



# California English Learners and Title III of the Elementary and Secondary Education Act as Amended by the Every Student Succeeds Act

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English Learner Support Division  
Technical Assistance and Monitoring Office

September 2017



**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

# Presentation Overview

- Activities moved from Title III to Title I
- Supplement-not-Supplant
  - Translation of Information
  - Administration Costs
  - Early Learning
- English Language Proficiency (ELP) Standards
- Language Instruction Educational Programs (LIEPs)
- Professional Development (PD)
- Parent, Family, and Community Engagement
- Immigrant Children and Youth Subgrants
- Reporting Requirements



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# Students Served Under Title III

Total Students: 6,228,235

- English Learners: 1,332,405
- Title III Funding: \$134.1 million

Most commonly spoken languages:

- Spanish 83.1 percent
- Vietnamese 2.1 percent
- Mandarin 1.6 percent



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# Non-Regulatory Guidance September 2016

- Highlights changes to Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA)
- Provides clarification on issues, and policy/programmatic recommendations
- In effect beginning with the 2017–18 school year



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# General Purpose of Title III

To help ensure that English learners, including immigrant children and youth, attain English language proficiency and meet the same standards that all children are expected to meet.

(ESEA, Title III, Part A, Section 3102)



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# State Educational Agency Activities Moved from Title III to Title I

- Alignment of ELP standards to State content standards (ESEA 1111[b][1][F])
- Alignment of ELP assessments to ELP standards (ESEA 1111[b][2][G][ii])
- Establishment of ELP goals and indicators for accountability purposes (ESEA 1111[c][4][A][ii]), 1111[c][4][B][iv])
- Identification for interventions to address English learners' academic achievement and progress in attaining ELP (ESEA 1111[c][4][C][iii], 1111[c][4][D])



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# Local Educational Agency Activities Moved from Title III to Title I

- EL parental notification regarding LIEPs and related information (ESEA Section 1112[e][3])
- Parental Participation (regular EL parent meetings) (ESEA Section 1116[f])
- Reporting number and percentage of English learners achieving ELP (ESEA Section 1111[h][2])



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# State Obligation

**Although several ESEA provisions relevant to English learners have moved from Title III to Title I, the State continues to:**

