



STATE OF IOWA

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DEPARTMENT OF EDUCATION
RYAN M. WISE, DIRECTOR

DATE: October 7, 2015
TO: LEA Superintendents
FROM: David Tilly, Deputy Director
SUBJECT: Update on Title III Federal Monitoring Visit Citations and Responses

This memo is intended to provide supplemental information to Iowa school districts regarding the federal Title III program requirements as a result of a recent U.S. Department of Education monitoring visit, state citations, and state responses. It is important that each section is read carefully because area education agencies and local education agencies are required by federal and state law to comply with the information included in this memo, as well as all general Title III regulations.

Iowa was monitored in each of the areas listed in the attachment. The monitoring resulted in requirements that the attached actions be implemented by districts. For the 2015-2016 year, it is important that all staff responsible for implementing or supporting the implementation of the Lau Plan are versed in the content of this communication as well as the Title III Webinar Series outlined within. To support these district staff members, a webinar series that includes additional information has been developed and is referenced in this document. **Please note that in order to access the webinar series it will require a user name and password for the AEA PD Online Training System. A link for screenshot directions is provided for each webinar in the Understanding Title III Requirements Training and for the ELP Standards PD.**

Please note that an assurance page is attached and must be signed by the superintendent annually beginning with the 2016-2017 academic year. The signed assurance checklist will then be attached to the Lau Plan.

If you have any questions or concerns, please contact Jobi Lawrence, Consultant for Title III at Jobi.Lawrence@iowa.gov or by calling 515-281-3805.

Attachments:

- Title III Assurances
- Title III Monitoring Citations and Responses

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TITLE III FEDERAL MONITORING CITATIONS AND RESPONSES

English Language Proficiency Standards

A new set of English Language Proficiency (ELP) Standards have been adopted by the Iowa State Board of Education for grades K-12. These standards are categorized in K-1, 2-3, 4-5, 6-8, and 9-12 grade bands. These new standards correspond to knowledge about language and the skills of using languages that are necessary for the English Learner's (EL) success in the Iowa Core. Standards within the grade bands are differentiated by proficiency level. All Iowa districts serving ELs are required to implement the new ELP standards and complete the associated statewide training.

Training will be delivered in phases with all Language Instruction Education Program (LIEP) teachers (highly qualified, ESL endorsed) required to participate in the ELP Standards Training during the 2015-16 academic school year. Training regarding the background and implementation of the new English Language Proficiency (ELP) Standards will begin October 2015 on the AEA PD Online Agora website. The training consists of six modules and is intended for all staff who work with ELs. The first three modules are provided during the 2015-16 school year, with the remaining 3 modules released in the 2016-17 school year. The ELP Standards training may be accessed by following the instructions at <https://drive.google.com/file/d/0B0O7yhv2XxQNMxZ6UU53U2FGc1E/view>

Beginning in 2016-2017, all licensed staff providing service to ELs (i.e. content teachers and other certified support staff) must complete the training. By 2017-18, in accordance with the new definitions in rule 281-60.2(280) in Chapter 60, all staff responsible for the LIEP service or supporting such services must be trained (e.g. paraprofessionals, instructional coaches).

AEA Title III Consultants will communicate the release of each module to their districts. The new standards may be accessed at <http://www.elpa21.org/standards-initiatives/elp-standards>

Parental Notification

Districts are required to comply with the parental notification requirements in section 3302(a) of the ESEA. Parents must be notified of identification and placement within the first 30 days of the school year, or within two weeks of the student's enrollment after the beginning of the school year. To ensure that parental notification meets all Title III Requirements, official documents should be downloaded from TransAct at (<http://www.transact.com/>). More information can be found in Section 2 of the Understanding Title III Requirements webinar. To access the webinar please follow the instructions provided at <https://drive.google.com/file/d/0B0O7yhv2XxQNMxZ6UU53U2FGc1E/view>

The IDE must ensure that districts meet the requirements regarding parental notification for identification and placement in Title III language instruction educational programs. In the 2016-17 school year, a field will be added to SRI for districts to indicate the date the parental notice was sent for each new student identified as EL. After placement determinations are made using the TELPA screener, the bubble sheet for the student is to be mailed to Iowa Testing Programs and scores are added to SRI. Send them to:

Iowa Testing Programs
The University of Iowa
340 Lindquist Center South
Iowa City, IA 52242

During monitoring, it was noted that some Iowa districts were using incorrect exiting criteria for ELs. The IDE's approved Consolidated State Application states a student must receive a level 6 composite on the English Language Proficiency (ELP) Assessment in order to be counted as proficient and considered for exiting. Not all districts were using a 6 as a proficiency score; therefore, some students were exited prematurely.

