Title III and English Learners

Oregon Department of Education

Office of Learning - Equity Unit

COSA – Seaside

June 2015

Title III Overview

- Purpose of Title III
  - The purpose of Title III is to ensure that limited English proficient students develop English proficiency and meet the same academic content and academic achievement standards that all students are expected to meet. Districts must use these funds to implement language instruction educational programs that carry out activities that use approaches based on scientific research. Each district serving ELs is responsible for implementing instructional programs that lead ELs to meet annual measurable achievement objectives and make adequate yearly progress.

Who are English Learners?

- The ESEA defines the term **"limited English proficient" (LEP)** in part as students "…whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the State's proficient level of achievement on State assessments…" (ESEA section 9101(25).)

- In Oregon, English Learner is used instead of LEP.

Long Term ELs

- The State does not have a definition of long-term ELs.
  - Some states have a time definition of more than six years.
  - ODE uses five of more years in its AMAO calculations.
- Students who were identified ELs prior to Oregon having ELP standards, instructional materials, and standardized assessment, may have additional gaps in language due to the variety of instructional practices that occurred previously.

SIFE Definition

Students with Interrupted Formal Education (SIFE)

SIFE students are those who meet at least one of the following two categories:

1. Come from a home where a language other than English is spoken and enter a school in the US after grade two;

2. Are immigrant students who enter a school in the United States after grade 2;

And meet the following conditions:

a. Have had at least two years less schooling than their peers; and,

b. Function at least two years below expected grade level in reading and in mathematics; and,

c. May be pre-literate in their native language.

Who are Students with Disabilities

- The IDEA defines a **student with a disability** as a child evaluated in accordance with 34 CFR §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services. (Part B of the IDEA 34 CFR §300.8.)

Acronyms for English Learners

Acronym	What it stands for	What it means	Where used
EL	English Learner	An identified student who qualifies for additional support in school in acquiring academic English proficiency	Revised term being used by ODE and US Dept. of Education
EL	English Language Learner	Same as EL	Previously used in Oregon
LEP	Limited English Proficient	Same as EL	Used in federal ESEA law

These acronyms are used interchangeably depending on the context of the communication. Oregon is choosing to change to English Learner.

SEA Required and Authorized Activities

- Professional Development
- Planning, evaluation, administration, interagency coordination
- Technical Assistance
- Recognition *(Section 3111(a)(2))*

In most cases, 95% of SEA award to LEAs

LEA Required Activities

1. High-quality language instruction educational program

2. High-quality professional development

(Section 3115(c-d))

Subgrants to LEAs

Subgrants to consortia of LEAs

# Language Instruction Educational Programs

Under Title III:

➢ States, districts, and schools select scientifically based methods of instruction and programs proven effective for LEP students.

➢ No particular program of instruction is prescribed or recommended.
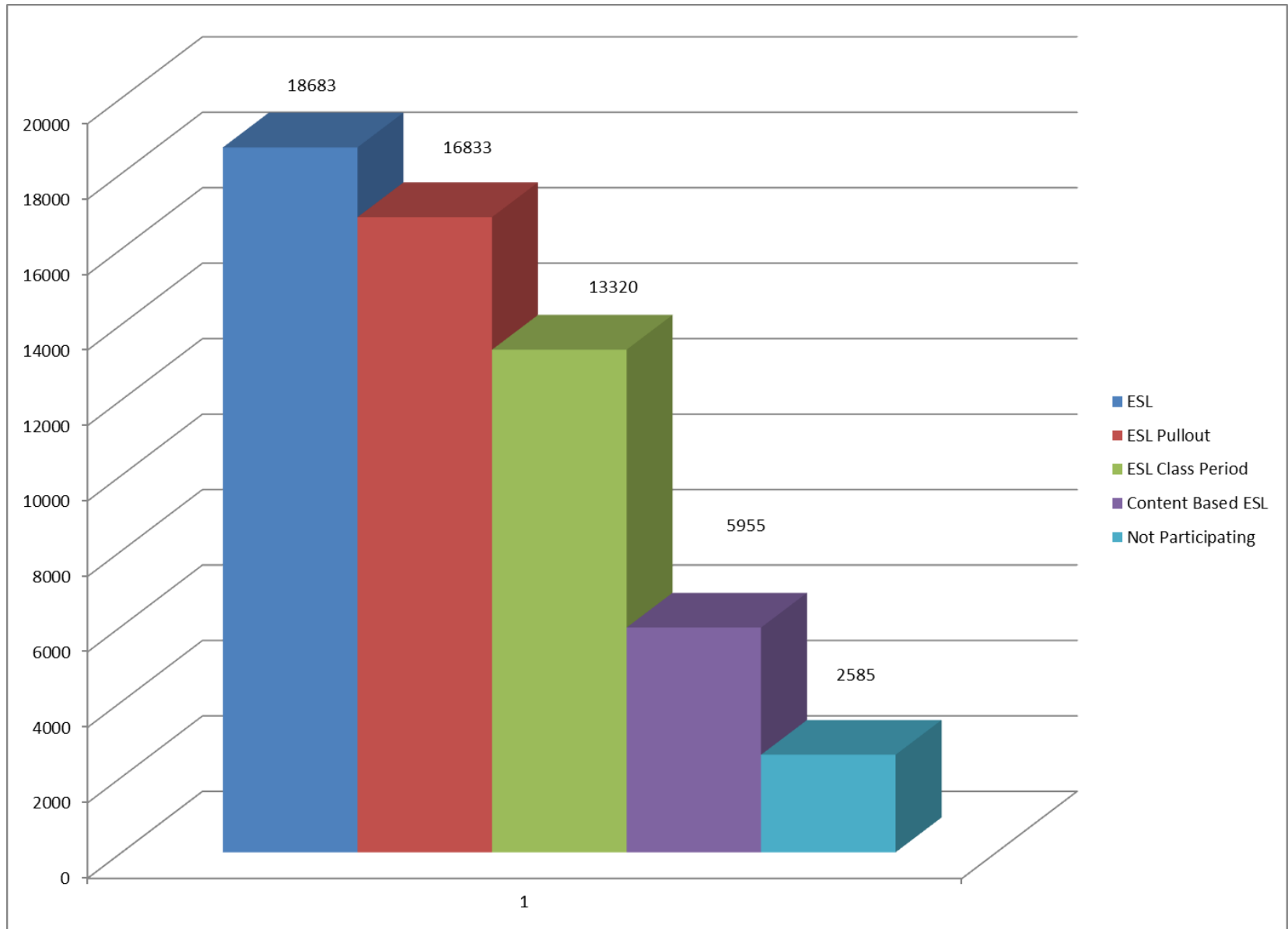
(Section 3113(b)(6))

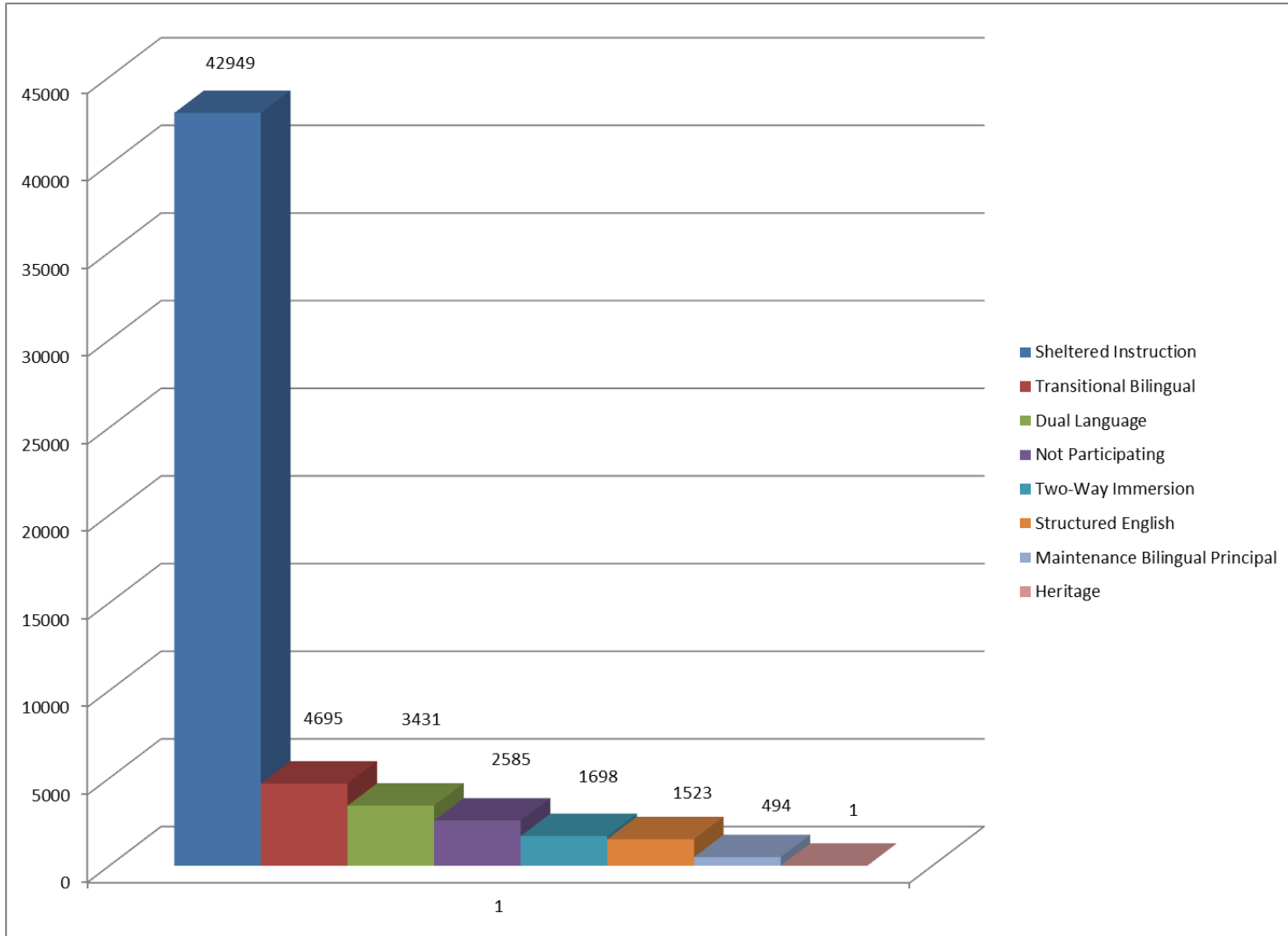# Types of Language Instruction Educational Programs Reported by States in the 2007-2008 CSPR
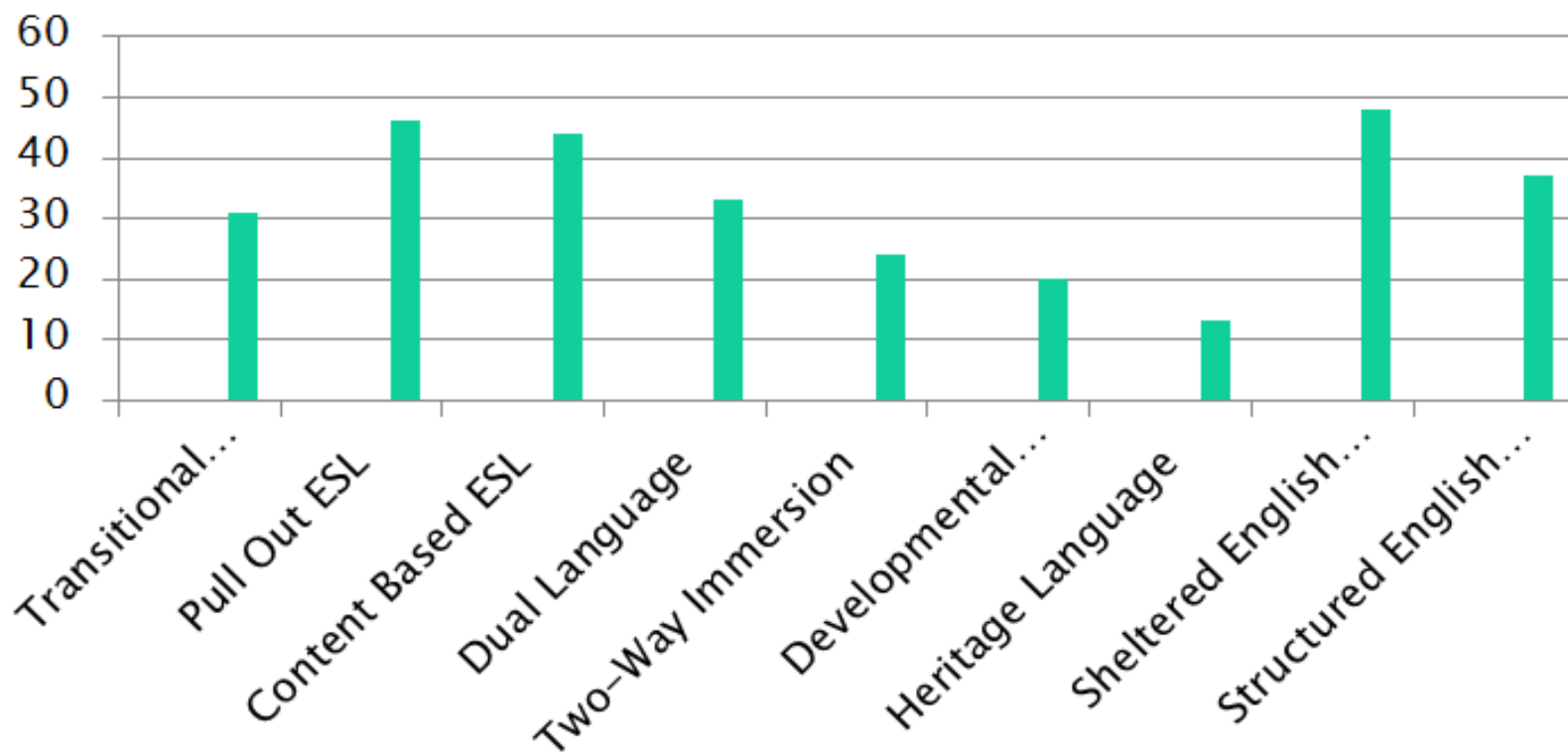
Data source: Preliminary SY 2007-08
Consolidated State Performance Report Data

