**Purpose**

This document is a resource guide supporting the Oregon Department of Education’s (ODE’s) English Learner (EL) Program Review and Title III Monitoring process. The Title III Monitoring focuses on quality and compliance with state and federal requirements for programming for ELs, immigrants and refugees. The ODE, together with the U.S. Department of Education and the Office for Civil Rights (OCR), is charged with the responsibility of enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color or national origin. Lau v. Nichols, a U.S. Supreme Court case, requires Local Education Agencies (LEAs) to take steps to help ELs overcome language barriers and to ensure that they can participate meaningfully in educational programs.

The [Every Student Succeeds Act of 2015 (ESSA)](https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf) Title III requires ODE to monitor the implementation of Title III program requirements and the expenditure of federal funds by all sub-grantees. ODE’s vision for monitoring is to help build school district and ESD awareness of the requirements associated with accepting federal funds, capacity to self-assess against the requirements of the grants, and understanding of how they can best utilize grant funding to improve services for students. Monitoring is an opportunity to identify LEAs’ technical assistance and support needs and leverage Federal funds in support of better outcomes for all students. The following rubric is intended to support ODE’s review of district and ESD policies and practices to support our students who are receiving Title III services.

**Definitions**

* **Compliant -** a section is compliant when evidence submitted is clear and aligned to the *Title III Monitoring Scoring Criteria Rubric*
* **Non-Compliant -** a section is compliant when evidence submitted is missing and/or not clear and/or not aligned to the *Title III Monitoring Scoring Criteria Rubric*

**Abbreviations:**

* **DCL -** [Dear Colleague Letter 2015](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf)
* **NRG** - Non-Regulatory Guidance: English Learners and Title III of ESEA, as amended by ESSA, [2016,](https://oese.ed.gov/files/2020/07/essatitleiiiguidenglishlearners92016.pdf) revised [2019[[1]](#footnote-1)](https://oese.ed.gov/files/2020/07/elandiitleiiiaddendum1219.pdf)
* **EL**: Students who are emerging bilingual or multilingual and receiving services under Title III.

**Scoring**

In reviewing the materials submitted by the district/ESD, please score each section accordingly:

* The evidence is **missing or not aligned** to the item(s) required in the Title III Monitoring Rubric. **Score this as a 1. This section is not compliant.**
* The evidence is **partially aligned** to the item(s) required in the Title III Monitoring Rubric. **Score this as a 2. This section is not compliant.**
* The evidence **is aligned and sufficient** with the item(s) required as per the *Title III Monitoring Scoring Criteria Rubric.* **Score this as a 3.****This section is compliant.**
* **N/A** this section is not applicable. Mark N/A in the “scoring” column.