New exit criteria have been developed for 2015-2016. In prior years districts were allowed more flexibility in choice of criteria to use for exiting students from a Language Instruction Education Program (LIEP). From now on, a student must score both a 6 composite on the ELP assessment and at or above proficiency on the Iowa Assessments to be considered eligible for exiting the program. More information can be found in Section 2 of the Understanding Title III Requirements webinar. To access the webinar please follow the instructions provided at <https://drive.google.com/file/d/0B0O7yhhv2XxQNMxZ6UU53U2FGc1E/view>

Annual Measureable Achievement Objectives

The monitoring visit could not find evidence that the IDE has accurately applied the accountability requirements in section 3122(b) of the ESEA to school districts and Title III subgrantees that have not met their Annual Measureable Achievement Objectives (AMAOs) for four consecutive years. These requirements include the following:

- requiring districts and subgrantees that have failed to meet AMAOS for four or more consecutive years to modify their curriculum, program, and method of instruction, or make a determination of whether the district or subgrantee shall continue to receive funds related to the failure and require the district or subgrantee to replace educational personnel relevant to the failure to meet the objectives.
- providing technical assistance to subgrantees who had failed to meet their AMAOs during the development and implementation of improvement plans.

Subgrantees, districts, and their EL students are currently measured against three Annual Measureable Achievement Objectives each year: Growth (AMAO 1), Proficiency (AMAO 2), and Annual Yearly Progress (AMAO 3).

- Growth (AMAO 1) refers to making sufficient yearly progress in acquisition of the English language as measured by the state-approved proficiency assessment.
- Proficiency (AMAO 2) refers to the percentage of students who are fully English proficient (i.e. meeting the state-approved language proficiency standard at the end of the year).
- Annual Yearly Progress (AMAO 3) refers to the percentage of EL students making AYP in reading and math.

AMAO Targets for fall 2015 are as follows:

- AMAO 1: 63.4%
- AMAO 2: 25.2%
- AMAO 3: AYP

Year 2 and 3 Status System

Subgrantees and districts not meeting AMAO targets for two or more consecutive years are required to write a Corrective Action Plan and update annually until the AMAOs are met. In addition to writing the corrective action plan, Year 2 and 3 districts will be required to attend the *Iowa Culture and Language Conference* and the *Our Kids Summer Institute* to receive technical assistance and high quality professional development.

Year 4-Plus Status System

Phase 1 Sanctions

The Year 4 status moves districts into Phase 1 of sanctions. A Year 4 or Year 5 plan will require districts to make curricular modifications, engage in the Leadership Academy, attend both the *Iowa Culture and Language Conference* and the *Our Kids Summer Institute* to receive technical assistance and high quality professional development, and provide specific supplementary ELL services selected from an IDE-approved list. Districts will be provided guidance to choose from the curricular modifications in the following four areas:

- Foundational Background for Educators of ELs
- Differentiation by Proficiency Levels
- Sheltered Instruction Across the Curriculum
- Collaboration/Co-Teaching

Subgrantees and districts in a Year 4-5 plan will be assigned a reciprocal peer mentor from the Leadership Academy representing a district with a similar ELL demographic that has met AMAOs. Districts will present results of their CAP implementation, substantiated by evidence and data, to a peer review panel annually at the *Our Kids Summer Institute*.

Phase 2 Sanctions

Once districts have implemented Phase 1 sanctions and still have not met AMAOs, they will move into Phase 2 of sanctions. Generally, this begins at Year 6 through Year 8 of not meeting AMAOs. In 2015-16, districts not having had the opportunity to engage in the Phase 1 Sanctions, regardless of the number of consecutive years not meeting AMAOs, will remain in Phase 1 for no more than two years. Phase 2 sanctions are as follows:

- Districts will be required to continue implementation of curricular modifications, and also to replace administrators who oversee the curricular modifications.

Phase 3 Sanctions

Districts that implemented Phase 2 Sanctions and are still not able to meet AMAOs move into Phase 3 Sanctions. Generally, this begins in years 9-10 of not meeting AMAOs. Phase 3 sanctions are as follows:

- Districts will be required to implement curricular modifications under the new administration and engage in high level technical assistance with the IDE.

To support this transition, the IDE will provide guidance on the Corrective Action Planning process to all districts and subgrantees by developing a training system with a series of webinars linked to each key area of the monitoring process. The IDE will also develop FAQs and post them on the EL section of the AEA PD Online Agora site.