Oregon ELD program model

Oregon– Access to Core

Oregon– Access to Core. Bar chart of student counts by instructional program. Sheltered Instruction: 42949, Transitional Bilingual: 4695, Dual Language: 3431, Not Participating: 2585, Two-Way Immersion: 1698, Structured English: 1523, Maintenance Bilingual Principal: 494, Heritage: 1.

Title III Parental Notification for Identification & Placement

When?

No later than 30 days after the beginning of the school year.

Enroll during the school year?

Within the first 2 weeks of placement in a language instruction educational program.

(Section 3302(c))

Provision of Services to LEP Students in Private Schools

After timely and meaningful consultation with appropriate private school officials, LEAs receiving Title III funds must provide educational services to LEP children and educational personnel in private schools that are located in the geographic area served by the LEA.

(Section 9501)

Title III & LEP Students in Private Schools

To ensure **timely and meaningful consultation**, the LEA must consult with private school officials on such issues as:

➢How the LEP children's needs will be identified.

➢What services will be offered.

➢How, where, and by whom the services will be provided.

➢How the services will be assessed and how the results of the assessment will be used to improve services.

➢Size and scope of services, & funds available for services.

➢How and when the LEA will make decisions about the delivery of services.   *(Section 9501)*

Requirements

- All Title III activities must be directly linked to the goals of this program:
  - 1) Assist ELs in attaining English
  - 2) Assist ELs in meeting the state's academic standards;
  - 3) Develop high quality English language instruction programs for ELs;
  - 4) Develop and enhance high quality instruction programs designed to prepare ELs to enter all-English instruction settings;
  - 5) Build capacity to establish, implement, and sustain language instruction programs and programs of English language development for ELs;
  - 6) Promote parental and community participation in language instruction for the parents and communities of ELs.

(Sec. 3102)

Pending ORS changes

- HB 3499-B

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Department of Education to convene advisory group related to budgets and spending for English language learner programs.

Directs Department of Education to convene work group related to English language learner programs.

Requires school districts to make annual report to Department of Education related to English language learner programs.

Directs Department of Education to develop and implement statewide plan to support students eligible for English language learner programs.

Adjusts methods by which State School Fund distributions are made to school districts for students enrolled in English language learner programs.

Declares emergency, effective July 1, 2015.

https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3499/B-Engrossed

Amends ORS 327.345

SECTION 14. ORS 327.345 is amended to read:

327.345. (1) As used in this section, [*"ESL student"*] **"ELL student"** means a student who is eligible for and enrolled in an English [*as a second*] language **learner** program under ORS 336.079.

(2) In addition to distributing moneys through the State School Fund, the Department of Education may award grants to school districts for the costs of training English [*as a second*] language **learner** teachers.

(3) The grants shall be available to any school district:

(a) In which three percent or more of the students enrolled are [*ESL*] **ELL** students;

(b) That serves [*ESL*] **ELL** students or bilingual students within a large geographic area in the district;

(c) That has a high growth, as defined by rule of the State Board of Education, of [*ESL*] **ELL** students or bilingual students in any school year; or

(d) That can demonstrate extraordinary need, as defined by rule of the board, for English [*as a second*] language **learner** teachers or training for English [*as a second*] language **learner** teachers.

(4) A school district that receives a grant under this section may use the grant to reimburse teachers for tuition costs associated with completing an English [*as a second*] language **learner** or a bilingual teaching program.

Amends

- ORS 329.157
  - From English[*as a second*] *language* **learner** *programs;*

- *ORS 342.950*
  - *[outcomes for students learning English as a second language]* **student progress indicators for students who are enrolled in an English language learner program under ORS 336.079**

- *Additional language changes from ESL to ELL in statue*

Population Range   7904 - 953   873 - 415   411 - 178   162 - 75   66 - 38   34 - 11   0
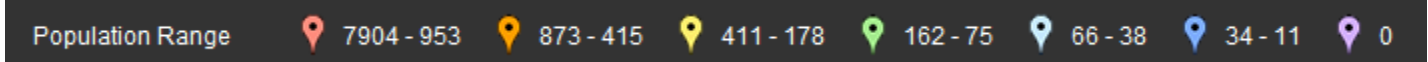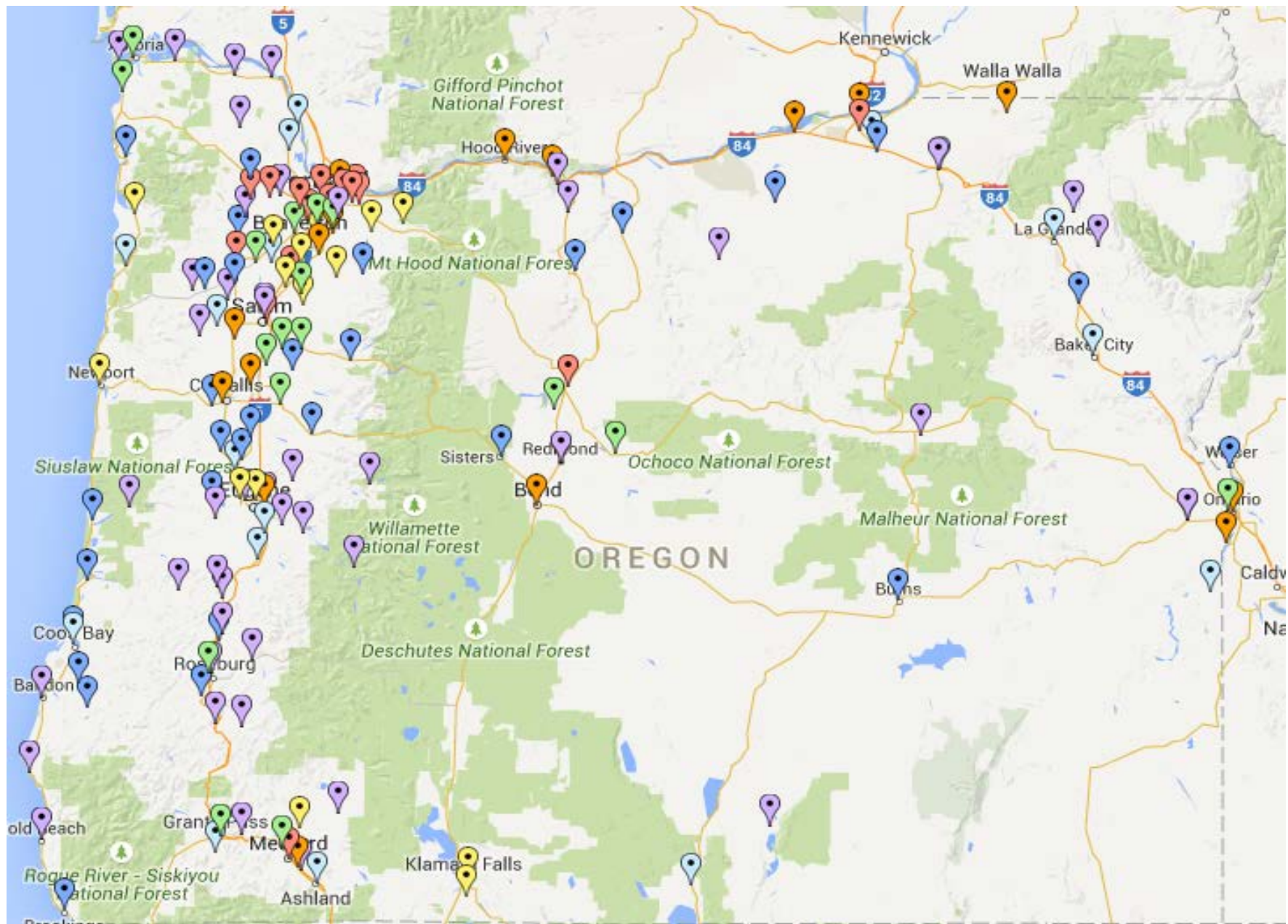
Total number of English Learners	57,376
Number of English Learners receiving service	54,791
Number of English Learners waiving service	2,585
Number of Elementary English Learners (K-5)	43,655
Number of Middle School English Learners (6-8)	7,538
Number of High School English Learners (9-12)	6,138
Total number of Former English Learners in Oregon	75,540
Number of Monitor year 1 English Learners (exited in 12-13)	7,868
Number of Monitor year 2 English Learners (exited in 11-12)	9,364
Number of Monitor year 3 English Learners (exited in 10-11)	10,378
Number of Monitor year 4 English Learners (exited in 09-10)	9,993
Number of Monitor year 5 English Learners (exited in 08-09)	7,176
Number of Monitor year 6 English Learners (exited in 07-08)	5,159
Number of Monitor year 7 English Learners (exited in 06-07)	5,679
Number of Monitor year 8 English Learners (exited in 05-06)	6,971
Number of Monitor year 9 English Learners (exited in 04-05)	7,221
Number of Monitor year 10 English Learners (exited in 03-04)	5,731
Number of English Learners having an IEP	10,200
Number of Elementary English Learners having an IEP	6,149
Number of Middle School English Learners having an IEP	2,524
Number of High School English Learners having an IEP	1,527