| **Item** | **Guidance** | **Evidence** | **Score** | **Notes/Evidence/Citation** |
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| **EL Plan** |
| 1. The district has an EL Plan addressing the requirements of Sec 3116.
 | Sec. 3116Title VI– OCR Guidelines | District submitted a copy of the most recent EL plan or notified ODE that no changes were made.  |  | **District is rated compliant if district has either (1) submitted EL plan changes, or (2) asserted that there are no changes to the instructional program.** Notes: Evidence:Citation:Additional Material Needed to Request:  |
| **Identification of English Learners** |
| 1. The district screens and identifies students for EL services, and does so in the required timeline: 30 calendar days at the beginning of the school year, or 14 calendar days from student enrollment once the school year has started.
 | ESSA Sec. 3111(2)(A)3116ESSA Sec. 1112Title VI– OCR GuidelinesOAR 581-023-0100 – (4)DCL- A, p. 10, F, p. 24J, p.37NRG- A8, 1-4 | District submitted a random sampling of Language Use Surveys (LUS) forms from the most recent school year. This sampling should include examples of a LUS leading to identification screeners and not leading to identification screeners. Samples in all languages used for parent notification (must be signed by district personnel and dated (dd/mm/yyyy). (Evidence must include copies for both initial identified students, as well as the students continuing as an identified EL.) **Submission expectation based on number of ELs:*** 10 or fewer students –all copies
* 11-50 students –10 copies
* 51-100 students – 20 copies
* Greater than 101 students –25 copies
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| 1. District has a process to identify ELs for special education, gifted and talented, or related services.
 | [Title VI – OCR Guidelines](https://www2.ed.gov/about/offices/list/ocr/ell/plandev.html)DCL - F, p. 24NRG - Sec. K | District provided evidence, such as policies, practices, procedures, and a description of their process to identify students for additional services such as gifted and talented, special education, or other related services. Special Education should include pre-referral process that includes EL staff in IEP meetings. Provide copies of IEP/504 plans for identified ELSWD students that include a description of student strengths, instructional goals, instructional and linguistic supports, and assessment participation. |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| 1. District has a process to identify potential ELs (students enrolling with LUS who cannot access the ELPA screener with any accessibility supports due to known or suspected disability).
 | Sec. 3111(2)(A)Sec. 3116Title VI – OCR Guidelines | Provide copies of IEP/504 plans for potential ELs that include a description of student strengths, instructional goals, instructional supports, and assessment participation. |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| 1. A parent/guardian who did not want their child to receive language services signed an informed refusal of service.
 | Sec. 1112 | District provided samples of signed/dated parent right of refusal for services (waiver). Including copies in all languages available for parent/guardian.**Submission expectation based on number of ELs with parent/guardian waivers for EL instructional services:*** 10 or fewer students –all copies
* 11-50 students – 10 copies
* 51-100 students –20 copies
* Greater than 101 students –25 copies
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| **Parent, Family, & Community Engagement** |
| 1. The district engages with parents and families of students who receive language services, as authentic partners in the decision making around programs, activities, and procedures.
 | [Title VI– OCR Guidelines](https://www2.ed.gov/about/offices/list/ocr/ell/plandev.html) ESSA Sec 3115Sec 3116DCL- J, p.37NRG- Sec. E | District provided samples of activities (minimum of 5) that support parent engagement. This could include parent meeting, literacy nights, back-to-school, sign-in sheets, and other activities demonstrating parent engagement and leadership opportunities.  |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| **Annual ELP Assessment** |
| 1. The district has an annual process to measure the English proficiency of all identified ELs using the State proficiency assessment.
 | Sec. 1111 | District provided a written narrative of the district’s annual plan for Oregon’s English Language Proficiency Assessment (ELPA). including: * When the district will administer the ELPA summative;
* How the district prioritizes the order of students to be assessed;
* How the district will verify all ELs have participated in the summative assessment.
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| 1. The district has a process for training the test administrators on Oregon’s ELP assessment.
 | [Title VI– OCR Guidelines](https://www2.ed.gov/about/offices/list/ocr/ell/plandev.html) [Test Administration](https://www.oregon.gov/ode/educator-resources/assessment/Pages/Assessment-Administration.aspx) | District provided written description (no more than 500 words) of the training process as well as copies of training materials and test administrator signed forms. District included copies of testing assurances for staff administering the ELPA summative and screener.**Submission expectation based on number of trained staff:*** 10 or fewer staff – copies of all staff members
* 11+ staff – 10 copies
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| **Exiting/Monitoring ELs** |
| 1. The district monitors the progress of ELs in meeting challenging state academic standards each of the 4 years after they are no longer receiving services.

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 | ESSA Sec. 3121[Title VI– OCR Guidelines](https://www2.ed.gov/about/offices/list/ocr/ell/plandev.html)DCL- H, p.32I, p. 35NRG - Addendum starting on p.44 | District provided a description (no more than 500 words) of the district’s monitoring process for exited ELs for each of the 4 years. Additional evidence could include: monitoring surveys completed by educators and records of interventions provided.District provided evidence of how the district provided additional support/ interventions for monitored ELs needing academic support.If applicable, district provided evidence of the district’s determination to return a monitored EL into an EL program. This is to be done with full parent/guardian consent and agreement. This evidence could include work samples, formative assessments, teacher surveys, meeting notes, parent meeting notes, etc. |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| 1. The district has evidence that demonstrates ELs with waivers for service are regularly monitored.
 | [Title VI– OCR Guidelines](https://www2.ed.gov/about/offices/list/ocr/ell/plandev.html)Sec 3121 | District provided a random sampling of monitoring documentation for ELs with a waiver for services.Evidence could include: monitoring surveys completed by educators, MTSS notes, progressing monitoring notes, records of interventions provided, or similar. **Submission expectation based on number of students with waivers for EL service:*** 10 or fewer students –all copies
* 11-50 students– 10 copies
* 51-100 students – 20 copies
* Greater than 101 students – 25 copies
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| **Access to Instructional Program/Graduation** |
| 1. The district has a process for implementing and monitoring effective elementary, middle, and high school language instruction educational programs aligned to state English Proficiency Standards.
 |  | Please describe how the district is implementing and monitoring effective elementary, middle and high school language instruction educational programs that are coordinated and aligned with state English Language Proficiency (ELP) standards.**Submission examples:*** Sample lesson plans with ELP standards (sample size is 5-10 lesson plans).
* Sample formative assessments measuring the ELP standards.
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| 1. The district has a program of services that provides meaningful access to all classes (e.g. core, elective, special programs)
 | [Title VI– OCR Guidelines](https://www2.ed.gov/about/offices/list/ocr/ell/plandev.html)DCL- D, p. 17E, p. 22G, p. 29H, p. 35NRG- A 3, Sec. C, Sec. D, K1, K3 | District provided a description of instructional services offered as well as the building master schedules (the building master schedule for all grade levels), and student schedules. **Submission expectations for student schedules based on number of students** * 10 or fewer students – copies of all student schedules
* 11-50 students – 10 copies
* Greater than 50 students – 20 copies

