a duplicate measurement in Title I (AYP for the EL subgroup).
- Under ESSA, accountability for ELs is moved under Title I, Section 1111(b)(4)(A)(ii). There are no EL accountability requirements or improvement status in Title III .
- Under ESSA Title I, States must develop long-term goals with interim measures for ELs, not only for proficiency on content assessments but also for “increases in the percentage of [ELs] making progress in achieving English language proficiency”.



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Accountability for English Learners

Slide 2 of 2

Your content

- The shift of accountability for ELs' progress toward English proficiency from Title III to Title I is hugely significant for Title I districts.
- Title I districts that did not or had not received Title III funds may now be held accountable for this measure.
- If a Title I district's Title I staff has little or no experience working with ELs, they will either need to obtain the training to develop the needed skills, hire new staff that has those skills, or collaborate with other staff within the district that have experience working with ELs.



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Title I EL Subgroup used for Accountability

- Under NCLB, former ELs (ELs who attained English proficiency and are no longer receiving EL services) could be included in the EL subgroup for accountability purposes for two years.
- Under ESSA, former ELs may be included in the EL subgroup for accountability purposes for four years.
- It is important to note that this is allowable but not required, see Title I, Section 1111(b)(3)(B).
- An examination of ESSA state plans shows that most states chose the new 4 year option. However, two states stayed with two years and 9 states chose not to include former ELs in the EL subgroup at all.



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ESSA Accountability - AMD is the new AYP

- Under NCLB, accountability for school and district performance was called Adequate Yearly Progress (AYP). Under ESSA it is called Annual Meaningful Differentiation (AMD),
- Title I, Section 1111(c)(4)(C).

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Annual Meaningful Differentiation

AMD includes separate accountability indicators for ELs as well as the requirement to include differentiation for other subgroups

School Improvement

This means that a school may be identified for Targeted Support and Improvement (one of the two school improvement categories) based on the EL subgroup's ELP performance.



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Shifts in Accountability for ELs

EL Accountability only made in grades participating in the ESSA content tests

- One significant change is that accountability for ELs has moved from the district level to the school level and is now only made in the grade levels tested on the annual content test.
- Under NCLB, Title III AMAO determinations were based on the ELP assessments of all ELs in all grade levels and they were a district measure. There were no school level AMAO determinations.
- Under ESSA, accountability determinations for ELP are now made at the school level and only in the tested grades (grades 3-8, and once in high school).



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ESSA Report Cards and ELs

Required reporting on the educational success of States, Districts, and Schools

Disaggregated by subgroups	Attainment of English Proficiency	Progress toward long term and interim goals
State and local report cards include the reporting of information on the State required academic assessment disaggregated by each subgroup.	Also required to be reported on report cards is information on the number and percent of ELs achieving English proficiency (Section 1111(h)(1)(C)(iv)).	Report cards must include data on the progress made toward the long-term and interim goals, reporting of both progress toward and achievement of ELP is required.



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Parent Notification and EL Parent Engagement

- Under NCLB, parent notification for identification and placement in EL programs was required under Title III (Section 3302).
- Under ESSA, it is no longer included under Title III but is required under Title I, Section 1112(e)(3)(A) for LEAs that use Title I or Title III funds to provide EL programs.
- The EL parent outreach section is also included as a requirement under Title I, Section 1112(e)(3)(C).
- ESSA emphasizes meetings with parents stronger than NCLB did. The section of NCLB that required holding meetings to respond to parent recommendations was titled “Receipt of Recommendations”, but under ESSA, it is titled “Regular Meetings” and is required for LEAs that use Title I or Title III funds to support ELs.



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EL Requirements in ESSA Title I

There is some overlap between what's been discussed regarding the changes made by ESSA and what is currently in Title I, I'll only focus on information not included so far.



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Title I ELP Standards and Assessment

The requirements for adopting ELP standards and assessments are found in Title I, Section 1111(b)(1-2).