2013-14 Data – LEP collection

Top 10 Districts by EL population

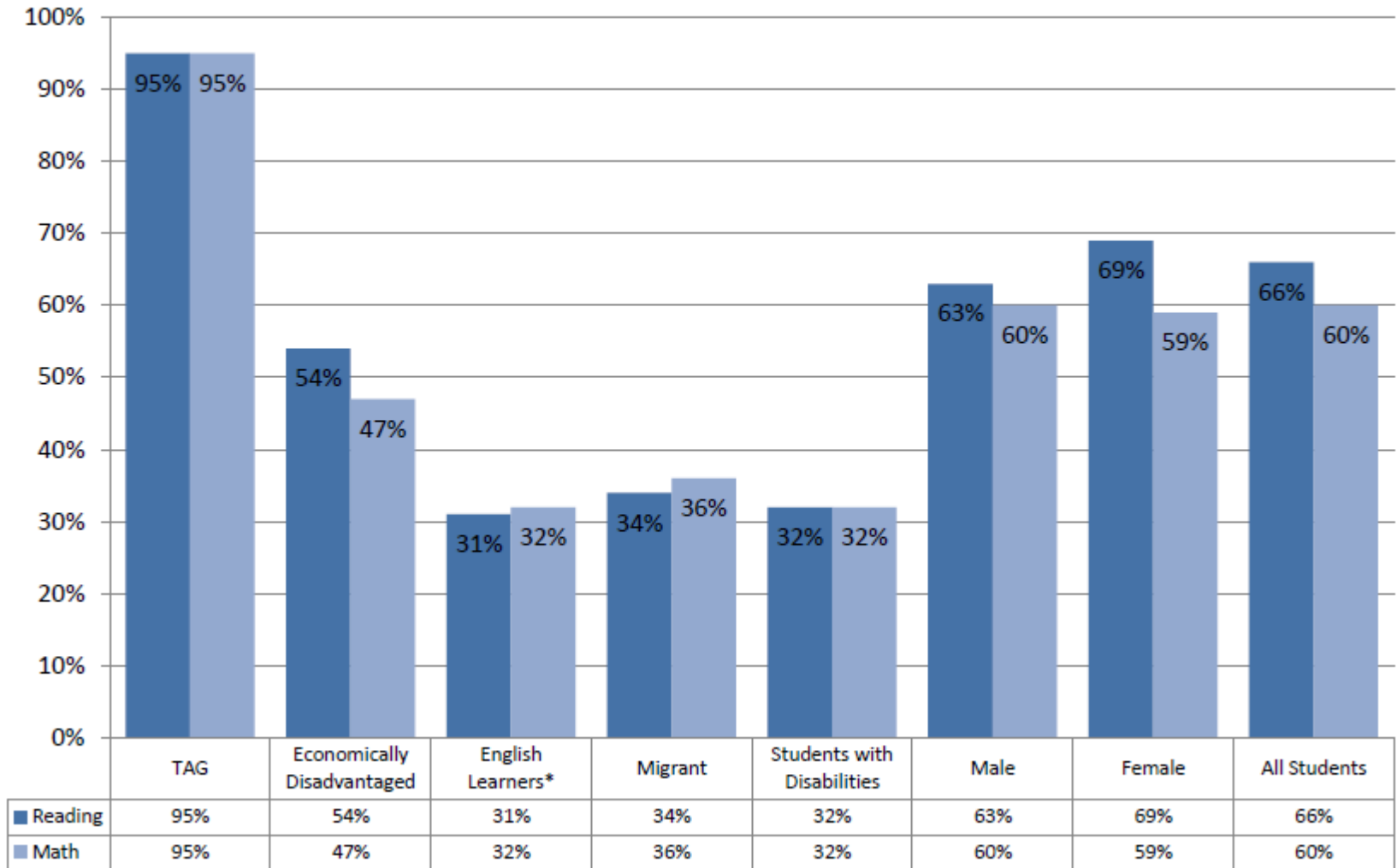|	
Salem-Keizer SD 24J	8283
Beaverton SD 48J	5963
Portland SD 1J	4363
Hillsboro SD 1J	3413
Reynolds SD 7	3181
David Douglas SD 40	2483
Woodburn SD 103	2318
North Clackamas SD 12	2142
Tigard-Tualatin SD 23J	1544
Gresham-Barlow SD 10J	1476

Highest Percentage of EL students

Woodburn SD 103	**39.40%**
Jefferson County SD 509J	**33.77%**
Umatilla SD 6R	**33.11%**
Nyssa SD 26	**30.40%**
Reynolds SD 7	**26.44%**
Gervais SD 1	**25.35%**
Milton-Freewater Unified SD 7	**24.36%**
Morrow SD 1	**23.03%**
David Douglas SD 40	**21.83%**
Hood River County SD	**21.19%**

Most Common Languages of Origin of Students in Oregon Public Schools
(K-12 Students)
2013-14

Language of Origin	Number of Enrolled Students by Language of Origin*	Number of English Learners**	Percent of Total Spring Enrollment*** (Total: 560,482)	Percent of Total English Learner Enrollment*** (Total: 57,376)
English	438,865	993	78.30%	1.73%
Spanish	80,872	44,341	14.43%	77.28%
Russian	4,722	1,995	0.84%	3.48%
Vietnamese	4,390	1,594	0.78%	2.78%
Chinese	3,060	995	0.55%	1.73%
Arabic	1,272	822	0.23%	1.43%
Ukrainian	1,060	398	0.19%	0.69%
Korean	1,056	390	0.19%	0.68%
Somali	1,012	737	0.18%	1.28%
Romanian	796	314	0.14%	0.55%
Japanese	720	278	0.13%	0.48%
Chuukese	679	479	0.12%	0.83%

Grade 3 Students by Subgroup
Percent Meeting or Exceeding Standards in 2013-14

	TAG	Economically Disadvantaged	English Learners*	Migrant	Students with Disabilities	Male	Female	All Students
Reading	95%	54%	31%	34%	32%	63%	69%	66%
Math	95%	47%	32%	36%	32%	60%	59%	60%

Grade 4 Students by Subgroup

Percent Meeting or Exceeding Standards in 2013-14

	TAG	Economically Disadvantaged	English Learners*	Migrant	Students with Disabilities	Male	Female	All Students
■ Reading	95%	61%	35%	42%	37%	69%	75%	72%
■ Math	95%	52%	36%	43%	33%	65%	63%	64%
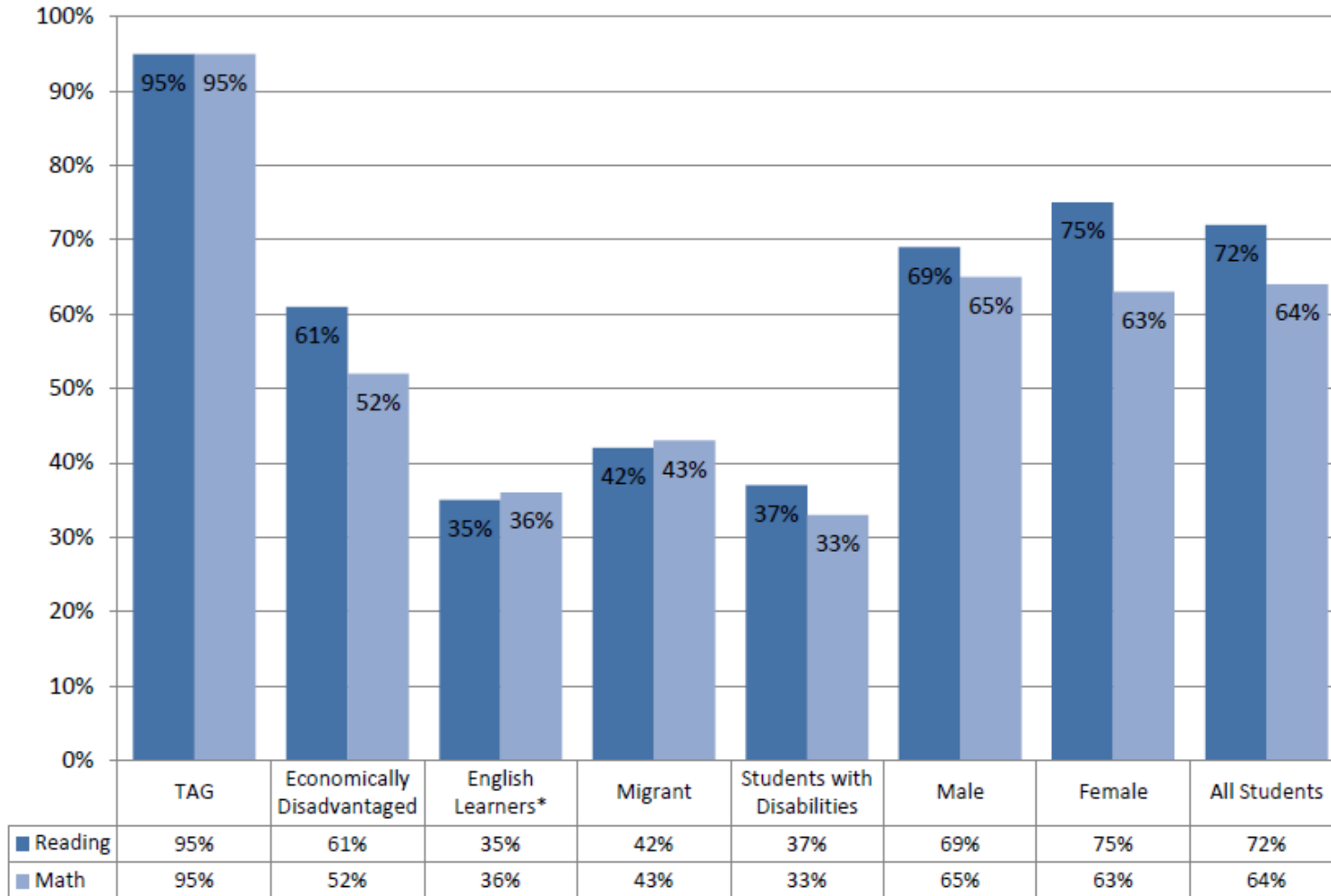
Grade 5 Students by Subgroup
Percent Meeting or Exceeding Standards in 2013-14

