# TITLE III Q&A:

## Annual Measurable Achievement Objectives
## Standards and Assessments
## Relationship with Title I

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# TITLE III Q&A
# Annual Measurable Achievement Objectives
# Standards and Assessments
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# Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students

This document reflects the questions that were raised and responses that were given during the July 2003 video teleconferences.

## A. ENGLISH LANGUAGE PROFICIENCY ANNUAL MEASURABLE ACHIEVEMENT OBJECTIVES

**1. What information should a State use to develop English language proficiency (ELP) annual measurable achievement objectives (AMAOs) if the State has not completed the process for establishing its ELP standards, or used an interim ELP assessment for 2002-2003?**

English language proficiency AMAOs should be based on the following information:

- State English language proficiency standards;
- State definitions of making progress in learning English and attaining English proficiency;
- Cut scores on State ELP assessment(s) used in 2002-2003;
- Baseline data from the assessment(s); and
- State definition of cohort.

In developing ELP AMAOs, States should keep in mind that the ELP standards must be linked to the State academic content and student academic achievement standards in reading/language arts and mathematics, and in 2005-2006, in science. States will have the opportunity to submit new baseline data and ELP AMAOs to the Department as assessments and standards change. OELA will provide Title III State Directors with information about the procedures for submitting amendments to the CSA.

**2. What does OELA mean by cohort of students?**

ESEA Goal 2-Performance Indicator 2.1 and Title III-Section 3122 (a)(3)(A)(i)-(ii) require States to provide information on students who have made progress and on students who have attained English proficiency by the end of each school year, as determined by *cohort*. Basically, a cohort is a group of students, and individual students may join the group and leave the group over time. States have the prerogative to determine what characteristics will be used to define cohort. However, a State must, *at a minimum,* identify which grades/gradespans, and proficiency levels are included in each cohort. *Limited English proficient students in grades k-12* must be included in a cohort(s).

The sample below demonstrates one way that a State could group LEP students into cohorts. This sample is based on a quasi-longitudinal approach to measuring change in student achievement.

*For example,* a State may decide to group limited English proficient students into three cohorts. This unit of analysis sample shows gradespans K-5, 6-8, and 9-12, and 4 proficiency levels that would indicate students moving from one proficiency level to the next as they make progress towards the attainment of proficiency in English as defined by the State.

**3. Must private schools participating in programs funded under Title III meet ELP AMAOs?**

No. Private schools are not held accountable for meeting ELP AMAOs. Under Title III, private school students must be assessed for English language proficiency, however local education agency and private school officials determine, in consultation, how students will be assessed and how the results of the assessment(s) will be used to inform instruction. The Private School Participation Fact Sheet sent via the SEA listserv on June 20, 2003 provides additional information.

| **Cohort 1 K-5** | | | | |
|---|---|---|---|---|
| Level 1 | Level 2 | Level 3 | Level 4 | Level Proficient |
| **Cohort 2 6-8** | | | | |
| Level 1 | Level 2 | Level 3 | Level 4 | Level Proficient |
| **Cohort 3 9-12** | | | | |
| Level 1 | Level 2 | Level 3 | Level 4 | Level Proficient |

**4. What requirements under Title III apply to charter schools?**

A public charter school that meets the following criteria could be eligible for a Title III subgrant. A public charter school could be eligible for a Title III grant if the school:

1) is an LEA by State law;

2) meets the definition of LEA in section 9101(6) of the No Child Left Behind Act (NCLB);
3) meets the requirements of subpart 1,Part A of Title III of NCLB, and
4) does not include education beyond grade 12.

Public charter schools would also need to be eligible under the State formula for a subgrant of at least $10,000, to be eligible for a subgrant awarded under Section 3114(a). Public charter schools would also need to be eligible for a subgrant of sufficient scope to support an effective program to be eligible for a subgrant awarded under Section 3114(d).

Public charter schools that are eligible to receive Title III funds must meet the same accountability requirements and all other requirements as other eligible entities, including conducting an annual assessment of the English language proficiency of LEP students and meeting the ELP AMAOs.

A public elementary or secondary charter school that is not eligible to receive a subgrant may be included in an LEA's subgrant on the same basis as other public schools in the LEA.