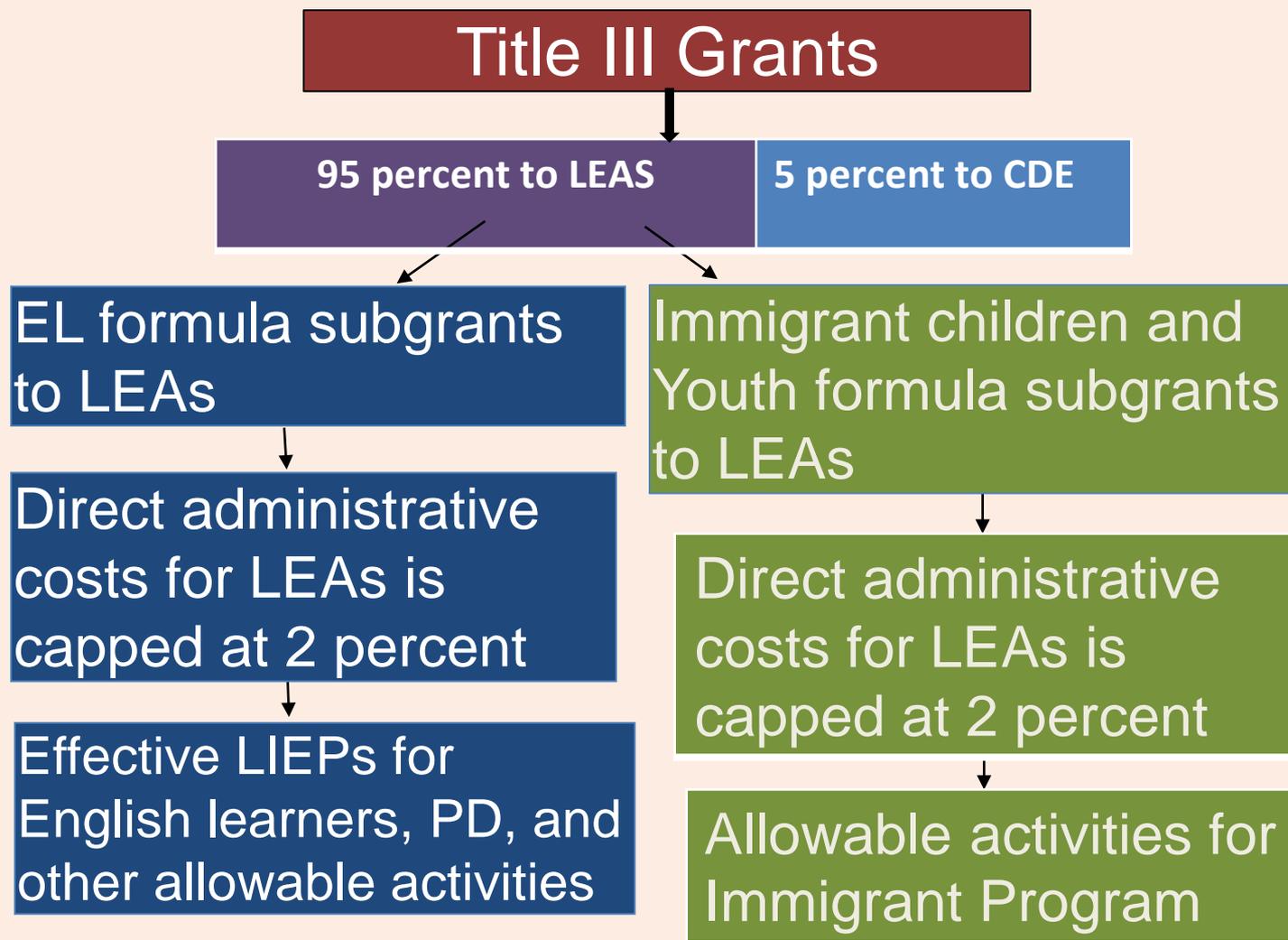
- Ensure local educational agencies (LEAs) use Title III subgrant funds in a manner consistent with federal law and guidelines.
- Conduct Title III fiscal and program monitoring for compliance.

**(ESEA Section 3113[b][3][F])**



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# Title III Funding Structure



EL: English Learner

LEA: Local Educational Agency

LIEPs: Language Instruction Educational Programs

PD: Professional Development



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# Supplement-not-Supplant

Question 1:

Can LEAs use Title III funds for EL-related activities that are now required under Title I?

Answer: **Yes**

The Supplement-not-Supplant requirements under Title III has not changed.

# Supplement-not-Supplant



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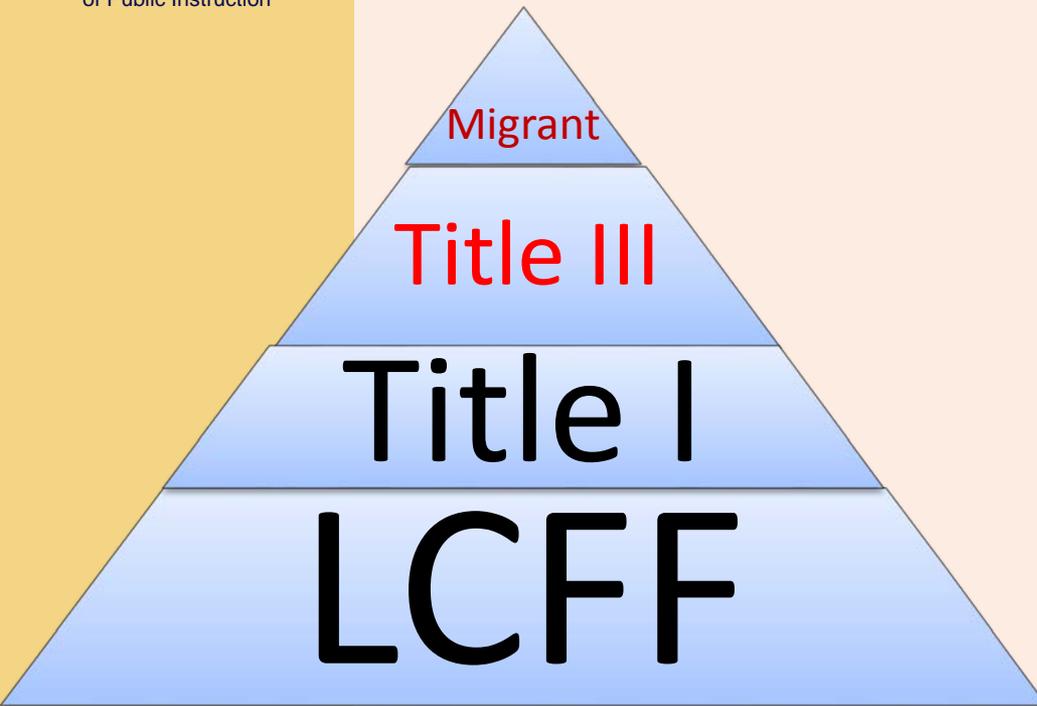
LEAs **may** still use Title III funds for EL-related activities previously required under Title III and now required under Title I as long as:

- Use of funds is consistent with the purpose of Title III and are “reasonable and necessary costs”; and
- Use of funds is supplemental to the LEA’s civil rights obligations to English learners under Title VI and the Equal Educational Opportunities Act (EEOA); and
- LEA can demonstrate it is also using Title III to conduct activities required under Title III.



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# Supplement-not-Supplant



General fund resources must be used to provide services and programs for English learners, including English language development (ELD) **and** access to the core curriculum. The provision of such services and programs must not be contingent on the receipt of state or federal supplementary funds.

# Supplement-not-Supplant



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LEAs **may not** use Title III funds to:

- Administer the Annual English Language Proficiency Assessments for California (ELPAC).
- Administer the initial ELPAC for purposes relating to identification of English learners.
- Develop a home language survey (LEA's civil rights obligation to English learners under Title VI and EEOA).

LEAs **may** use State assessment grants to administer the ELPAC or provide for appropriate accommodations for English learners with disabilities.



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# Supplement-not-Supplant

Question 2:

Can an LEA use Title III funds for English as a Second Language (ESL) classes for families of English learners?

Answer: **Yes**

An LEA may use Title III funds for ESL classes for families of English learners under certain conditions.

# Supplement-not-Supplant



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The LEA:

- Must carry out all the three required activities for Title III subgrants:
  - Language Instruction Educational Program
  - Professional Development; and
  - Parent, family and community engagement.
- Must ensure activities are supplemental, and supplements use of local, state, and other federal funds.
- May offer these classes to families of English learners (not families of non-English learners)

(ESEA sections 3115[c], 3115[e])



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# Translation of Information

Question 3:

Has the ESSA made the use of Title III funds for translation and interpretation allowable?

Answer: **No**

Title III funds must supplement, not supplant, state, local, and other federal funds. Title III funds cannot be used to fulfill an LEA's obligation under Title VI of Civil Rights Act of 1964 and the EEOA. 16

# Translation of Information



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Under Title VI and EEOA, LEAs **must:**

- Ensure meaning communication with EL parents in a language they can understand.
- Notify EL parents of information about any state or local program, service, or activity that is called to the attention of non-EL parents.
- Provide language assistance to EL parents with appropriate and competent staff or outside resources.
- Develop and implement a process for determining whether parents are English learners and what their language needs are.



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# Administrative Costs

Question 4:

Can an LEA apply its indirect cost rate to 98 percent of its Title III funds not used for administrative costs?

Answer: **Yes**

An LEA may apply its **restricted indirect cost rate** to the portion of its Title III subgrant that it does not reserve for administrative costs. This would be up to 98 percent of its Title III award.

Any funds reserved for administrative costs may be used only for **direct** administrative costs.