	TAG	Economically Disadvantaged	English Learners*	Migrant	Students with Disabilities	Male	Female	All Students
Reading	95%	55%	18%	40%	28%	64%	71%	68%
Math	95%	46%	20%	40%	24%	59%	60%	59%
Science	95%	56%	22%	38%	38%	70%	67%	69%
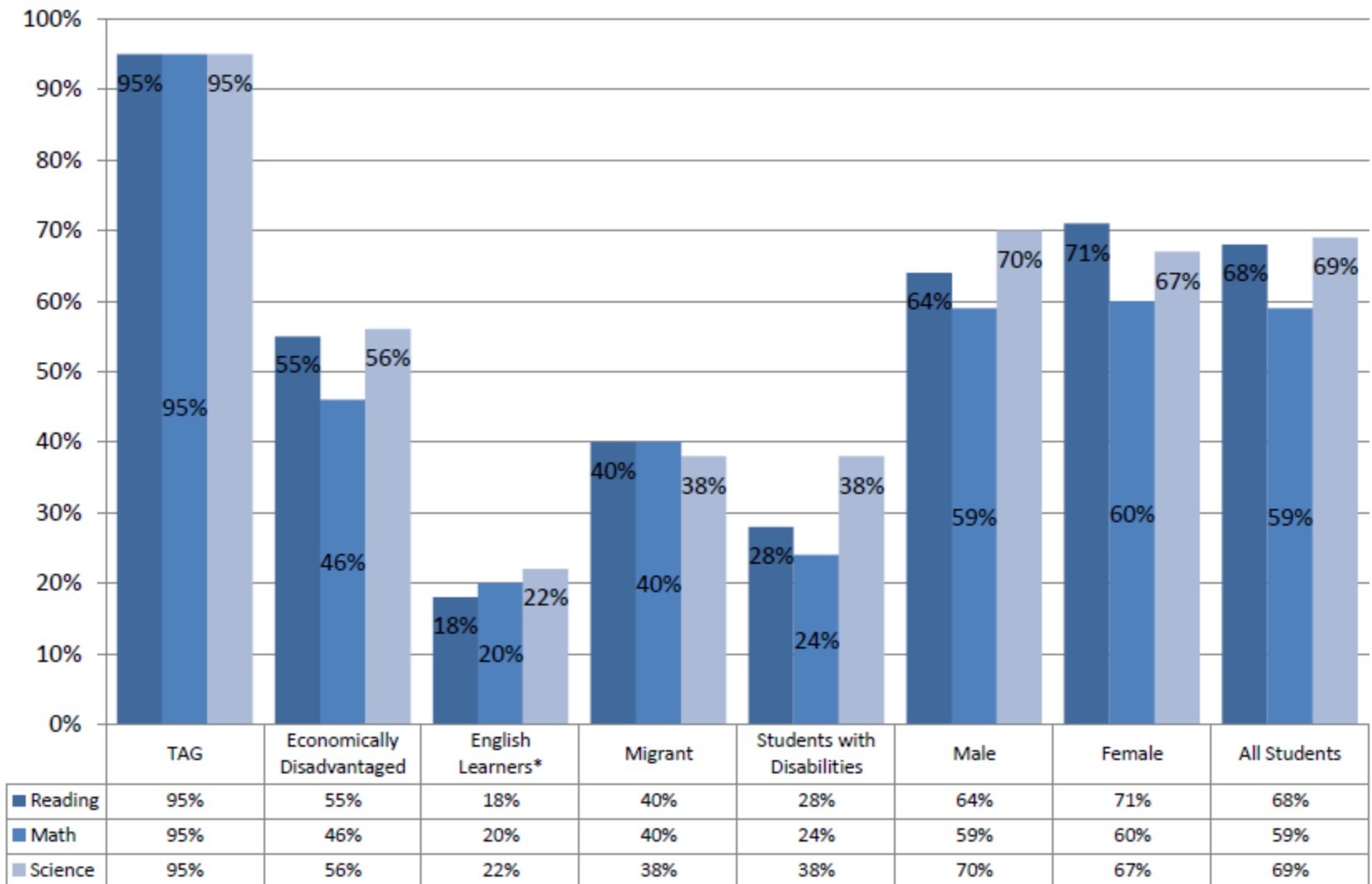
Grade 6 Students by Subgroup
Percent Meeting or Exceeding Standards in 2013-14

	TAG	Economically Disadvantaged	English Learners*	Migrant	Students with Disabilities	Male	Female	All Students
Reading	95%	51%	9%	38%	23%	61%	68%	65%
Math	95%	46%	16%	36%	19%	60%	98%	59%
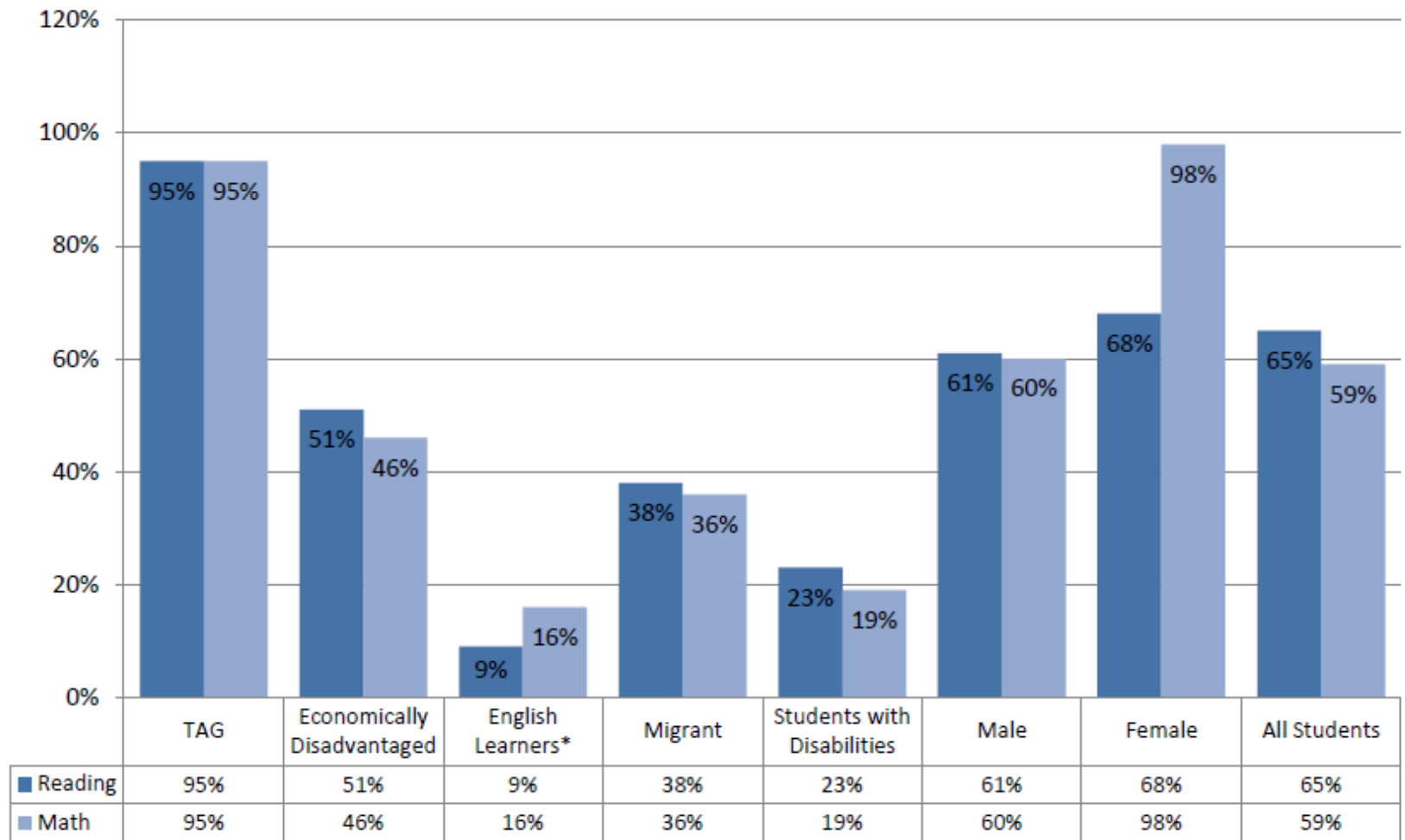
Grade 7 Students by Subgroup
Percent Meeting or Exceeding Standards in 2013-14