**5. How does a State determine if an LEA has met the ELP AMAOs?**

States submitted this information to the Department in the Consolidated State Application. Under Section 3113(b)(5), States were required to describe in their Consolidated State Applications how they would hold local educational agencies, eligible entities, and elementary and secondary schools accountable for meeting all ELP AMAOs.

In addition, Section 3116(b)(3)(A) requires LEAs to submit in their Title III plans to States a description of how they will hold elementary and secondary schools receiving funds under Title III accountable for meeting these AMAOs.

**6. Are the consequences for not meeting ELP AMAOs under Section 3122(b)(2) and 3122(b)(4) applicable at the LEA level or at the school level?**

The consequences for not meeting ELP AMAOs are applicable at the LEA level. If an LEA fails to meet its ELP AMAOs for two consecutive years, the SEA shall require the LEA to develop a school improvement plan the addresses the specific factors that prevent the LEA from meeting the ELP AMAOs. Whether this plan applies to an entire LEA, or just some of the schools in an LEA, will depend on the particular factors that prevented that LEA from meeting the ELP AMAOs.

If an LEA fails to meet its ELP AMAOs for four consecutive years, the SEA shall require the LEA to modify its curriculum, program, and method of instruction, or determine whether the LEA shall continue to receive funds related to the LEA's failure to meet the ELP AMAOs and require the LEA to replace educational personnel relevant to the entity's failure to meet the ELP AMAOs.

While SEAs are required to hold LEAs accountable for not meeting the ELP AMAOs, whether the specific steps LEAs are required to take to address that failure will apply to entire LEAs or to just one of the schools in those LEAs, will depend on the specific circumstances of each case.

**7. Can the requirements for an improvement plan under Title III Section 3122(b)(2) be clarified with regard to how States should proceed when an LEA receives a Title III subgrant one year, does not meet the AMAOs, but is not eligible for a subgrant the following year due to a decrease in the number of LEP students enrolled in the district?**

The requirement to develop an improvement plan applies to LEAs that have not met the ELP AMAOs for two consecutive years. Requirements for improvement plans under Title III apply to Title III subgrantees. If an LEA is not eligible for a Title III subgrant, then consequences for not meeting ELP objectives do not apply. However, it is in the best interest of both the LEA and the State to provide meaningful and consistent interventions to assist LEAs as needed so that all students can meet targets under Title I for achievement in the academic content areas.

## B. SEPTEMBER 1, 2003 SUBMISSION FOR THE CONSOLIDATED STATE APPLICATION

**8. Are the ELP AMAOs due on September 1, 2003 different from the targets submitted to the Department on May 1, 2003? If so, how?**

Yes, these are two different sets of AMAOs. The ELP AMAOs due on September 1, 2003 are targets for children making progress in learning English and attaining English proficiency. The AMAOs submitted to the Department on May 1, 2003, addressed student achievement in the content areas as required under Title I, Part A. LEP students are one of the subgroups included in these AMAOs for student achievement in the content areas.

**9. Will States' September 1, 2003 submission be reviewed?**

Yes. Staff in the Department will review the September 1, 2003 submission.

## C. ENGLISH LANGUAGE PROFICIENCY STANDARDS AND ASSESSMENTS

**10. Must States require all LEAs to apply the English language proficiency standards to their LEP students?**

States must require LEAs that are Title III subgrantees to apply the ELP standards to their LEP students. States may decide whether LEAs that are not receiving Title III funds must also apply the ELP standards to their students. Logic would follow, however, that State ELP standards be used in all LEAs in the State since these ELP standards are aligned with State-selected ELP assessments and linked to State content area standards. Additionally, it would be to States' benefit to implement the English language proficiency standards on a Statewide basis. This would enhance States' ability to follow students' progress, and ensure that all LEP students in the State are taught to the same standards. Moreover, LEAs that do not have enough LEP students to qualify for a Title III subgrant one year may have enough students to qualify in a future year. Consequently, for LEP students that attend schools in LEAs that, from year-to-year, may lose or regain their eligibility for a Title III subgrant, applying the ELP standards to all LEAs would help to promote continuity and consistency of services.

**11. Are States required to submit ELP standards to the Department on September 1, 2003?**

No. States are not required to submit their ELP standards to the Department. States will be asked to describe the status of efforts to establish English language proficiency standards, and provide evidence of progress, as well as information that these standards address grades k-12 and the domains of reading, writing, listening, and speaking.

