



Arizona Department of Education
Office of English Language Acquisition Services

**English Language Learner
Guide
For
Local Educational Agencies (LEA)**

A Guide to

- ✓ Identification
- ✓ Assessment
- ✓ Federal and State Compliance
- ✓ Forms
- ✓ SEL Models
- ✓ **Title III**
- ✓ Monitoring Protocol
- ✓ Frequently Asked Questions
- ✓ Glossary



TITLE III FUNDING

Overview

- The purpose of Title III of the No Child Left Behind Act of 2001 (NCLB) is to ensure that limited English proficient (LEP) students, including immigrant children and youth, develop English proficiency and meet the same academic content and achievement standards required of all children.
- Schools must use these funds to implement language instruction educational programs which carry out activities that use a scientifically-based research approach. The district's plan for addressing the needs of LEP students and immigrant children and youth should be developed in consultation with teachers, researchers, administrators, parents, and the community.

Federal ELL Grants

- Emergency Immigrant
- Title III LEP
- Title III Consortium
 - An LEA that receives a grant under Section 3111(a) may collaborate or form a consortium with one or more LEAs to carry out a program for limited English proficient (LEP) students.

Use of Federal Funds – Required and Authorized

Costs must be....

- **Reasonable**
 - A cost is reasonable if, in its nature and amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.
- **Allocable**
 - A cost is allocable to a cost objective if the goods or services involved are chargeable or assignable to the cost objective in accordance with the relative benefits received.
- **Allowable**
 - A cost is allowable if it is necessary and reasonable for proper and efficient performance of the award and allocable to the award.

Supplement, not Supplant Requirement – General

Title III funds must be used to supplement the level of Federal, State and local funds that, in the absence of Title III funds, would have been expended for programs for limited English proficient (LEP) students and immigrant children and youth. *Section 3115(g)*

EMERGENCY IMMIGRANT EDUCATION PROGRAM

The Arizona Department of Education prepares and allocates funds to eligible LEAs, i.e., districts and charter schools, who meet the criteria identified in SEC. 3114 of the No Child Left Behind Act of 2001.

This “significant increase” is defined in Arizona as an increase in the preceding fiscal year over the average of the second and third preceding years, **of at least 10 students or 25% in the number of students**. In order to ensure a responsible program, no LEA will receive an award if they have less than 10 immigrant students.

Definition

The term immigrant children and youth means individuals 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 3 full academic years

Entering Immigrant Need Code

Enter in your LEAs Student Management System

- ✓ Need Group ED – Economic Disadvantage
- ✓ Need Code: 8 – Immigrant

You may also enter the Immigrant Need Code via SAIS Online

- ✓ SAIS Online: Add Support Program Participation
- ✓ Need Group: ED – Economic Disadvantage
- ✓ Need Code: 8 - Immigrant

Sec. 3247. Uses of Funds

Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include-

- (1) Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- (2) Support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- (3) Tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- (4) Identification and acquisition of curricular materials, educational software, and technologies;
- (5) The provision of basic instruction services that are directly attributable to the presence in the school district 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 additional basic instruction services

**TITLE III
HIGHLIGHTS**

Title III – Language Instruction for Limited English Proficient and Immigrant
PART A – English Language Acquisition, Language Enhancement, and Academic Achievement Act

SEC. 3102 PURPOSES (For Title III Funding)

The purposes of this part are –

- (1) to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;
- (2) to assist all limited English proficient children, including immigrant children and youth, to achieve high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1);
- (3) to develop high-quality language instruction educational programs designated to assist State educational agencies, local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth;
- (4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings;
- (5) to assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development of limited English proficient children;
- (6) to promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children;
- (7) to streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant children and youth, develop proficiency in English, while meeting challenging State academic content and student academic achievement standards;
- (8) to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring –
 - (A) demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and
 - (B) adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and
- (9) to provide State educational agencies and local educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children that the agencies believe to be the most effective for teaching English.

SEC. 3115 Subgrants to Eligible Entities (How may funds be used?)

(a) **PURPOSES OF SUBGRANTS** – A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out activities with such funds, the entity shall use approaches and methodologies based on scientifically based research on teaching limited English proficient children and immigrant children and youth for the following purposes:

- (1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.
- (2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such 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 language instruction educational programs and academic content instruction for such children, and such 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 language instruction educational programs and academic content instruction for such children, and such children and youth.

(b) ADMINISTRATIVE EXPENSES – Each eligible entity receiving funds under section 3114(a) for a fiscal year may not use more than 2 percent of such funds for the cost of administering this subpart. (Remember this includes adding in the indirect costs)

(c) REQUIRED SUBGRANTEE ACTIVITIES – An eligible entity receiving funds under section 3114(a) shall use the funds –

- (1) to increase the English proficiency of limited English proficient children by **providing high-quality language instruction** and educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing –
 - (A) English proficiency; and
 - (B) student academic achievement in the core academic subjects; **and**
- (2) to provide **high-quality professional development** to the classroom teachers (including teachers in the 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 limited English proficient children;
 - (B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;
 - (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 local educational agency employing the teacher.