	TAG	Economically Disadvantaged	English Learners*	Migrant	Students with Disabilities	Male	Female	All Students
■ Reading	95%	62%	11%	50%	30%	69%	77%	74%
■ Math	95%	49%	15%	41%	21%	60%	62%	63%
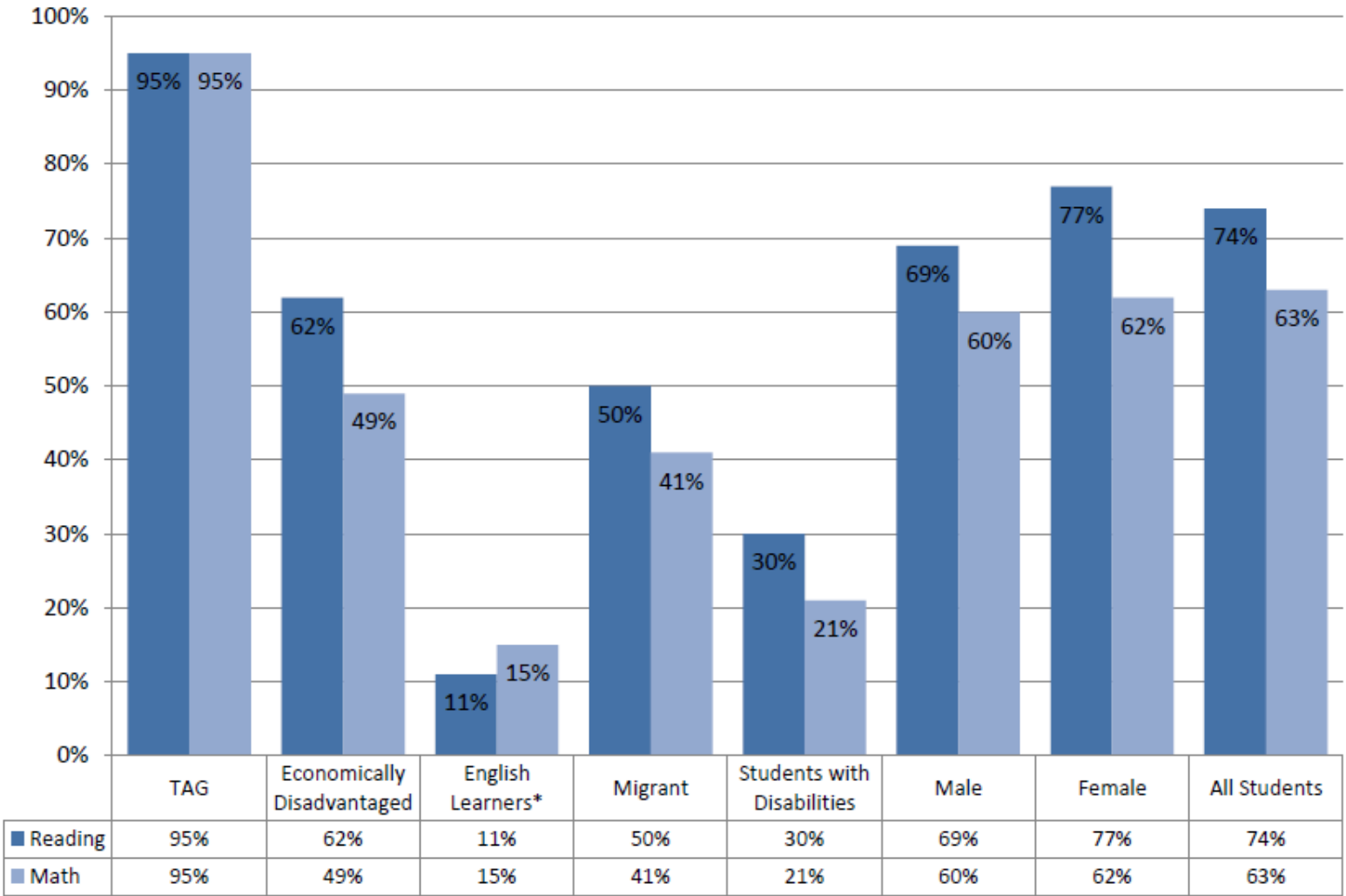
Grade 8 Students by Subgroup
Percent Meeting or Exceeding Standards in 2013-14

	TAG	Economically Disadvantaged	English Learners*	Migrant	Students with Disabilities	Male	Female	All Students
Reading	95%	54%	4%	40%	21%	62%	71%	66%
Math	95%	50%	15%	44%	20%	60%	64%	62%
Science	95%	52%	6%	32%	28%	67%	63%	65%
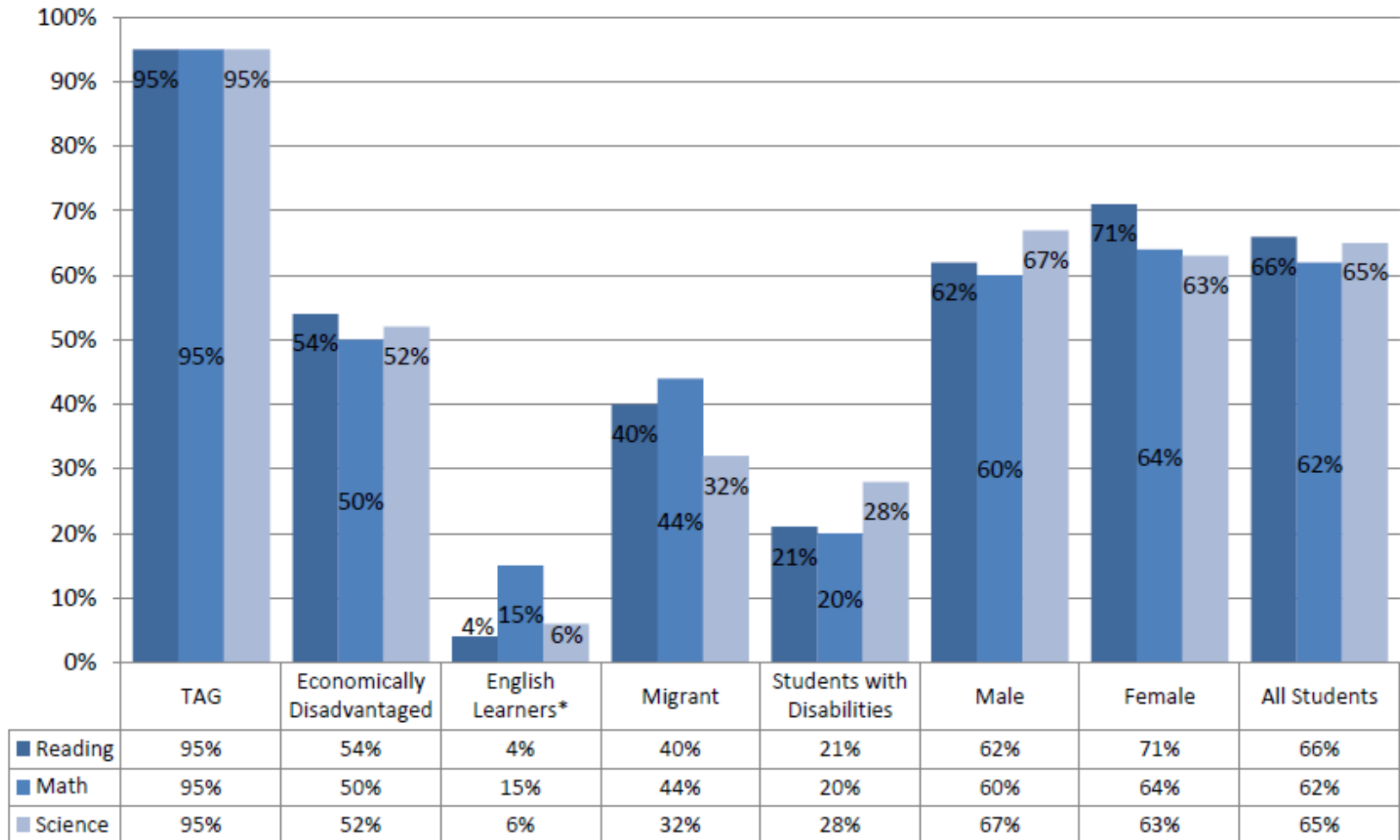
High School Students by Subgroup
Percent Meeting or Exceeding Standards in 2013-14

	TAG	Economically Disadvantaged	English Learners*	Migrant	Students with Disabilities	Male	Female	All Students
■Reading	95%	76%	18%	65%	44%	82%	87%	84%
■Math	95%	58%	19%	51%	24%	69%	70%	70%
□Writing	91%	46%	10%	32%	18%	52%	67%	59%
■Science	95%	50%	6%	33%	23%	65%	60%	62%
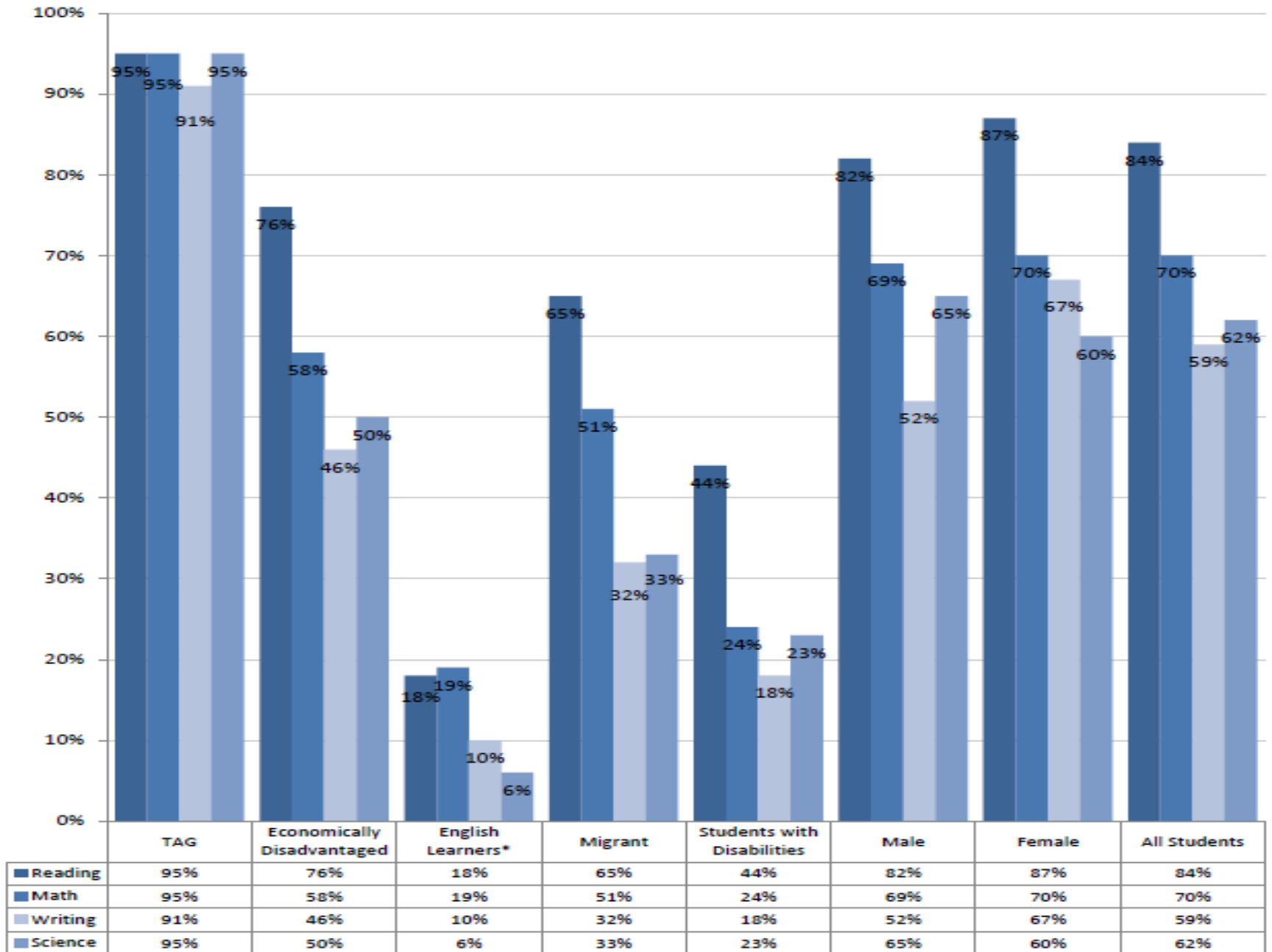
Graduation Details

