

# English Language Learners in North Dakota: Title III Guidance



August 2011

North Dakota Department of Public Instruction  
Dr. Wayne G. Sanstead, State Superintendent  
600 E Boulevard Avenue, Department 201  
Bismarck, ND 58505-0440



Standards and Achievement Unit  
Bilingual and Language Acquisition Programs  
Kerri Whipple, Assistant Director  
701.298.4638 [kwhipple@nd.gov](mailto:kwhipple@nd.gov)  
<http://www.dpi.state.nd.us/bilingual/index.shtm>

# NOTICE OF NONDISCRIMINATION

## ND Department of Public Instruction

The Department of Public Instruction does not discriminate on the basis of race, color, religion, sex, national origin, disability, age, sex (wages) or genetics in its programs and activities.

For inquiries regarding nondiscrimination policies, please contact:  
Robert Marthaller, Assistant Superintendent,  
Department of Public Instruction, 600 East Boulevard Avenue, Dept 201,  
Bismarck, ND 58505-0440, 701-328-2267.

English Language Learners in North Dakota: Title III Guidance was produced by Bilingual & Language Acquisition Programs, Standards and Achievement Unit, North Dakota Department of Public Instruction.

Kerri Whipple

Cheryl Moch

**CIVIL RIGHTS STATEMENT:** In accordance with all regulations, guidelines and standards adopted by the US Department of Education, the US Department of Agriculture and the ND Human Rights Act, the ND Department of Public Instruction prohibits discrimination on the basis of age, gender, race, color, religion, national origin, status with regard to marriage or public assistance, disability or political beliefs. All divisions of the Department of Public Instruction will insure that no one is denied participation in, or denied the benefits of, or subjected to discrimination under any department program or activity.

Equal education opportunity is a priority of the ND Department of Public Instruction.

Publication Date: August 2011

# TITLE III, Part A: ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT AND ACADEMIC ACHIEVEMENT

## School District Responsibilities

### Purpose

#### **What are the purposes of Title III sub-grants?**

Title III sub-grants support the efforts of school districts to assist limited English proficient students to learn English and meet challenging State academic content and student academic achievement standards. Schools must use Title III sub-grants to carry out activities that use approaches and methodologies that are based on scientifically based research on teaching limited English proficient children and immigrant children for the following purposes:

1. Developing and implementing new language instruction educational programs and academic content instructional programs for limited English proficient students in early childhood, elementary, and secondary programs.
2. Expanding or enhancing existing language instruction educational programs and academic content instruction programs.
3. Implementing school-wide programs within individual schools to restructure, reform, and upgrade all programs, activities, and operations related to language instruction educational programs and academic content instruction for limited English proficient students.
4. Implementing, in a local educational agency, system-wide programs designed to restructure, reform, and upgrade all programs, activities, and operations related to the education of limited English proficient students.

### Process

#### **How does a district or consortium of districts apply for Title III funds?**

North Dakota Department of Public Instruction sends out an **Intent to Apply Notice** requesting interested Local Education Agencies (LEAs) to send notice to the state that they intend to apply for the funds. The Title III application is also sent at that time. The minimum grant award of \$10,000 must be reached by each applicant. This may include a single district applying independently or more than one district applying jointly as a consortium. The intent to apply is due by August 31<sup>st</sup>, 2011 and the application is due by September 15<sup>th</sup>, 2011.

## **Requirements**

### **What specific requirements must schools follow with Title III funds?**

School districts must assure that Title III funds are used to:

- Meet the annual measurable achievement objectives (AMAOs);
- Make adequate yearly progress for LEP students;
- Annually measure the English proficiency of LEP students so that children served by the programs develop proficiency in English while meeting State academic content and student academic achievement standards; and
- Promote parental and community participation in programs for LEP students.

### **What are the required activities of the Title III grant?**

Schools receiving Title III funds, either directly or through a Title III consortium must spend Title III funds on the two required activities:

- Increasing English proficiency and student academic achievement of children who are limited English proficient (LEP) (Title III, section 3102); and
- Providing high-quality professional development to classroom teachers, principals, and administrators involved in their education (Title III, section 3115).