Sec. 3116 Local Plans (Items for Consolidated Plans)

- (a) **PLAN REQUIRED** – Each eligible entity desiring a subgrant from the State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such a manner, and containing such information as the State education agency may require.
- (b) **CONTENTS** – Each plan submitted under subsection (a) shall –
 - (1) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;
 - (2) describe how the eligible entity will use the subgrant funds to meet all annual measureable achievement objectives described in section 3122;

(3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under the subpart accountable for –

- (A) meeting the annual measurable achievement objectives described in section 3122;
- (B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and
- (C) annually measuring the English proficiency of limited English children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);

(4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;

(5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutes of higher education, in developing such a plan; and

(6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.

(c) TEACHER ENGLISH FLUENCY – Each eligible entity receiving a subgrant under section 3114 shall include in its 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 communication skills.

(d) OTHER REQUIREMENTS FOR APPROVAL – Each local plan shall also contain assurances that –

(1) each local educational agency that is included in the eligible entity is complying with section 3302 prior to, and throughout, each school year;

(2) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;

(3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;

(4) the eligible entity 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; and

(5) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3126 and 3127.

Subpart 2 – Accountability and Administration

Sec. 3122 Achievement Objectives and Accountability

(3) CONTENTS - Such annual measurable achievement objectives –

(A) shall include –

(i) at a minimum, annual increases in the number or percentage of children making progress in learning English;

(ii) at a minimum, annual increases in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with section 1111(b)(7); and

(iii) making adequate yearly progress for limited English proficient children as described in section 1111(b)(2)(B)

(b) ACCOUNTABILITY – *LEA Improvement*

(1) FOR STATES – Each State educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the annual measurable

achievement objectives under subsection (a), including making adequate yearly progress for limited English proficient children.

(2) **IMPROVEMENT PLAN** – If a State educational agency determines, based on the annual measurable achievement objectives described in subsection (a), that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically address the factors that prevented the entity from achieving such objectives.

(3) **TECHNICAL ASSISTANCE** – During the development of the improvement plan described in paragraph (2), and throughout its implementation, the State agency shall –

(A) provide technical assistance to eligible entity;

(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a);

(C) develop, in consultation with the entity, professional development strategies and activities, based on scientifically based research, that the agency will use to meet such objectives;

(D) require such entity to utilize such strategies and activities; and

(E) develop, in consultation with the entity, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children.

(4) **ACCOUNTABILITY** – If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall –

(A) require such entity to modify the entity’s curriculum, program, and method of instruction; or

(B)(i) make a determination whether the entity shall continue to receive funds related to the entity’s failure to meet such objectives; and (ii) require such entity to replace educational personnel relevant to the entity’s failure to meet such Objectives.

Sec. 3125 – Rules of Construction

Nothing in this part shall be construed –

- (1) to prohibit a local education agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate;
- (2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for limited English proficient children; or
- (3) to limit the preservation or use of Native American languages.

Sec. 3126 – Legal authority under state law

Nothing in this part shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

Subpart 4 – Emergency Immigrant Education Program

Sec. 3241. Purpose (*For Immigrant Funding*)

The purpose of this subpart is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration-

(1) to provide high-quality instruction to immigrant children and youth; and

(2) to help such children and youth-

(A) with their transition into American society; and

(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

Sec. 3247 Uses of Funds (*How may immigrant funding be used?*)

(a) **USE OF FUNDS** – Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include –

- (1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- (2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- (3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- (4) identification and acquisition of curricular materials, educational software, and technologies;
- (5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services; and
- (6) such other activities, related to the purpose of this subpart, as the Secretary may authorize.

Part C General Provisions

Sec. 3302 Parental Notification (*For Programs and AMAOs*)

(a) **IN GENERAL** – Each eligible entity using funds provided under this title to provide a language instruction education 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...

(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 no later than 30 days after such failure occurs.

(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.

(d) **SPECIAL RULE APPLICABLE DURING SCHOOL YEAR** – For a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.

(e) **PARENTAL PARTICIPATION** –

(1) **IN GENERAL** – Each eligible entity using funds provided under this title to provide a language instruction educational program shall implement an effective means of outreach to parents of limited English proficient children to inform such parents of how they can –

(A) be involved in the education of their children; and

(B) be active participants in assisting their children –

(i) to learn English;

(ii) to achieve at high levels in core academic subjects; and

(iii) to meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

(f) **BASIS FOR ADMISSION OR EXCLUSION** – A child shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

Title III Program Assurances

Title III Program Assurances	
1	The LEA will use federal funds applied for under Title III only to supplement the funds that would, in the absence of federal funds, be made available from non-federal sources, and not to supplant such funds.
2	The LEA has based its proposed plan on scientifically based research on teaching limited English proficient children.
3	The LEA will assess the effectiveness of its programs with the measurable goals and performance indicators as determined by the state's NCLB Consolidated Plan.
4	The LEA certifies that all teachers in any language instruction educational program for ELLs that is, or will be, funded by Title III are fluent in English and any other language used for instruction, including having written and oral communications skills.
5	The LEA ensures compliance with section 3302 – Parental Notification prior to, and throughout, each school year.
6	For any language instruction educational programs for ELLs funded by Title III funds the LEA ensures that it will annually assess the English proficiency of all ELLs participating in such programs.
7	For any language instruction educational programs for ELLs funded by Title III funds the LEA requires the programs will enable children to speak, read, write, and comprehend the English language and meet the Arizona Academic Standards.
8	The LEA is not in violation of any State law, including State Constitutional law, regarding the education of limited English proficient children.