Student Subgroup	Four-year Cohort Graduation Rate	Five-year Cohort Graduation Rate
All Students	68.7%	73.2%
Economically Disadvantaged	60.4%	67.2%
English Learners[1]	49.1%	58.9%
Students with Disabilities	37.2%	43.9%
Underserved Races/Ethnicities	59.7%	65.1%
American Indian/Alaska Native	51.7%	55.7%
Native Hawaiian/Pacific Islander	63.6%	69.7%
Black/African American	57.1%	59.4%
Hispanic/Latino	60.8%	67.0%
Asian	83.8%	84.9%
White	71.0%	75.2%
Multi-Racial[2]	67.2%	73.6%

Percentage of Students with Disabilities in Oregon by Grade Level
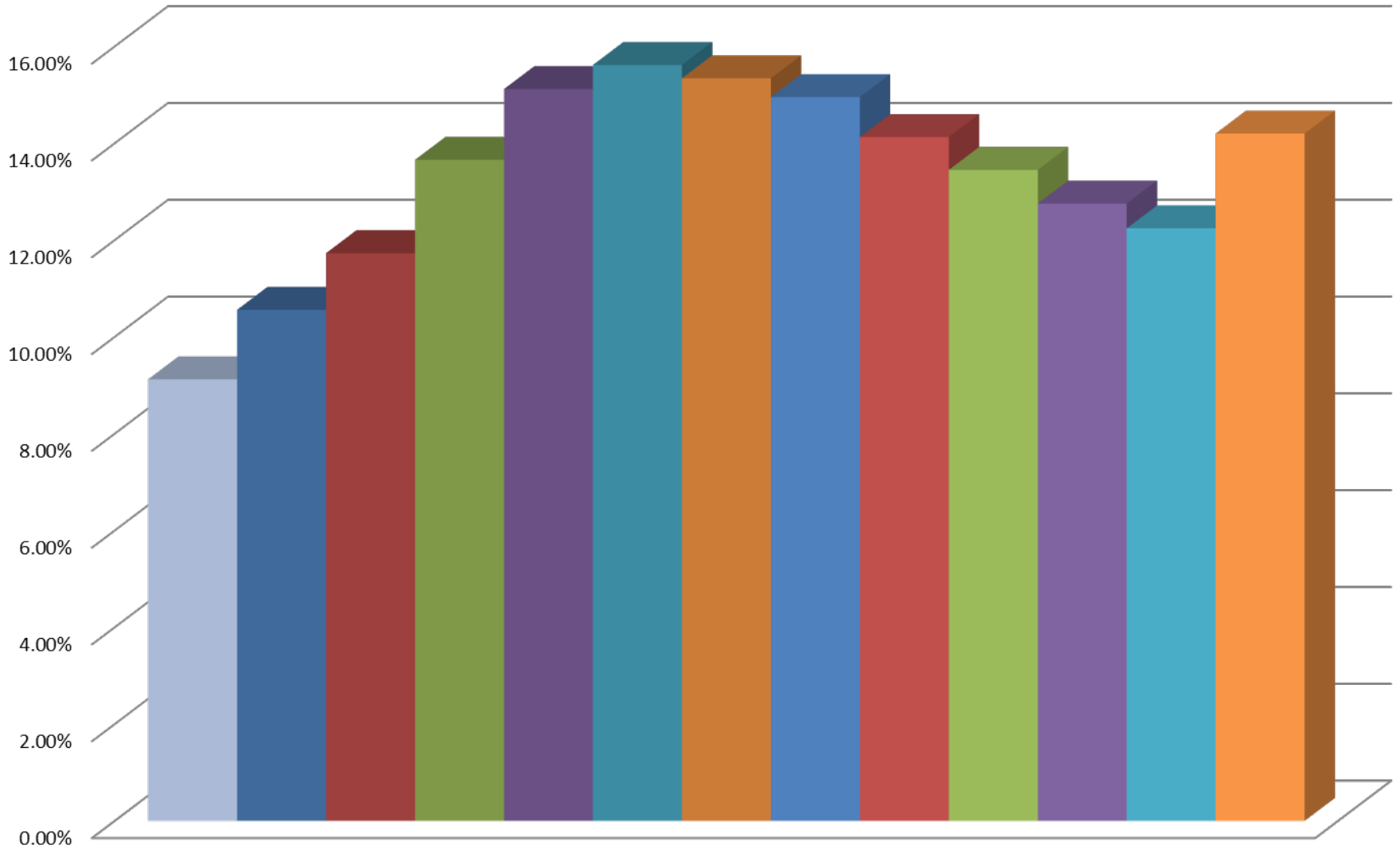
Legend: KG, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Percentage of ELSWD by Grade Level

| KG | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |

Values shown on bars: 10.09%, 10.32%, 12.13%, 15.23%, 17.17%, 24.19%, 30.07%, 32.19%, 34.16%, 28.82%, 24.45%, 19.08%, 6.77%

General Obligations – Federal Requirements

States must assess ELP of all ELs

+

All SWDs must be included in general State assessments

→

All ELSWDs must be included in annual ELP assessments!

Role of the IEP Team – Assessment Participation

Can the IEP Team state in an IEP that an EL with a disability will not participate in the annual State ELP assessment?

NO.

All ELs must participate in the annual State ELP assessment, with or without accommodations, or must take an appropriate alternate assessment, if necessary.

Some - Concerns with ELSWD

- Students enroll at school with a Individual Family Service plan and come from a home where a language other than English is spoken.

- Students enroll at school are identified as an English learner, later in the educational career the student is identified as an ELSWD.

- Students who are ELSWD may never be able to exit the ELD program.

Future work

- Future work will include:
  - Culturally responsive assessments to identify ELs as ELSWD.
  - Appropriate identification procedures for SWD coming from home with language other than English
  - Review of EL plans with revised exiting/promotion procedures for ELSWD
    - Ensuring that these plans are not a "one size fits all" exiting plan from ELD program for ELSWD.
  - Annual review of LEP collection on number of ELSWD promoted from the ELD.

ODE Title III Web Page

Program Guide	AMAOs	English Learner Students with Disabilities (ELSWD)
Guidance & Research	Monitoring	ELPA
District Contacts	Improvement Plans	ELPA 21
Meetings & Events	Local Plans	ELP Standards
Education Equity E-Newsletter *	Funding	Dual Language Grants

EL Program Guide

- ODE in collaboration with stakeholders developed an EL program guide to assist districts with their program of service for ELs.

- The EL program guide is a living document, subject to updates as additional guidance becomes available.

- http://www.ode.state.or.us/search/page/?id=3763

EL Local Plan

- **Office of Civil Rights Guidance:**
- http://www2.ed.gov/about/offices/list/ocr/ell/index.html (printed view)

- "OCR does not require or advocate a particular program of instruction for EL students and nothing in federal law requires one form of instruction over another. Under federal law, programs to educate children with limited proficiency in English must be:
  - (1) based on a sound educational theory;
  - (2) adequately supported so that the program has a realistic chance of success; and
  - (3) periodically evaluated and revised, if necessary. These three fundamental principles of federal law are discussed below."

Supplement, not Supplant in Brief – General Principle

In general, the Title III supplement, not supplant requirement is intended to ensure that services provided with Title III funds are in addition to, and do not replace or supplant, services that students would otherwise receive.

Title III Supplement, not Supplant Requirement

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 LEP children and immigrant children and youth.

[Section 3115(g) of ESEA]

The First Test of Supplanting: Required by Law

The Department assumes supplanting exists if –

A local educational agency (LEA) uses Title III funds to provide services that the LEA is required to make available under State or local laws, or other Federal laws.

The Second Test of Supplanting: Prior Year

The Department assumes supplanting exists if –

An LEA uses Title III funds to provide services that it provided in the prior year with State, local, or other Federal funds.

This assumption may be rebutted.

Any determination about supplanting is very fact specific, and it is difficult to provide general guidelines without examining the details of a situation.

Funding Basics- ODE

- **The State School Fund distribution statute (ORS 327.013(1)(c)(A)(i)) allows students to receive additional weight as follows:**
- (ii) 0.5 for each student in average daily membership eligible for and enrolled in an English as a second language program under ORS 336.079.
  - **ORS 336.079 then provides:**
    - **336.079 Special English courses for certain children.** Specific courses to teach speaking, reading and writing of the English language shall be provided at kindergarten and each grade level to those children who are unable to profit from classes taught in English. Such courses shall be taught to such a level in school as may be required until children are able to profit from classes conducted in English.

Funding Basics- ODE

State Board of Education rule OAR 581-023-0100 was adopted to implement the two statutes cited above and provide more details.

(4) Pursuant to ORS 327.013(7)(a)(B), the resident school districts shall receive an additional .5 times the ADM of all eligible students enrolled in an English as a Second Language program.

- To be eligible, a student must be in the ADM of the school district in grades K through 12 and be a language minority student attending English as a Second Language (ESL) classes in a program which meets basic U.S. Department of Education, Office of Civil Rights guidelines. These guidelines provide for:
  - (a) Educational Theory and Approach that describes the district's educational approach (e.g., ESL, transitional bilingual education, structured English immersion, dual language, etc.) for educating English Language Learner (EL) students that is recognized as a sound approach by experts in the field, or recognized as a legitimate educational strategy to ensure that EL students acquire English language proficiency and are provided meaningful access to the educational program.

Funding Basics- ODE cont.

(b) A systematic procedure for identifying students who may need ESL classes, and for assessing their language acquisition and academic needs;

(c) A planned program for ESL and academic development, using instructional methodologies recognized as effective with language minority students;

(d) Instruction by credentialed staff and trained in instructional strategies that are effective with second language learners and language minority students, or by tutors supervised by credentialed staff trained in instructional strategies that are effective with second language learners and language minority students;

(e) Adequate equipment and instructional materials;

(f) Evaluation of program effectiveness in preparing ESL students for academic success in the mainstream curriculum.

Funding Basics- ODE cont.