- Alignment requirements include that:
 - *ELP standards must be aligned with academic standards*
 - ELP assessments must be aligned to ELP standards
- Impact on Districts:
 - *Federal Title III monitoring under NCLB probed the use of the ELP standards in the classroom and issued findings when there was no evidence that ELP standards informed ELP instruction. Now that ELP standards are required under Title I, monitoring of EL services will likely now include this component.*



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Title I - Required Annual Content Assessments

- All ELs must be tested annually on the ESSA required annual content test.
- ESSA Title I, Section 1111(b)(2)(B)(vii)(III) requires that appropriate accommodations be provided for ELs taking the annual content assessment.
- Providing the annual content assessment in languages other than English is also allowable.
- *NOTE: All ELs must also be tested annually for English proficiency. This means all ELs in all grades, not just the grades tested for the annual content test.*



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Title I EL Requirements

EL Parent Notification of Identification and/or Placement in an EL program

- *ESSA Title I, Section 1112(e)(3)(A) requires that the parents of students identified as EL be notified that their student has been identified for participation or is participating in the district's EL program.*
- Civil Rights laws require communication with parents, including notification of EL status and available EL programs, however, the ESSA reference above is specific to EL programs funded by Title I or Title III.



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Title I - EL Parent and Family Engagement

- Title I, Section 1116 addresses the requirements for districts and schools to develop a Title I Parent and Family Engagement Policy and other parent and family engagement activities.
- This policy is intended to be inclusive of all students.
- In addition to this, Title I has some specific requirements regarding the parents of ELs.
- Title I, Section 1112(e)(3)(C) requires that districts that receive Title I funds “implement an effective means of outreach to parents of English learners”.



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Required Outreach to the Parents of ELs

Title I, Section
1112(e)(3)(C)(i)(I-II)

- (i) Each LEA receiving Title I funds “shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can -
 - (I) be involved in the education of their children; and
 - (II) be active participants in assisting their children to—
 - (aa) attain English proficiency;
 - (bb) achieve at high levels within a well-rounded education; and
 - (cc) meet the challenging State academic standards expected of all students.”



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Title I - Regular Meetings with the Parents of ELs

Title I, Section 1112(e)(3)(C) goes on to require holding and sending notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of ELs assisted by Title I or Title III.

- Note that regular meetings means more than just an annual parent meeting. Also, extremely important to note is that this is an LEA level requirement, not a school level requirement. This has two major implications:
 - The meeting must include the parents of all ELs, not just ELs served in Title I funded schools
 - The requirements for this meeting cannot be met at the school level or by including the parents of ELs in another Title I related parent meeting that doesn't include “formulating and responding to recommendations from parents of ELs assisted by Title I or Title III” specifically.



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Title I Programs and Services - Eligibility for ELs

- English Learners are automatically included in the population of Title I eligible students in Title I schools that operate a schoolwide Title I program.
- This is because all students in a schoolwide school are considered Title I students.
- English Learners in schools that operate a targeted assistance program are also eligible for Title I services based on the same criteria as other students in the school.



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Title I Coordination Requirements

Slide 1 of 2

Your content

- ESSA Title I, Section 1112(a)(1)(B) indicates that schools districts may receive a Title I grant for any fiscal year only if they have an approved plan that is, as appropriate, “coordinated with other programs under this Act” and other laws.
- Title I, Section 1112(c)(4) requires that districts include an assurance in their ESSA plan that the district will coordinate and integrate services provided by Title I with other education services at the district or school level. Among the other services, services for ELs are specifically called out in this section.



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Title I Coordination Requirements

Slide 2 of 2

Your content

- The Council of Chief State School Officers (CCSSO) issued a paper titled “Major Provisions of Every Student Succeeds Act (ESSA) Related to the Education of English Learners”.
- In two places that paper says, “The new inclusion of a performance indicator on ELP under Title I, and the deletion of accountability requirements under Title III . . . , may well have implications for how SEAs should organize their staffs who deal with Title I and Title III issues” and “there is more EL focus in Title I. Therefore, SEAs might consider how to increase capacity in their Title I staff for addressing the new EL policies and/or increasing coordination and collaboration between their Title I and Title III staff.”