### **What assurance must Title III grantees provide on using funds to supplement, not supplant, state initiatives?**

Grantees must assure that Title III funds are used to supplement activities that are the responsibility of the state and local education agency and not supplant, as described in “General Requirements for Federal Programs” on the DPI website at

<http://dpi.state.nd.us/grants/require.pdf>. Specifically, providing a core English Language Learner Instructional Program is the responsibility of the school district.

Requirements for a basic English Language Learner program are outlined in the document “English Language Learners in North Dakota: School District Responsibilities and Reporting Requirements” available at

[http://www.dpi.state.nd.us/bilingual/seclang/gen\\_guidance.pdf](http://www.dpi.state.nd.us/bilingual/seclang/gen_guidance.pdf). School districts with an approved core ELL program are eligible for Title III. Further guidance on the role of Title III as supplementary is available at

[http://www.ncela.gwu.edu/files/uploads/5/supplement\\_guidance\\_pdf.pdf](http://www.ncela.gwu.edu/files/uploads/5/supplement_guidance_pdf.pdf).

## **Instructional Program**

### **What instructional programs must schools receiving Title III sub-grants provide?**

Schools must use Title III funds to provide high-quality language instruction educational programs that are based on scientifically based research demonstrating effectiveness

in increasing English proficiency and student academic achievement in the core academic subjects. Schools must select one or more methods of instruction to be used in the programs and activities and provide evidence that the programs chosen are based on scientific research in teaching LEP students. Title III does not mandate or forbid any specific type of program, such as bilingual education.

### **What is scientifically based research?**

The statute defines scientifically based research as research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to educational activities and programs. (See ESEA section 9101 (37) available at <http://www.ed.gov/policy/elsec/leg/esea02/pg107.html> for the complete definition.)

### **Professional Development**

#### **What professional development activities must schools receiving Title III sub-grants provide for teachers, administrators, and others involved in language instruction educational programs?**

Schools are required to provide high quality professional development to classroom teachers (including teachers in classroom settings that are not the setting of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel that is:

- Designed to improve the instruction and assessment of LEP students
- Designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for LEP children
- 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 teachers; and,
- Of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom (excluding activities such as one-day or short-term workshops and conferences unless the activity is a component of an established comprehensive professional development program for an individual teacher)

Professional development activities meeting Title III requirements must be a part of the district or consortium professional development plan. This application can include the district plan as an appendix or list activities within the narrative. Grantees will be expected to track the PD topics as well as the participation of general education teachers, ELL teachers, principals, other administrators, other school personnel and community-based organization personnel. This will be requested from grantees in the fall following each completed grant cycle.

## **Private School Participation**

### **Are private school students eligible for services?**

Schools must conduct a **timely** and **meaningful** consultation with the private schools that are within their school district boundaries. They must work together to determine how they will provide support to ELL students and/or to staff working with ELL students. All services (consultation, professional development, student services) must be agreed upon and funded directly by the grantee (funds cannot be transferred to the private school). Funds may be spent to identify, screen and annually assess the English language proficiency of private school students (funds may not be spent for identification, screening and the annual English language proficiency assessment for public school students).

## **Program Evaluation**

### **What is required for evaluation and data collection for a grantee that receives a Title III sub-grant?**

Grantees that receive a Title III sub-grant must provide fiscal and performance information to DPI, along with student data.

## **Reporting**

### **What other information must be reported?**

School districts must provide information on the expenditure of funds, including the extent to which each consortia member benefited from those expenditures, total expenditures amount of carryover, and reallocation.

### **What student data must be reported?**

School districts must report on children and youth enrolled in a program or activity supported by Title III funds, including children who:

- (1) Are making progress in attaining English proficiency
- (2) Are reclassified as fully English language proficient
- (3) Are meeting the same challenging State academic content and student academic achievement standards as all other children and youth

This data will be reported through the North Dakota State Automated Reporting System (STARS).