(g) Process for transition from EL Services that include procedures and criteria for determining when students no longer need those services. The criteria shall include:

- (A) Achieving at the Advanced level on the State's English Language Proficiency Assessment (ELPA).

- (B) The Advanced level is a culmination of progress demonstrated on the same state proficiency measure over a legitimate period of time.

- (5) Students served in the following programs are not eligible for weighting:
    - (a) Programs funded fully by state funds, programs funded fully by federal funds, and programs funded fully by a combination of state and federal funds;
    - (b) Private and parochial schools unless placed by the resident district in a registered private alternative program or state approved special education program;
    - (c) Instruction by a private tutor or parent under ORS 339.035.

ODE's role in EL/ELD

- Provide access to expertise by leveraging field personnel, coordinating outside opinions from researchers and field experts and facilitating discussion and collaboration
- Connecting practitioners for best practice sharing and discussion
- Verifying implementation of requirements (monitoring)
- Supporting schools in interpreting regulations and providing quality programs
- Distribute state school fund dollars through funding formula set by legislature
- Distribute School Report Cards/AMOs
- Distribute AMAOs
- Investigate and manage Civil Rights complaints

Title Program Coordination

- Students may be served by different Title programs at the same time to assist in their academic success.

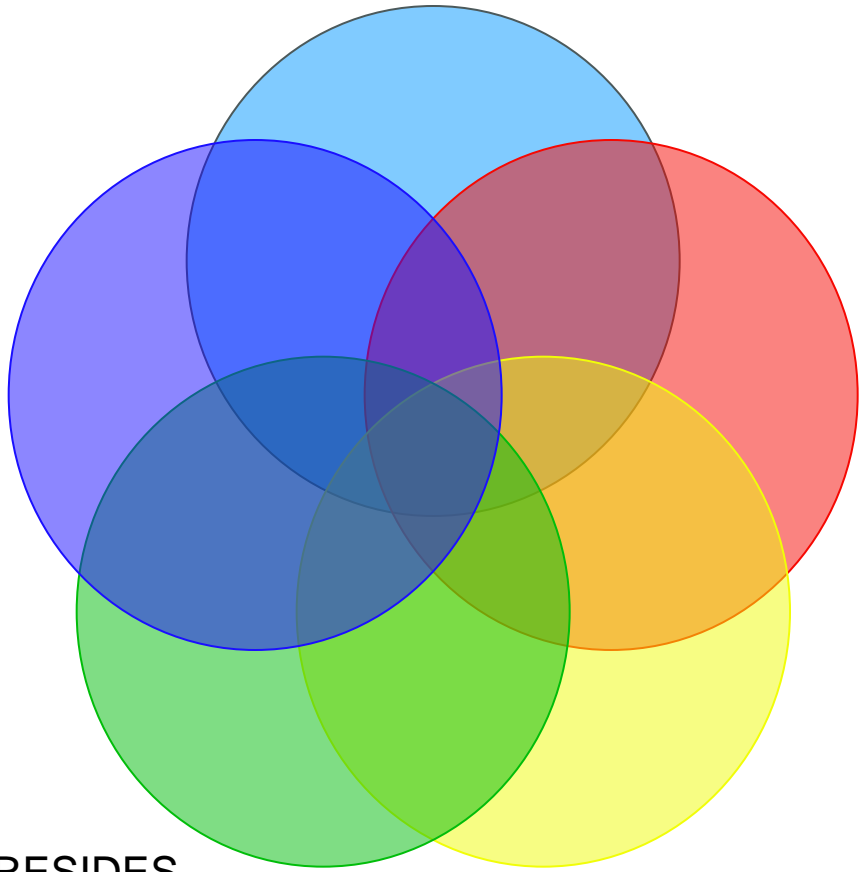- School teams need to work together to ensure coordination that is **most** beneficial for the student.

SPEAKS A LANGUAGE AT HOME THAT IS OTHER THAN ENGLISH

SPECIAL NEEDS

FAMILY EARNS THEIR INCOME FROM FISHING INDUSTRY

CURRENTLY RESIDES IN A HOTEL

STRUGGLES WITH READING AND MATH

Title III – Provides English Language Development instruction for the student

Special Needs – Addresses the student's IEP needs

Title I-C – Provides afterschool tutoring for the student

Together these programs help a student achieve!

Title X Transports the student to school

Title I-A Provides the student with additional support in reading and/or math

So what data do we need to collect?

- LEP Start Date
- LEP Exit Date
- Waiver effective date
- Program models
- Monitoring status
- Former EL status
- Progress on ELP assessment

- Progress on State content assessment
- Progress on local assessments
- Parent language needs
- RTI inventions
- SPED pre-referral information
- Initial identification

What does the ODE do with data?

- Submit reports to the US Dept. of Education
- Calculate district level AMAOs
- Calculate sub-grantee Title III allocations
- Review for monitoring and technical assistance visits
- Review with improvement plans
- Provide on-going technical assistance

Monitored ELs

- Are you collecting data on your monitored ELs?
  - What tools do you use to determine monitored ELs academic progress without the support of the ELD program?
  - At what point does your district add in interventions to support monitored ELs?

Are you collecting data on your Waiver ELs?

- Are you collecting data on your waiver ELs?
  - What tools do you use to determine wavier ELs academic progress without the support of the ELD program?
  - At what point does your district add in interventions to support waivered ELs?

What data do you have on academic progress of former ELs?

- Who are former ELs?

- Do you know the rate of progress in academic content for your former ELs?
  - If not, how are you measuring the effectiveness of your ELD program?

- What data are you currently collecting?

- What data would need to be added?

But I Need More Data . . .

- Where can I go for more data on my EL students?
  - Achievement Data Insight - District secure application
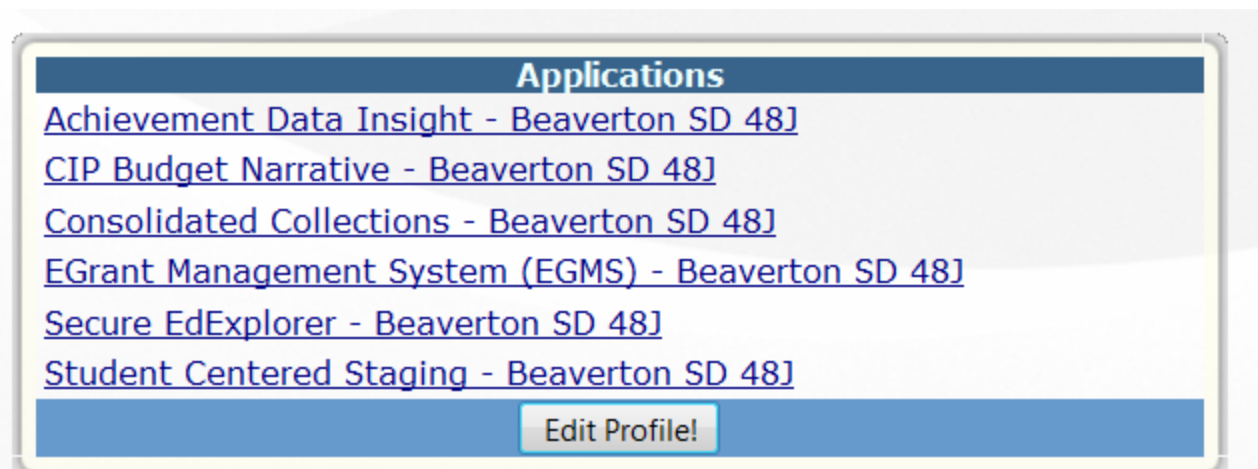
What might I find in there?

- Sub-group data

- Detailed on each student

- AMO and AMAO data

- Downloadable files to analyze

So how can I get this data?

- You need to get permissions turned on by your district security administrator.

- This data may be very useful in evaluating your EL program.

- What will you learn about your students – that you didn't already know?
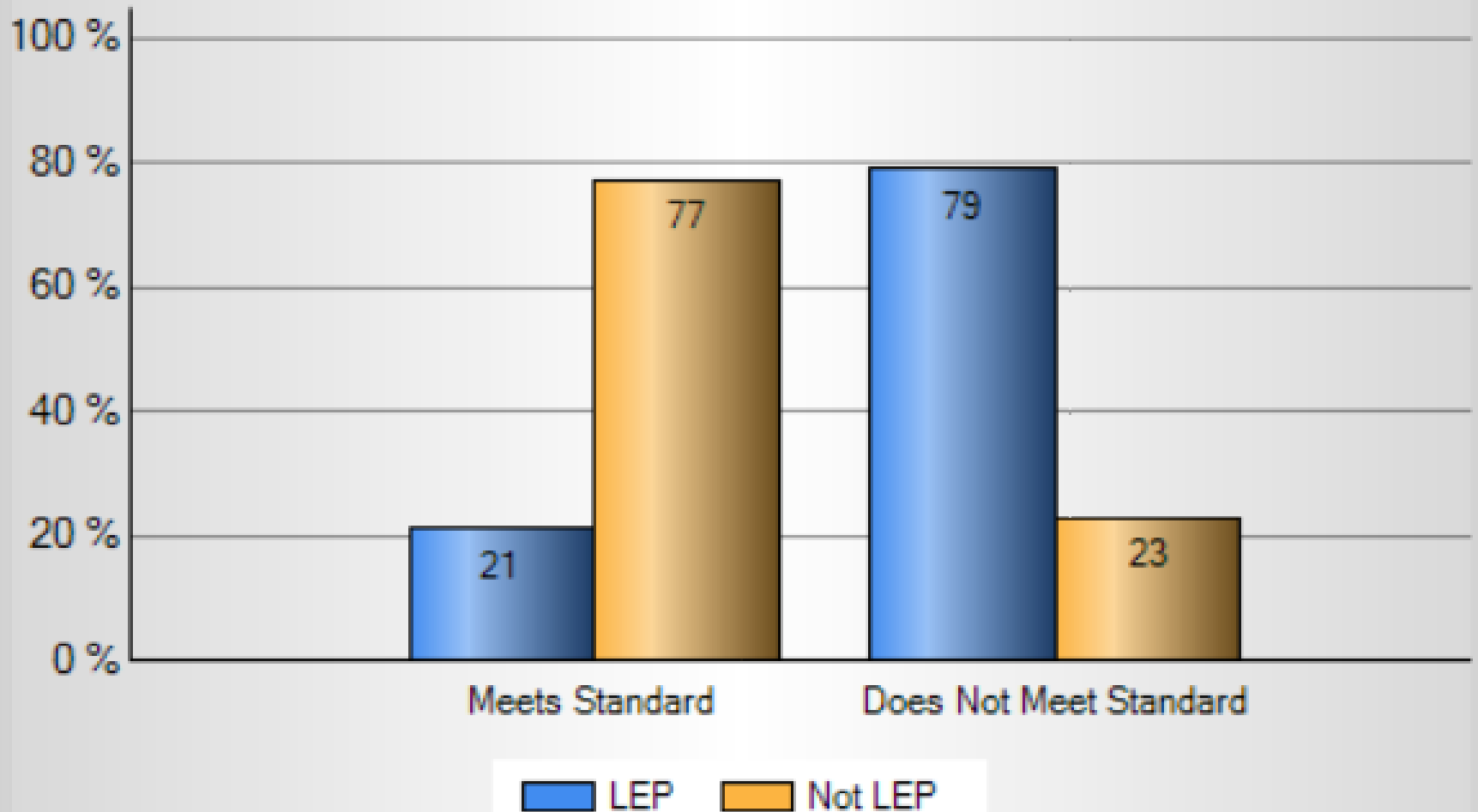
Where else can I find data?