Data Collection and Reporting

To support districts and subgrantees with clear and reliable data collection, the IDE is providing the following:

- ELP summative assessment results in the State's main data system, ED Insight. Districts are now able to access the annual ELP assessment data.
- ELP screening assessment results in the State's main data system, ED Insight.
- A report suite to allow districts to access the ELP assessment data in EdInsight. The Bureau of Information and Analysis Services will build training and a guidance document to assist districts in interpreting and utilizing the data.
- Evidence in Student reporting in Iowa (SRI) to ensure all students are tested, or that those not tested are properly assigned a reason code.
- Beginning in the 2016-17 school year, a field will be added to SRI for districts to indicate the date the parental notice was sent for each new student identified as EL

The IDE will continue to seek solutions for districts on how to handle transfer students. Specifically, LEAs do not understand how to handle a student who transfers in from another LEA. They have not been able to check in the data system to determine whether this student had been administered the annual assessment in the previous district or if they should test the student in their district. This may lead to students not being annually assessed. Additionally, the IDE will provide LEAs with guidance regarding how to code students' reasons for not testing or for an incomplete test. Currently, the SRI provides reason codes, but the LEAs have not been provided guidance on when to assign a particular code.

Local Plans

Annually a team that includes a district administrator, building administrator, equity coordinator, EL teacher, and a content area teacher must write Lau Plans. Other members may include school counselors, Title III Subgrantee EL Consultant, native language interpreter, EL parent, school board or community member.

Lau Plans are to be uploaded as part of the C-Plan, due September 15 each year. Lau Plans will be reviewed in October/November; district C-Plans will not be certified if reviewed Lau Plans are not approved.

Further guidance can be found in Section I of the Understanding Title III Requirements webinar. To access the webinar please follow the instructions provided at <https://drive.google.com/file/d/0B0O7yhv2XxONMXZ6UU53U2FGc1E/view>.

Guidance includes a technical assistance webinar, the Lau Plan template, as well as the Lau Plan checklist that will be used for plan review.

Immigrant Children and Youth

The IDE must ensure that LEAs properly identify students as immigrant children and youth as required by section 3114 (d)(1) of ESEA. Several LEAs that were interviewed during the monitoring did not have a clear and accurate understanding of the definition of immigrant children and youth. The definition is provided in section 3114 (d)(1) of ESEA. This federal definition is as follows:

Immigrant children and youth means individuals who:

- A. *Are aged 3 through 21;*
- B. *Were not born in any State (the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico)*

- C. Have not been attending one or more schools in any one or more States for more than 3 full academic years.*

To support districts and subgrantees, the IDE will add immigrant questions to the Home Language Survey as a way to ensure appropriate identification of immigrant students. This action in combination with technical assistance provided in the webinar series will support districts in accurately identifying immigrant children and youth as required by section 3114(d)(1) of ESEA.

More information on Immigrant Children and Youth can be found in Section 2 of the Understanding Title III Requirements webinar. To access the webinar please follow the instructions provided at <https://drive.google.com/file/d/0B0O7yhv2XxONMXZ6UU53U2FGc1E/view>

Nonpublic Schools

It is important to remind districts that meaningful consultation should be happening between the public and nonpublic district to determine supports for EL students in the nonpublic schools. The conversation should happen annually and documentation of the discussion should be made. More information on Nonpublic school participation can be found in Section 4 of the Understanding Title III Requirements webinar. To access the webinar please follow the instructions provided at <https://drive.google.com/file/d/0B0O7yhv2XxONMXZ6UU53U2FGc1E/view>

Supplement, NOT Supplant

It was noted during the monitoring that not all LEAs comply with the supplement, not supplant provision. For example, in one district, translations charged to Title III were related to activities that are provided for all students, (e.g., parent teacher conferences). Additionally, a district was paying for building associate positions that were 100% paid out of Title III; however, the duties performed were not 100% related to the Title III program. This position should have been split funded.

As a reminder consider the following:

- Federal funds may not be used to pay for services, staff, programs, or materials that should otherwise be paid with state or local funds.
- Title III, Part A funds must be used to supplement other federal, state, and local public funds that would have been expended absent such funds.
- Because the civil rights laws require state departments of education and school districts to take appropriate action to overcome language barriers of EL students, Title III, Part A funds may not be used to fund activities chosen to implement a school district's civil rights/obligations.

When using Title III funding, subgrantees and districts must be aware that purchases are supplementing the LIEP, not supplanting the LIEP. When supplementing, additions are being made above and beyond state and local funding; when supplanting, additions are taking the place of state and local funding.

When determining funding requests, subgrantees may ask the following questions:

- What is the instructional program/service provided to all students?
- What does the LEA do to meet Lau requirements?
- What services is the LEA required by other federal, state, and local laws/regulations to provide?
- Was the program/service previously provided with state, local, and/or federal funds?