## **Parent Involvement**

### **What are the requirements regarding the role of parents of LEP students?**

LEAs using Title III funds to provide a language instruction educational program must implement an effective means of outreach to parents of limited English proficient children. LEAs must inform such parents about how they can be active participants in assisting their children to learn English, achieve at high levels in core academic subjects, and meet the same challenging State academic content and student academic achievement standards as all other children are expected to meet.

### **What kind of information must LEAs provide to parents regarding their child's participation in a language instruction educational program?**

School districts using Title III funds must inform parents of:

1. The reasons for identifying their child as being limited English proficient and for placing their child in a language instruction educational program for LEP students
2. The child's level of English proficiency, including how the level was assessed and the status of the child's academic achievement
3. The method of instruction that will be used in the program, including a description of other alternative programs
4. How the program will meet the educational strengths and needs of the child
5. How the program will help the child learn English and meet academic achievement standards
6. The program exit requirements, including the expected rate of transition and the expected rate of graduation from secondary school
7. How the program will meet the objectives of an individualized education program for a child with a disability and
8. Their rights, including written guidance that:
  - a. Specifies the right that parents have to have their child immediately removed from a language instruction educational program upon their request
  - b. Describes the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available and
  - c. Assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered

### **What are the requirements on the format and language of the notices to parents?**

The required notices described must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

## **How quickly must LEAs inform parents that their child has been identified for participation in a language instruction educational program for LEP students?**

LEAs must inform parents of a child identified for participation in a language instruction educational program supported by Title III not later than 30 days after the beginning of the school year. For a child who enters school after the beginning of the school year, the LEA must inform parents within two weeks of the child's placement in such a program.

## **Are any other separate notifications required?**

School districts are required to provide notice to the parents of LEP children participating in a Title III language instruction educational program of any failure of the program to make progress on the annual measurable achievement objectives described in section 3122 of Title III. This notice is to be provided no later than **30 days** after this failure occurs.

## **Immigrant Children and Youth Subgrants**

### **Can a grantee receive an additional sub-grant based on immigrant student numbers?**

Yes. A grantee may receive additional funding based on significant increases in the percentage or number of immigrant children and youth compared to the two previous years. The state must allocate money for immigrant children and youth. The significant increase for the 2011-12 school year has been defined as 20% increase and at least 10 immigrant students. NDDPI adjusts the definition of "significant increase" annually to include as many school districts as possible.

### **Do grantees applying for sub-grants under section 3114(a) have to submit a narrative on how they propose to spend the funding for immigrant children and youth?**

Yes. Grantees applying for funds under section 3114(d) (the reservation of funds for immigrant children and youth) are required to include a specific description of how they propose to serve immigrant children and youth.

### **What requirements must be followed for the immigrant Title III grants?**

Grantees who qualify for immigrant Title III funds must submit separate budgets and plans for these funds.

## **Are there special required activities for consortia that receive grants under section 3114(d) (substantial increase in percentage or number of immigrant students)?**

Under the statute, LEAs must provide enhanced instructional opportunities for immigrant children and youth, which may include:

- Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children
- Support for personnel, including teacher aides, who have been specifically trained or are being trained to provide services to immigrant children and youth
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth
- Identification and acquisition of curricular materials, educational software, and technologies to be used in the program
- Instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including the 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
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education
- Activities coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services

### **Title III Consortia Requirements**

#### **What documentation must the fiscal agent of the consortia submit to demonstrate that all consortia members assisted in the development of a plan or option to disseminate funds?**

The fiscal agent must show evidence of collaboration and discussion. Evidence could include the following:

- Meeting minutes
- Written plan with signatures
- Other forms of collaboration

#### **What must be in a Title III plan for a consortia?**

The Title III plan for the consortia must address the:

- manner in which funds will be utilized to benefit all consortia members

- the research based methods chosen for the program
- student services being provided
- professional development activities

The plan must also list the member districts as well as contain a signature page (see application) from the superintendent of each participating district.