**The total sample size must contain schedules from more than one class** |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| 1. The district has a program of service for ELs that includes a comprehensive high school education leading to completion with a regular high school diploma, a modified diploma, or a certificate.
 | [Title VI– OCR Guidelines](https://www2.ed.gov/about/offices/list/ocr/ell/plandev.html)DCL- D, p. 17E, p. 22G, p. 29H, p. 35NRG- A 3, Sec. C, Sec. D, Sec. K | Provide a description of the program of services that include education leading to a diploma, and a random sampling that documents the program a service. (Evidence includes student transcripts and IEP documentation.)**Submission expectation based on number of high school ELs:*** 10 or fewer students – copies of all
* 11-50 students – 10 copies
* more than 50 students – 20 copies
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| **Staffing for EL Programs** |
| 1. The district is in compliance with proper certification, license, or endorsements for instructional staff of ELs.
 | ESSA Sec. 3116 (3)OAR 584-036-0015NRG- Sec. D | District provided evidence of teacher certification, license, and/or endorsement for staff instructing ELs from TSPC.**Submission expectation:**Provide a list of all EL teachers, their TSPC license and ESOL endorsements. |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| 1. District provides comprehensive and effective professional development to classroom teachers, principals, and other school leaders that is designed to improve the instruction and assessment of ELs.
 | ESSA Sec. 3115(3)(2)DCL - C, p. 14NRG - A3, Sec. C, Sec. D, Sec. K | District provided a description with supporting evidence of trainings offered and educational leaders who attended the trainings. **Submission examples:*** List of trainings offered
* Sample attendance records
* Samples of feedback from training (surveys, etc.)
* Samples of evidence of implementation of the training (i.e., walkthrough notes, etc.)
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| **Private Schools** |
| 1. The district has a process to allow timely and meaningful consultation with appropriate private school officials during the design, and development of Title III programs for their participation in the Title III programs.
 | Sec 8501Sec 1117 | District provided signed/dated consultation with private schools, that includes:* The identification of ELs;
* The administration of the annual language assessment; and
* The identification of Recent Arrivers.
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| **EL Data** |
| 1. The district has a policy to determine which ELs are identified for 5 or more years that includes ELSWD students.
 | Sec 3121Sec 3122Sec 1111(c)(4)(A)(ii) | Provide a description of the district’s policy for determining which ELs/ELSWD have been identified as an EL for 5 or more years. |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |
| **Fiscal Review – This section is completed by the Fiscal Agent for the Title III grant** |
| 1. The district/ESD maintains clear and accurate fiscal records that indicate use/expenditure of Title III funds.

 | Sec 1118Sec 3115 | District/ESD provided the following evidence of the Title III fiscal records:* CIP Budget narrative for previous school year (include regular and carryover).
* Copies of current position descriptions for staff funded by Title III.
* Time and effort logs for staff funded by Title III and other funding.
* Copies of contracts paid for by Title III funds and required deliverables for each contract.
* Explanation of how the district/ consortia determines the effectiveness of any Title III purchase (PD or supplemental materials).
* Explanation on how the sub-grantee determines the deliverables for each contract.
* Purchase orders and payments for items funded by Title III funds.
* Description of sub-grantees inventory procedures for items purchased with Title III funds.
 |  | Notes: Evidence:Citation:Additional Material Needed to Request:  |

1. *While key pages of ESEA/ESEA, DCL, and NRG are provided in the chart below, these pages are not all inclusive.*  [↑](#footnote-ref-1)