More guidance can be found regarding *Supplement vs. Supplant* in Section 3 of the Understanding Title III Requirements webinar. To access the webinar please follow the instructions provided at <https://drive.google.com/file/d/0B0O7yhv2XxONMXZ6UU53U2FGc1E/view>

Title III Compliance Assurances: Checklist for Districts

- ___ The district maintains and annually revises the district Lau (EL) Plan. [NCLB Sec. 3116] (Lau v. Nichols, 1974)
- ___ The district has a policy of admitting students regardless of their immigrant status or English-speaking status. [Plyer vs. Doe (1982); Title VI of the Civil Rights Act (1964)]
- ___ The district provides information and communication to the parent(s) in the language the parent(s) understand to the extent practicable. [NCLB Sec. 3302(c)]
- ___ The district will promote parental and community participation in programs for ELs [NCLB Pub. L. No. 107-110].
- ___ The district includes a Home Language Survey (TransAct form IA) in registration materials for all students and maintains these forms in student cumulative folders. [Iowa Code 281-60.3]
- ___ The district uses the state-approved language proficiency test (ELPA21) to screen and identify ELs (including parental notification) within the first 30 days of a student being enrolled in the district at the beginning of the school year, and within 14 days thereafter. [NCLB Sec. 3302(a); Iowa Code 281-60.3(1)b]
- ___ The district ensures educators administering the state-approved language proficiency test for identification & placement recertify annually.
- ___ The district notifies parents of program eligibility and placement within the mandated time frames. [NCLB Sec. 3302]
- ___ The district has consulted with teachers, researchers, school administrators, and parents, and if appropriate, with education-related community groups and nonprofit organizations and institutions of higher education, developing Title III programs and activities [NCLB, Pub. L. No. 107-110].
- ___ The district provides a Language Instruction Educational Program (LIEP) with direct instruction provided by a highly qualified (ESL-endorsed) teacher. Consultative services do not meet the requirement for direct instruction. [Iowa Code 281-60.3(2)]
- ___ The district assures that LIEPs carried out under Title III will ensure that ELs being served by the programs develop English proficiency. [NCLB, Pub. L. No. 107-110].
- ___ The district ensures that teachers of ELs are fluent in oral and written English [NCLB Sec. 3116(c)]
- ___ The district has a designated administrator overseeing the district's LIEP.
- ___ The district ensures that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging district academic content and student academic achievement standards [NCLB, Pub. L. No. 107-110].
- ___ The district has developed ~~programs and activities~~ for ELs and immigrant children and youth [NCLB, Pub. L. No. 107-110].

- ___ The district offers high quality professional development to classroom teachers (including teachers in classrooms that are not the settings of LIEP), principals, administrators, and other school or community-based organizational personnel [NCLB, Pub. L. No. 107-110].
- ___ The district ensures the implementation of the English Language Proficiency (ELP) standards. [NCLB, Title IX, Part A, Section 9101].
- ___ The district ensures that all paraprofessionals serving EL students are supervised by a highly qualified teacher. [Iowa Code 281-60.3(2)]
- ___ The district assesses the English proficiency of all EL students with the state-approved English language proficiency assessment (ELPA21) annually. [NCLB Sec. 3113(b)(3)(D)]
- ___ The district ensures educators administering the state approved language proficiency monitoring assessment recertify annually.
- ___ The district disseminates ELPA21 scores to parents and district staff. [NCLB Sec. 3121]
- ___ The district ensures that all EL students participate in district-wide assessments. [NCLB Sec. 3121]
- ___ The district uses state-approved exit criteria to determine when students should be exited from the LIEP program [Iowa Code 281-60.3(3)b4]
- ___ The district monitors exited EL students for two years after exiting the program (Changing to 3 years required monitoring in 2016-7 based on ESSA). [NCLB Sec. 3121(4)]
- ___ The district reports required EL data elements on Iowa's Student Reporting System.
- ___ The district conducts an annual program evaluation and makes adjustments to programming as indicated by EL student achievement data. [NCLB Sec. 3121]
- ___ The district ensures that Title III funding is not used for opportunities that are afforded all students, such as parent-teacher conference translation. This means that interpretation and translation for ELs must be paid, not using Title III funds, rather, using district funds.
- ___ The district ensures that personnel funded by Title III are being used exclusively for EL students for the full amount of the apportionment of the funding.
- ___ The district 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 (NCLB, Pub. L. No. 107-110).

Checklist Completed by (print name): _____

Signature: _____

Date: _____

Superintendent (print name): _____

Signature: _____

Date: _____