- ODE home page
  - www.ode.state.or.us
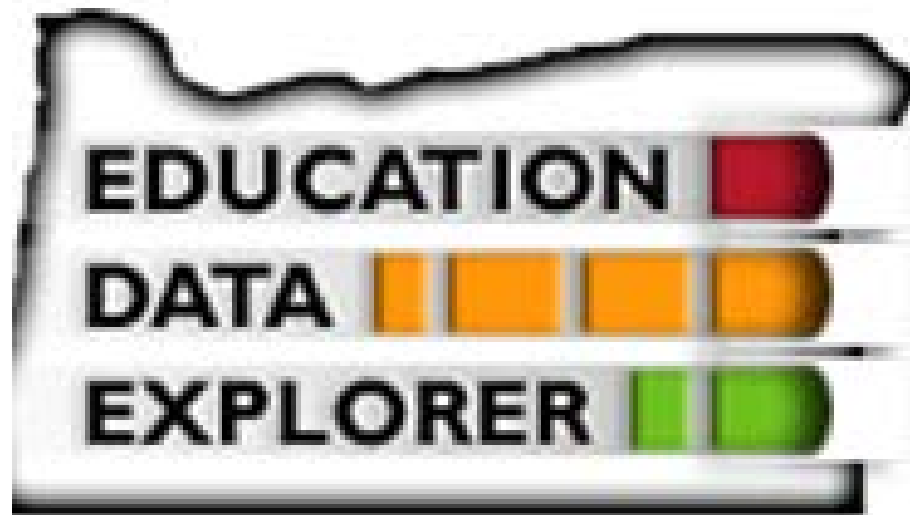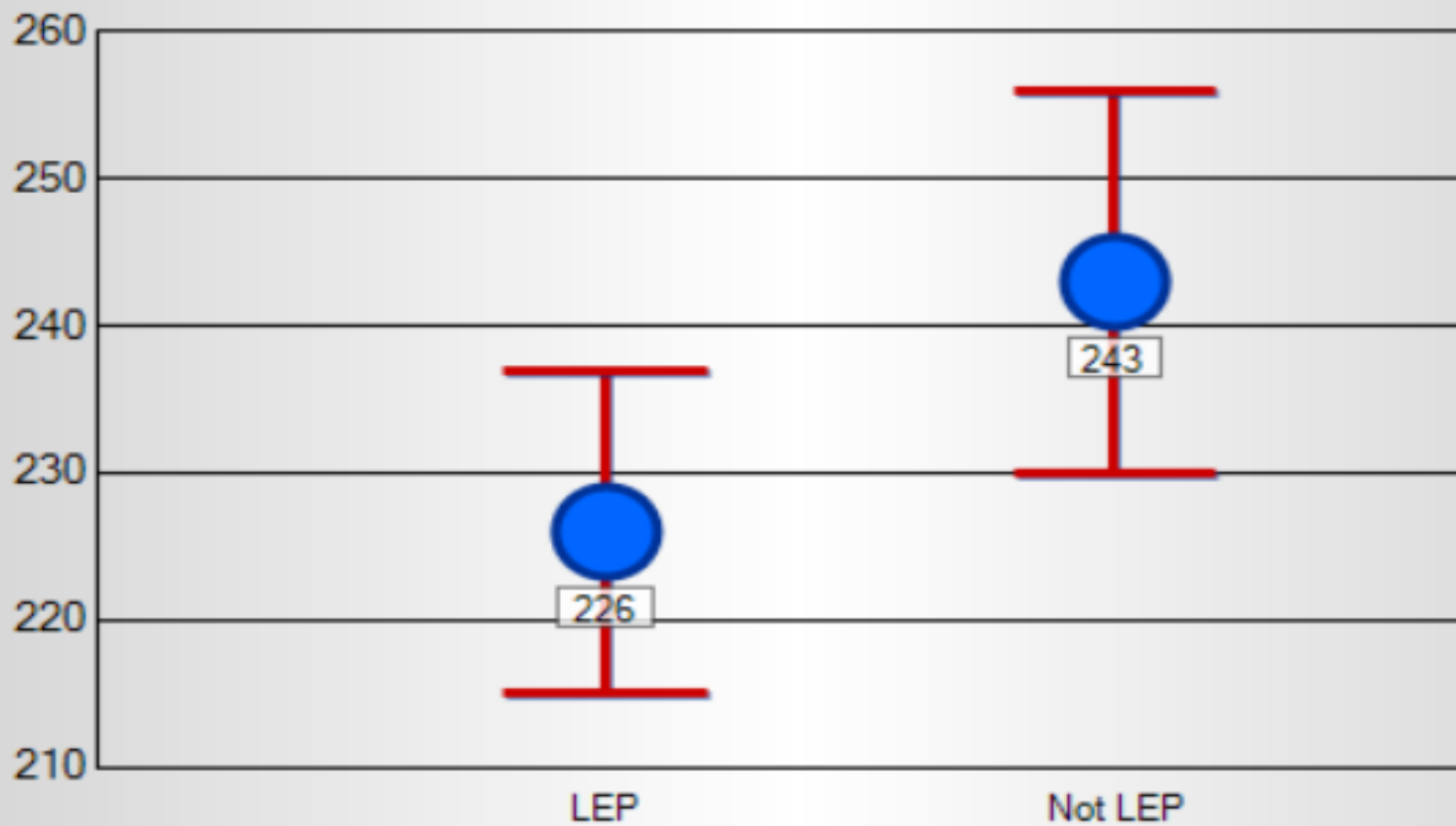
What's there?

- Assessment performance reports – for all districts.

- Sortable by:
  - Assessment
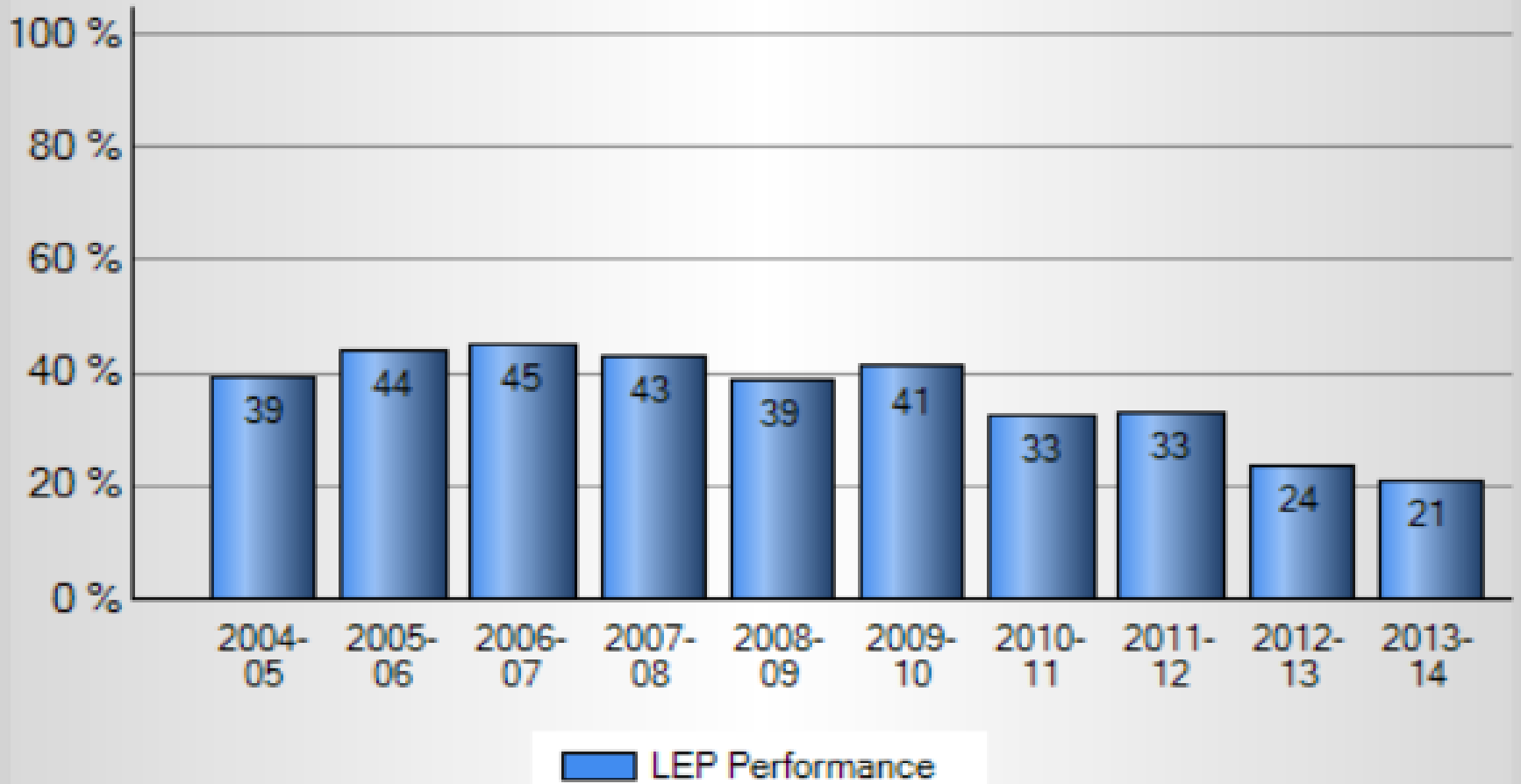 - Sub-group
  - District
  - School
  - Grade

Performance Summary by Selected Subgroup
Grade: 08

Mean Score and Standard Deviation
Grade: 08

Performance Trend
Grade: 08

Year	LEP Performance
2004-05	39
2005-06	44
2006-07	45
2007-08	43
2008-09	39
2009-10	41
2010-11	33
2011-12	33
2012-13	24
2013-14	21

LEP Performance

Performance Detail by Selected Subgroup
Hispanic/Latino Grade: 08

2.5 %
16.6 %
29.4 %
38.0 %
13.5 %

Exceeds
Meets
Nearly Meets
Low
Very Low