**12. Should "proficient" be defined according to English language proficiency assessments?**

Not solely. States should decide on their definition of "proficient" in English language proficiency based on:

- A State-level discussion on what it means to be proficient in English;
- State English language proficiency standards and descriptions of levels in these standards;
- Cut scores on English language proficiency assessments;
- Baseline data from 2002-2003 on these assessments; and
- Levels of English language proficiency required to score "proficient" on State academic content assessments.

**13. What is the minimum number of levels required on English language proficiency assessments?**

English language proficiency assessments must include a minimum of three levels.

**14. What should a State do to meet the requirement to submit baseline data and ELP AMAOs if it used multiple English language proficiency assessments in 2002-2003?**

States that used multiple ELP assessments in 2002-2003 are encouraged to develop a plan to determine how the cut scores on the various assessments relate to State ELP standards.

## D. TITLE I/TITLE III

**15. Does No Child Left Behind (NCLB) specify the number of years in which limited English proficient (LEP) children are expected to attain English language proficiency?**

No, the legislation does not specify the number of years in which LEP students are expected to attain English language proficiency. However, Section 1111(b)(3)(C)(x) of Title I, Part A, requires the academic assessment (using tests written in English) in reading or language arts of any student who has attended school in the United States for three or more consecutive years, except on a case-by-case basis.

**16. Will States be required to submit English language proficiency data on all students assessed for English language proficiency on an annual basis?**

Yes. Section 1111(h)(4) of Title I, Part A requires States to report annually to the Department, and make widely available within the State, information on the acquisition of English proficiency by LEP children. This information will be submitted to the Department as part of the annual performance report under the Consolidated State Application. The first annual performance report will be due in spring 2004.

**17. What are the ELP reporting requirements for States on the annual State report card?**

Section 1111(h)(1) of Title I, Part A requires States to prepare and disseminate an annual State report card. Information about students' gains in English language proficiency is an "optional" item on the annual State report card.

**18. Please differentiate between "proficiency" in Titles III and I.**

Under Title III, proficiency refers to English language proficiency. Under Title I, all students must score "proficient" on academic content assessments by 2013-2014.

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**19. Can States use an English language proficiency assessment as a reading/language arts assessment, or vice versa?**

No. Just as English language proficiency standards and reading standards differ, so do English language proficiency assessments and reading assessments. English language proficiency assessments, which must be aligned with the State's English language proficiency standards, are designed to assess students' English language development. Content area assessments (including reading assessments), which must be aligned to the State's content standards, are designed to assess what students know in academic content areas.

Reading assessments that measure academic proficiency in reading will not accurately measure LEP students' level of English language proficiency. Thus, reading assessments are not valid or reliable assessments of English language proficiency.

Assessments in State accountability plans were not approved in the latest peer review. These items (e.g., ELP assessments, alternate for State content assessments through the ELP assessment, alternate ELP assessments through the State content assessment) will be reviewed during the State standards and assessments peer review process.

**20. How can a State demonstrate that all domains were assessed if it reports a composite score?**

If reporting ELP data as a composite score, a State should describe how comprehension was included in this score and weights that the domains were assigned.

**21. Are all teachers of LEP students in language instruction educational programs funded under Title III required to be fluent in English?**

Yes, all teachers of LEP students in language instruction educational programs funded under Title III are required to be fluent in English and any other language in which they provide instruction, including having written and oral skills. Even teachers who are not responsible for instruction in English, such as teachers in dual immersion programs who teach exclusively in a language other than English, need to be fluent in English in order to communicate and interact effectively with English speaking parents, other teachers and administrators.

It is expected that all teachers would have a high level of fluency in the language(s) in which they teach in order to effectively deliver instruction in English and content areas to assure that students achieve high levels of English proficiency and meet challenging State content and academic achievement standards.

Title III requires that school districts certify in their local plans to their State that all teachers in language instruction educational programs funded under Title III are fluent in English and any other language of instruction. However, Title III does not specify required levels of teacher language fluency or measures of teacher language fluency. States and local educational agencies determine expected teacher language fluency levels and how teacher language fluency will be measured.