### **What are the responsibilities of the Title III grantee fiscal agent?**

The fiscal agent submits the intent to apply and application for Title III funds.

The fiscal agent must:

1. Coordinate grant activities for the Title III grant and submit the end of the year report; or
2. Coordinate budgets and plans, disseminate funding and submit reports for districts that manage their own programs

### **What are the options for dissemination of Title III funds?**

Title III grantees that form consortia have three choices:

1. Coordinate all activities and submit a budget and plan as a group; or
2. Disseminate funds to eligible school districts, based on student counts. Each eligible school district must develop its own plan and budget. The fiscal agent submits the plans and budgets as a group; or
3. The consortia may choose to do a combination of options 1 and 2, coordinating some funds and disseminating others

## **Application, Activities and Budget**

### **What are the allowable activities under Title III?**

Title III funds must be used to support instructional programs and professional development activities as outlined in Title III legislation.

These activities include:

#### **Instructional Services**

- Licenses ESL or bilingual teachers that provide supplementary services
- Para-educators
- Travel costs for itinerant teachers and consultants
- Supplemental instructional materials

#### **Professional Development**

- Consultant fees
- Travel for conferences and workshops

- Training materials

### **Parent Involvement**

- Parent meetings

Title III funding may be used for home school liaison and parental involvement activities as long as the activities support the required activities of instruction and professional development. These activities must play a supportive role in the program plan and budget, though, and not be the primary focus.

### **What are some other examples of Title III activities?**

Examples of Title III activities for a consortium collaborating together include the following:

- Consortium-wide training on research based methods for ELL instruction and assessment
- Consortium-wide parent training and involvement
- Additional ELL curriculum material to enhance the core curriculum
- Additional computer assisted ELL instructional material
- ELL teacher providing supplementary services on an itinerant basis

Examples of Title III activities for a single school district include the following:

- District level or school building level training on research based methods for ELL instruction and assessment
- District level or school building level training on research based methods for ELL instruction and assessment
- Additional ELL curriculum material to enhance the core curriculum
- Additional computer assisted ELL instructional material
- ELL teacher providing supplementary service
- ELL para-professionals providing supplementary, follow through instruction

### **What activities are not allowable under Title III?**

Activities not allowable under Title III include those that are the responsibility of the school district in providing a core ELL program. For example, a district must demonstrate that all students are on the caseload of a general funded ESL or bilingual teacher. Teachers providing basic instructional services, plan management and student assessment are not allowable. Likewise, the basic curricular materials are not allowable. Non-instructional based activities that have the primary intention of providing social or psychological treatment for students and families are not allowable.

## **How is a Title III ELL teacher different from a Core ELL Program ELL teacher?**

A Title III ELL teacher must provide supplementary ELL services. The Title III funded teacher cannot:

- Be the ELL teacher responsible for the Individual Language Plan for students
- Be reported as the Plan Manager on the (State Automated Reporting System) for students
- Provide the primary ELL instruction and coordinator of services for student
- Make and interpret English language proficiency assessment for students

The Title III funded teacher may:

- Provide additional instruction in ELL strategies for high need students
- Serve as a resource or coach for ELL and/or mainstream teachers
- Provide assistance in assessing students
- Provide ELL support to content area teachers in a team teaching or sheltered instruction model
- Develop curriculum and/or materials
- Provide before or after school supplemental language support for ELL students

## **What activities are allowable for the immigrant Title III funds?**

Allowable activities for immigrant Title III funds include many of the items addressed above. They include:

- Activities to support new immigrant families, such as family literacy, family night, translators, home school liaisons, etc
- Instructional personnel, such as teachers and para-professionals providing intensive English or entry level instruction
- Professional development activities
- Other activities related to the issues new immigrants experience

## **Are the Title III immigrant grants under the same requirement to be supplementary?**

Yes. Title III immigrant fund follow the same supplementary criteria. They can not be used for basic ELL services.

## **What percentage of Title III can be used for administration?**

Two percent of Title III can be used for administration.