

Title III-A: English Learners and Recent Arriver (Immigrant) Students

The purpose of Title III-A is to:ⁱ

- Help ensure that English learners (ELs), including recent arriver (RA) children and youth, attain English proficiency and develop high levels of academic achievement in English; and
- Assist ELs, including RA children and youth, to achieve at high levels in academic subjects; and
- Assist teachers, principals, and other school leaders in establishing, implementing, and sustaining effective language instruction educational programs; and
- Assist teachers, principals, and other school leaders to develop and enhance their capacity to provide effective language instruction educational programs; and
- Promote parental, family, and community participation in language instruction education programs.

In Oregon, the local education agency (LEA) are districts. However, Title III-A has a minimum grant amount for LEAs to receive an allocation. LEAs that do not meet the minimum grant requirement may choose to join a consortium to meet the minimum grant requirement as a collective group. In this document “district” is synonymous with both consortium and LEA.

Who is responsible for providing Title III-A equitable services?

The district is responsible for maintaining control of all Title III-A funds. They spend the equitable share on behalf of eligible private school students, their teachers and families. The district must never reimburse a private school for equitable services. Under specific circumstances, the district may directly pay private school staff; but they must never directly pay the private school. All equipment and supplies paid for with the Title III-A equitable share are owned by the district and must be recorded on [inventory](#) records, as applicable.ⁱⁱ

Who is eligible for Title III-A equitable services?

For a private school student to receive equitable services, they must:ⁱⁱⁱ

- Be enrolled in a private, [non-profit](#) elementary or secondary school in the geographic area of a district that receives a Title III allocation; and
- Meet the ESEA definition of an EL or RA children and youth.

Additionally, private school educators who instruct eligible private school ELs and/or RAs may receive professional development (PD) that directly relates to their student’s education. Finally, services may also be provided to the parents, families and communities of eligible students.^{iv}

All districts must submit EL and RA eligible student enrollments to the ODE no later than the Friday before Memorial Day weekend.

What are the ESEA definitions for EL and RA children and youth?

An EL is defined as an individual:^v

- Who is aged 3 through 21; and

- Who is enrolled or preparing to enroll in an elementary school or secondary school; and
- Who was not born in the US or whose native language is other than English; or
 - Who is a Native American or Alaska Native, or a native resident and comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - Who is migratory, whose native language is other than English, and who comes from an environment where a language other than English is dominant; and
- Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:
 - The ability to meet the challenging state academic standards; or
 - The ability to successfully achieve in classrooms where the language of instruction is English; or
 - The opportunity to participate fully in society.

An RA child or youth is defined as individuals who:^{vi}

- Are aged 3 through 21; and
- Was not born in any state, District of Columbia or Puerto Rico; and
- Have not attended one or more schools in any state, District of Columbia or Puerto Rico for more than 3 full, cumulative academic years.

How are private school EL students identified and assessed?

There is no citizenship, immigration status or resident requirement for a student to receive equitable services.^{vii}

The district is responsible for ensuring appropriate identification of ELs. They may not pass this responsibility on to the private school or require the private school to identify ELs as a condition for participating in Title III-A services. The district and the private school must work in partnership to identify eligible ELs.^{viii}

During consultation, the district and private school will discuss how to identify and assess the eligibility of private school students. This discussion must include:

- If a language use survey will be made available to students and families; and
- The English language proficiency (ELP) assessment that will be administered.
 - The private school may not use the state ELPA screener or summative.
 - The selected off-the-shelf alternative assessment should be valid, reliable and utilize objective criteria that would be comparable to ELPA assessment.^{ix}

Alternative assessments may include but are not limited to:

- [Individual Proficiency Test \(IPT\)](#) *Note that IPT only assesses three language domains and may result in under-identifying ELs.
- [Language Assessment Scales \(LAS\) Link](#)
- [Language Proficiency Test Series \(LPTS\)](#)
- [Test of English Language Learning \(TELL\)](#)
- [Woodcock-Muñoz Language Survey](#)
- [World-class Instructional Design and Assessment \(WIDA\) Model](#)

For a full list of consultation topics, see [Module 2](#).

How is the equitable share calculated?^x

See [Module 3](#).

What are allowable programs and services?

Based on the [needs](#) of eligible students, some examples of Title III-A equitable services may include, but are not limited to:^{xi}

- Tutoring for ELs before, during, or after school hours; and
- PD for private school educators of ELs as long as the PD meets the ESEA definition of PD in ESEA section 8101(42) meaning it is an activity that is: part of the strategies for providing educators with the knowledge and skills necessary to enable children to succeed in a well-rounded education; and sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data driven, and classroom focused; and
- Summer school programs to provide English language instruction for ELs; and
- Administration of an ELP assessment for identification of ELs and/or for the purpose of evaluating the effectiveness of services, including the provision of test booklets, teacher training, and stipends to assessment administrators, unless the private school is a direct recipient of federal funds (e.g.: participation in a school nutrition program where the private school receives a reimbursement for free and reduced-price meals or the private school receives funds through an Employment Related Day Care program); and
- Tutorials, mentoring and academic or career counseling for RA children and youth; and
- Instructional services to assist RA children and youth to achieve in schools in the US; and
- Provision of supplemental instructional equipment, materials and supplies for ELs and/or RA children and youth. This equipment, materials and supplies must be clearly labeled and identified as the district's property, and must be [secular, neutral, and nonideological](#). The district is required to maintain oversight of all equipment, materials and supplies and must include them on applicable [inventory](#) lists.

For more information on general equitable service allowability and how to [evaluate](#) equitable service programs, see [Module 2](#).

What language fluency requirements are required of Title III-A teachers?

Title III-A teachers employed by the district to provide Title III-A equitable services must be fluent in both English and the other language(s) used for instruction. Fluency includes written and oral communication skills.^{xii}

ⁱ [Title VIII Equitable Services NRG](#) (2023) I-1, [ESEA](#) section 3102

ⁱⁱ [Title VIII Equitable Services NRG](#) (2023) C-16, [ESEA](#) section 8501(d)(1)

ⁱⁱⁱ [Title VIII Equitable Services NRG](#) (2023) I-3, [ESEA](#) section 8101(20), 3201(5)

^{iv} [Title VIII Equitable Services NRG](#) (2023) I-3, [ESEA](#) section 8101(20), 3201(5)

^v [ESEA](#) section 8101(20)

^{vi} [ESEA](#) section 3201(5)

^{vii} [Title VIII Equitable Services NRG](#) (2023) C-4, [ESEA](#) section 8501(a)(1), (4)(A)

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- viii [Title VIII Equitable Services NRG](#) (2023) I-4, I-5
- ix [Title VIII Equitable Services NRG](#) (2023) I-4, I-5, I-8
- x [Title VIII Equitable Services NRG](#) (2023), B-1
- xi [Title VIII Equitable Services NRG](#) (2023) I-8, C-10, C-16, I-6, I-8, I-9, [ESEA](#) section 8501(a)(2), (c)(1)(B), (d)(1), section 3115(g), [2 CFR Part 200](#), [34 CFR § 299.9\(c\)](#), [299.8](#)
- xii [Title VIII Equitable Services NRG](#) (2023) I-10, [ESEA](#) section 3116(c)