



Title III, Part A Guidance

Language Instruction for English Learners and Immigrant Students

Introduction

In 2015, the Every Student Succeeds Act (ESSA) was signed into law, which reauthorized the Title III, Part A (Title IIIA) grant program under the Elementary and Secondary Education Act (ESEA). It replaced the No Child Left Behind Act of 2001. Title IIIA is officially known as the English Language Acquisition, Language Enhancement, and Academic Achievement Act and consists of two subgrant programs: an English learners (EL) subgrant and immigrant children and youth subgrant. Both subgrant programs aim to ensure that ELs, including immigrant children and youth, attain English language proficiency and meet the same challenging state academic standards non-ELs are expected to meet. With that, the document's purpose is to provide school districts or consortia of districts (here forward "district") with Title IIIA program information and its requirements.

Background

ELs are among the fastest-growing populations in our nation's schools. In the school year 2019-20, ELs comprised over 10 percent of the student population nationwide, according to the USDE Office of English Language Acquisition. Iowa's EL population is currently 6.6 percent, as reported by the Iowa School Performance Profiles for 2022. With this in mind, regardless of EL enrollment in a district, **all** Iowa districts need to be prepared to serve ELs, including immigrant children and youth.

ELs are a widely heterogeneous group that brings a depth of linguistic and cultural assets to the schools in which they are enrolled. Despite these assets, there are significant academic achievement and opportunity gaps between ELs and their non-EL peers. ELs tend to be underrepresented in gifted and talented programming, extracurricular activities, and high-level courses and often are over- or under-identified for special education services. While ELs face such challenges, they can achieve English proficiency and achieve academically with effective, evidence-based supports and access to excellent educators.

Purpose

The purposes of the Title IIIA program are to:

- Help ensure that ELs, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;
- Assist all ELs, including immigrant children and youth, to achieve at high levels in academic subjects so that all ELs can meet the same challenging state academic standards that all children are expected to meet;
- Assist teachers (including preschool teachers), principals and other school leaders, state educational agencies, districts, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching ELs, including immigrant children and youth;
- Assist teachers (including preschool teachers), principals and other school leaders, state educational agencies, and districts to develop and enhance their capacity to provide effective instructional programs designed to prepare ELs, including immigrant children and youth, to enter all-English instructional settings; and

- Promote parental, family, and community participation in language instruction educational programs for ELs' parents, families, and communities (ESEA § 3102).

The Department distributes Title IIIA funds to districts on a formula based on the number of ELs and immigrant students in the state and by the number tested on the annual English language proficiency assessment. Ninety-five percent of the apportionment will be allocated as Title IIIA grants to eligible subgrantees serving EL and immigrant students (ESEA § 3111(a)-(b)(1)).

Subgrantees who qualify for a Title IIIA EL grant allocation must be able to hold a minimum \$10,000 subgrant, reapply annually, have an approved plan for funds allocated for that fiscal year, and meet evaluation and reporting requirements (ESEA §§ 3114(a), 3115(a), & 3121(a)(b)).

Subgrantees who qualify for a Title IIIA Immigrant Education grant must show substantial increases in immigrant children and youth. Immigrant children and youth are not born in any state and have not been attending one or more schools in any one or more states for more than three full academic years (ESEA §§ 3111(3)(b) & 3201(5)).

Subgrant Requirements

To participate in the Title IIIA program, a school district must complete a small number of requirements. The Department has integrated these requirements into the overall ESSA planning and implementation process in the Consolidated Accountability and Support Application's (CASA) Consolidated Application.

Lau Plan Requirement

Each district must develop a plan for the provision of EL services that is commonly referred to as the Lau Plan, so named from the U.S. Supreme Court's 1974 decision in *Lau v. Nichols*. Districts are required to provide EL services in both public and nonpublic accredited districts in accordance with Title IIIA of the ESEA (PL 107-110), federal civil rights law, and [Iowa Code section 216.9](#).

Supplement, Not Supplant

Title IIIA funds must only be used to provide additional (supplemental) services, staff, programs, or materials that are not provided with State or local resources absent these specific federal funds; federal funds cannot pay for resources that would otherwise be purchased with state and/or local funds. Additionally, Title IIIA funds cannot supplant other federal funds.

Direct Administrative Expenses

Each eligible entity receiving funds under Title III, Part A, for a fiscal year may use not more than 2 percent of such funds for the cost of administration.

Required and Authorized Subgrantee Activities

Required Subgrantee Activities (ESEA § 3115(c))

An eligible entity receiving funds under 3114(a) must use the funds to:

- Increase the English language proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement;
- Provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:
 - o Designed to improve the instruction and assessment of ELs;
 - o Designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs;

- o Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
- o Of sufficient intensity and duration to have a positive and lasting impact on the teacher’s performance in the classroom; and
- Provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which:
 - Must include parent, family, and community engagement activities; and
 - May include strategies that serve to coordinate and align related programs.