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Thank You

Dr. David Holbrook
NAELPA Executive Director
executive.director@naelpa.org




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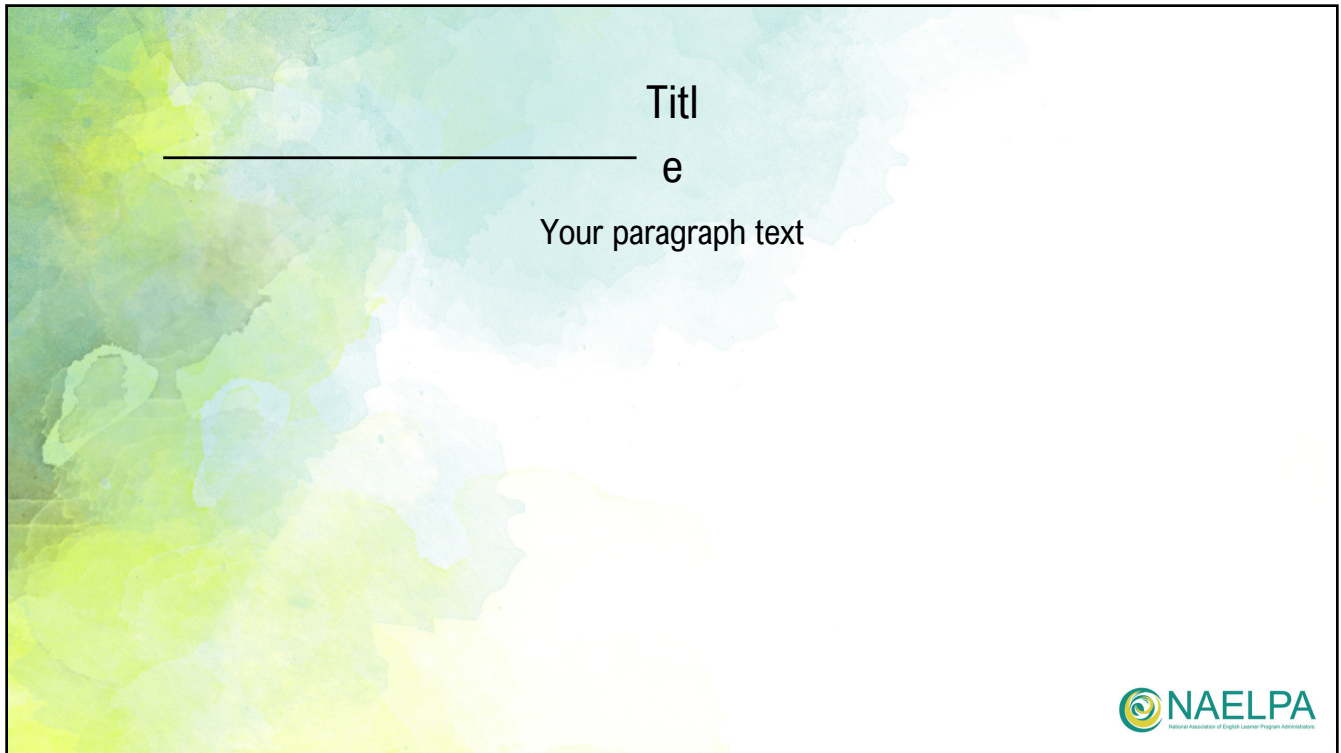
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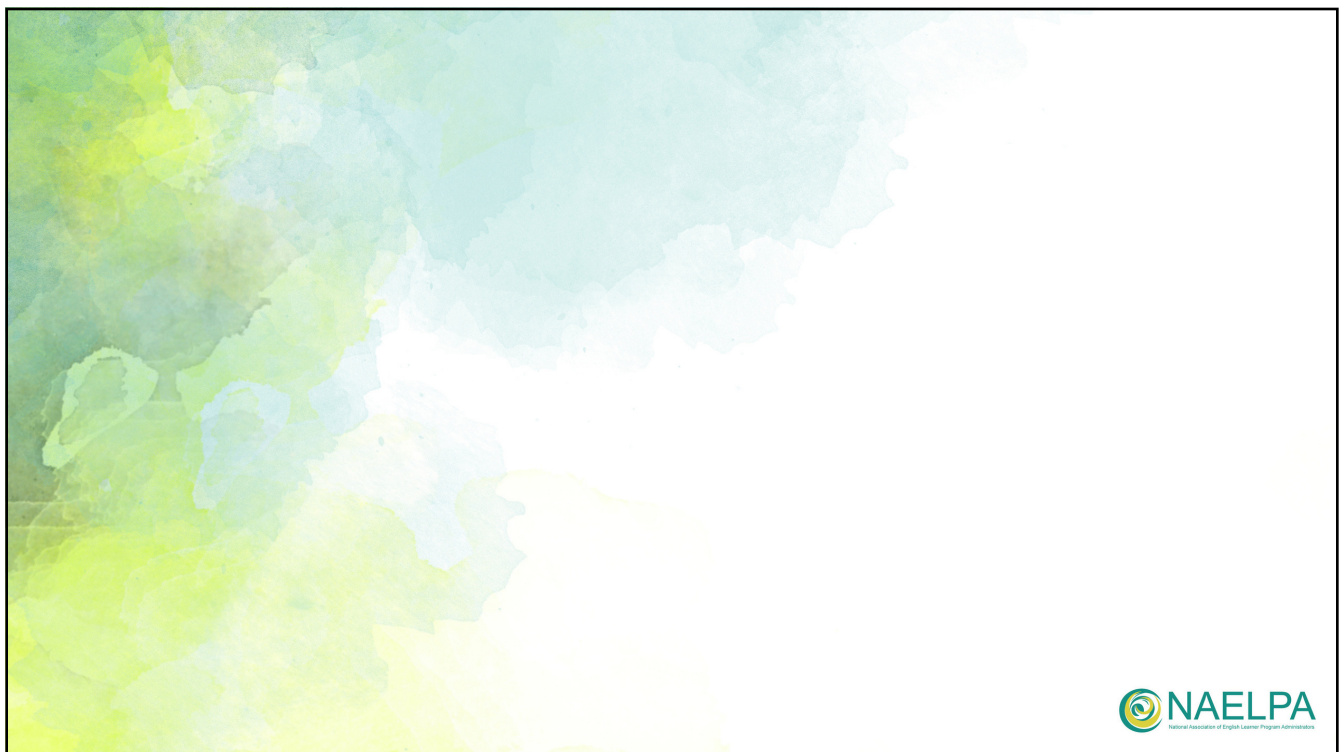
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NAELPA Members and Prospective Members,


Looking for a way to connect with other NAELPA members and to learn from one another? NAELPA is excited to announce the return of our **NAELPA Networking Coffee Chats!** These brief meet-ups will provide a space to discuss a “hot topic” and then open the floor for any topics of interest. You will be able to pose questions, share ideas, and just simply get to know other advocates and leaders across the nation!



Networking Coffee Chats

- **September 19, 2023** - *Measuring language proficiency progress throughout the year*
- **October 24, 2023** - *Equitable academic assessment practices (local and state)*
- **November 14, 2023** - *Assessment data analysis for individual MLs and language program effectiveness*
- **January 16, 2024** - *Topic Coming Soon*
- **February 20, 2024** - *Topic Coming Soon*
- **March 19, 2024** - *Topic Coming Soon*
- **April 16, 2024** - *Topic Coming Soon*

(7:30 a.m. - 8:15 a.m. PT, 8:30 a.m. - 9:15 a.m. MT, 9:30 a.m. - 10:15 a.m. CT, 10:30 a.m. - 11:15 a.m. ET)



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