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# Administrative Costs

Use of Title III funds under the ESSA:

- LEAs may use no more than 2 percent of Title III funds for **direct** administrative costs.
- LEAs may consolidate Title III funds in a schoolwide program.
- LEAs may combine Title I and Title III funds for the same EL-related purpose

(ESEA sections 3114[a], 3115 [b])



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# Administrative Costs

ESEA	ESSA
2 percent maximum allowed for Title III administrative/ indirect costs	2 percent maximum for direct Title III administrative costs
15 percent maximum for administrative/indirect and assessment for EIA/LEP funds	May apply restricted indirect cost rate to 98 percent of its Title III funds not reserved for administrative costs. (ESEA Section 3115[b])



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# Early Learning

## Newly Authorized Activities:

- Effective preschool LEIPs
- PD for teachers of English learners in publically funded preschool programs
- Early college high school
- Dual concurrent enrollment programs

**Note:** There are many more authorized activities that have not changed.



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# English Language Proficiency Standards

- In November 2012, the California State Board of Education adopted the California ELD standards for kindergarten through grade 12 (K–12).
- The ELD standards correspond with the California Common Core State Standards for English-Language Arts (ELA) and Literacy in Science, History/Social Studies, and technical subjects.



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# Language Instruction Educational Programs

LEAs must:

- Adopt criteria to ensure LIEPs are effective and consistent with Federal laws.
- Provide LIEPs to grades K–12, and may also provide services in preschools.
- Provide a language assistance program that is effective (Title VI and EEOA requirement). LEA must use Title III to supplement, not supplant funds used to meet this obligation.
- Provide for equitable participation of eligible private school students, teachers, and other educational personnel.



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# Professional Development Specific to English learners

LEAs must:

- Prepare PD programs for teachers of English learners that are based on the highest available level of evidence and measured for effectiveness.
- Ensure teachers assigned to provide ELD for English learners are appropriately authorized.
- Use Title III funds for effective PD for teachers and principals of English learners.

An LEA may use Title III for supplemental staff to support English learners as long as the LEA has already met its civil rights obligations.



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# Parent, Family, and Community Engagement

LEAs are required to provide parental notification upon child's identification as an English learner and placement in an LIEP (moved from Title III to Title I per ESSA).

Parents of English learners may decline to enroll in, or have the students removed from, an LIEP.

- Parental decision must be knowing and voluntary.
- LEAs must still meet Title VI and EEOA obligations.
- English learners must still be annually assessed using the ELPAC for ELP.



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# Parent, Family, and Community Engagement

Question 5:

Can LEAs use Title III funds for the parental notification on EL identification that is now required under Title I, Part A?

Answer: **Yes**

An LEA may use Title III funds for EL-related activities that have been moved from Title III to Title I.

# ESSA Authorized Activities



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ESEA authorized activities	Additional activities under ESSA
Upgrading program objectives	Improving instruction of English learners, which may include English learners with a disability, through educational technology
Providing community participation programs, family literacy services, and parent and family outreach and training to English learners and their families	Offering early college high school or dual/concurrent enrollment programs
Providing tutorials	Providing materials in a language that a student can understand
Improving the instruction of English learners	(ESEA Section 3115[d])



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# Immigrant Children and Youth Subgrants

- Allow LEAs that have had a **significant increase** in the number of immigrant children and youth.
- Significant increase in immigrant youth and children is determined by comparing those enrolled in the current year to the average of the two preceding years.



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# Immigrant Children and Youth subgrants

- LEAs must use funds to provide enhanced instructional opportunities for immigrant children and youth.
- Allowable activities include family outreach, tutorials, and academic or career counseling.

(ESEA Section 3115[e])



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# Reporting Requirements

The ESEA	The ESSA
Describe programs and activities conducted	Describe how programs and activities are supplemental
Not a requirement	Disaggregate English learners with a disability
Report proficiency based on a valid and reliable ELP assessment	Report proficiency based on ELP standards, and number who exit LIEPs based on attainment of ELP
Report progress for English learners two years after receiving services	Report progress for English learners four years after receiving services
Not a requirement	Report on long-term English learners

# Resources



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U.S. Department of Education Web site:

Title III Guidance

<https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf>

Title III, Part A Webinar – October 5, 2016

<https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidanceppt102016.pdf>

CDE Title III Web page:

Frequently Asked Questions

<http://www.cde.ca.gov/sp/el/t3/index.asp>



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