Authorized Activities

TITLE IIIA EL SUBGRANT: AUTHORIZED ACTIVITIES (ESEA § 3115(D))

Subject to the required activities, a subgrantee may use the funds to achieve any of the purposes previously described by undertaking one or more of the following activities:

- Upgrading program objectives and effective instructional strategies.
- Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.
- Providing to ELs:
 - o Tutorials and academic or career and technical education; and
 - o Intensified instruction may include materials in a language that the student can understand, interpreters, and translators.
- Developing and implementing effective preschool, elementary, or secondary school language instruction educational programs coordinated with other relevant programs and services.
- Improving the English language proficiency and academic achievement of ELs.
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families:
 - o To improve the English language skills of ELs; and
 - o To assist parents and families in helping their children improve their academic achievement and participate in their children's education.
- Improving the instruction of ELs, which may include ELs with a disability, by providing for:
 - o The acquisition or development of educational technology or instructional materials;
 - o Access to and participation in electronic networks for materials, training, and communication; and
 - o Incorporation of the resources described above into curricula and programs.
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs succeed in postsecondary education.
- Carrying out other activities that are consistent with the purposes of Title IIIA.

TITLE IIIA IMMIGRANT EDUCATION SUBGRANT: AUTHORIZED ACTIVITIES

Immigrant student subgrantees experiencing substantial increases in immigrant children and youth must use funds to pay for activities that provide enhanced instructional opportunities. Such activities may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families in becoming active participants in the education of their children;
- Recruitment of support for personnel, including teachers and paraprofessionals 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, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;
- Basic instructional services that are directly attributed to the presence of immigrant children and youth in the local educational agency involved, 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 instructional services;

- Other instructional services that are designed to assist immigrant children and youth in achieving in elementary school and secondary schools in the United States, such as a program of introduction to the educational system and civics education; and
- Activities coordinated with community-based organizations, higher education institutions, private sector entities, or other entities with expertise in working with immigrants to assist parents and families of immigrant children and youth by offering comprehensive community services (ESEA § 3115(e)).

Required Actions

English Language Proficiency Standards

- Iowa has adopted the [CCSSO English Language Proficiency Standards](#) and the English Language Proficiency Standards for [English Learners with Significant Cognitive Disabilities](#).
- Subgrantees who receive Title III funds are required to ensure that all educators who teach or support ELs are properly trained to implement the ELP Standards as adopted by the state.

Standardized Entrance and Exit Procedures

- The ESEA, as amended by the ESSA, requires that the Department create and implement “standardized, statewide entrance and exit procedures” for ELs, “including an assurance that all students who may be [ELs] are assessed for such status within 30 days of enrollment in a school in the State” (ESEA § 3113(b)(2)). To that end, this document aims to ensure standardized procedures for the entrance and exit of ELs in the state of Iowa.
- This [Standardized Entrance and Exit Procedures for Iowa’s English Learners](#) guidance document establishes standardized statewide entrance and exit procedures that correspond to federal legislation and state policy regarding identifying, supporting, and reclassifying ELs.

Assessment Requirement for English Learners

- Each state is required to annually assess the English language proficiency of its ELs to measure each student’s progress in learning English.
- Districts are required to have all ELs participate in the state’s adopted English language proficiency assessment, including ELs with disabilities
- Iowa has adopted the ELPA21 as its annual ELP assessment. The ELPA21 assessment is required for **ALL** identified ELs regardless of participation in the EL program or special education programs. Students with the most significant cognitive disabilities may be eligible to take the Alternate ELPA21.

Data Reporting

In Title IIIA, districts are required to report on the Title IIIA activities conducted and children, including:

- A description of the language programs and activities;
- The number and percent of EL students making progress in ELP, including ELs with a disability;
- The number and percent of EL students attaining English proficiency;
- The number and percent of EL students who exit the EL program based on attainment of English proficiency;
- The number and percent of EL students meeting academic standards for each of the four years after they have exited the English language program and are no longer receiving services, including ELs with a disability; and
- The number and percent of ELs who do not reach English proficiency within five years of initial classification (ESEA § 3121(a)).

Inclusion of ELs in the Iowa Accountability System

- All ELs must participate in English language proficiency and state academic content assessments, regardless of time in a US school.
- For academic content accountability:
 - Year 1—only participation is included.
 - Year 2—only participation and the measure of growth are included.

- o Year 3 and beyond—like all other students, assessment scores count for all accountability measures: participation, growth, proficiency, and average scale score.
- o Information on the state academic content assessments, disaggregated by subgroup, is required on state and local report cards. ELs are identified as a subgroup.
- State Report Card: Iowa includes information on the number and percent of ELs making progress toward English proficiency on its [Iowa Performance Profiles](#) accountability webpage. Section 1111(h)(1)(C)(iv) further requires that State report cards include information on the number and percent of ELs achieving English proficiency.
- States must develop long-term goals with interim measures for ELs, including progress toward English proficiency, as measured by the state’s ELP assessment.

Additional Resources

- [Title III Nonregulatory Guidance](#)
- [Title III Nonregulatory Guidance Addendum](#)
- [Department of Justice/Office for Civil Rights Dear Colleague Letter, Jan. 2015](#)

Contact

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