

English Learners and Title I, Part A

Program Design and Coordination of Local, State, and Federal Funds

Please note that this guidance is not meant to supersede federal regulations regarding Title I, Part A of ESSA nor provide exhaustive guidance regarding Title I, Part A. School districts will use local and contextual information to inform programming decisions for their students.

Purpose: This document will provide guidance on serving eligible English learners (ELs) through Title I. Title I, Part A is the largest federal grant provided to Indiana, with millions of dollars allocated annually. Educators can use this document as a resource to provide **purposeful support to English learners, eligible for Title I**, in order to meet the general provisions under this program of improving the academic achievement of the disadvantaged students while avoiding supplanting of other programs, such as Title III, that serve English learners.

Due to the enactment of the Every Student Succeeds Act (ESSA) and its requirement for each state to include an indicator measuring progress in achieving English language proficiency in its statewide accountability system, the Indiana Department of Education (IDOE) must ensure that all local education agencies (LEAs) are able to meet the needs of students who are not yet proficient in English. The IDOE has a legal responsibility under ESSA, Title VI of Civil Rights Act of 1964, and the Equal Educational Opportunities Act (EEOA) to ensure that all LEAs meet the federal requirements to properly identify, assess, and support English learners through an effective English language development program.

Since the EL indicator to measure progress in achieving English language proficiency must be included in state accountability **at the school level as part of Title I** and EL accountability is no longer restricted to Title III, many more schools will be impacted. The enactment of Every Student Succeeds Act (ESSA) provides a valuable opportunity for LEAs and schools to look at their support for English learners for them to attain English proficiency and meet the same academic standards as other students.

If you have any questions regarding ESSA as it applies to English learners that are eligible for Title I, or any questions about services for English learners, please contact:

Indiana Department of Education
Division of Title Grants and Support
www.doe.in.gov/elme

Eligibility

Title I, Part A provides that English learner (EL) students are eligible for Title I services **on the same basis** as other children selected to receive services. In schools operating school wide programs, where the goal is to upgrade the instructional program in the entire school, all children, including EL students, are intended to benefit from the program and the needs of all students are to be taken into account in the program design. In targeted assistance schools, EL students are to be selected for services on the same basis as other children - on the basis of multiple, education related, objective criteria for determining which children are failing or most at risk of failing to meet the State's student performance standards.

Title I funds may not be used to provide services that are required to be made available to EL students by other laws, such as the core EL program required by Lau of 1974 that an LEA must provide using state or local funds only.

ESSA, Title III 3115 (f) (2) (g): "SUPPLEMENT NOT SUPPLANT – Federal funds made available under this support shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds."

Title I funds may be used to coordinate and supplement those services, including **additional language acquisition services** for EL students, in order to meet the provisions of supplement not supplant. Title I staff members providing supplemental services to eligible EL students must work closely with the core EL staff and content area teachers.

Intersection of Programs

Students arrive at school with many different needs and therefore qualify for different programs. For example, Indiana has English learners who are not yet fluent but meet a district's qualifications for gifted and talented. Certain native English speakers might qualify for Title I support while some English learners do not. An English learner might have a disability based upon factors unrelated to language proficiency and subsequently receive special education support. In order for a school to truly meet the needs of a particular student, all programs for which an English learner qualifies need to **coordinate their services** so that the supports are aligned and build upon each other. However, since LEAs receive federal funding specific for their respective activities, LEAs must be sure to clearly understand the laws regarding English learners and authorized activities so that any federally funded activities meet the provision of supplement not supplant of Title I and Title III of the ESSA.

Appropriate Use of Title I and Title III Funded Supplemental Programs for ELs

- 1) Title I funded programs must be **supplemental** to the core EL program. The district's core EL program required by Lau 1974, Castaneda 1981 can only be provided via state and local funds (reviewed on page 4). Title I funded programs must NOT satisfy the core EL program. Title I funded programs can only be implemented in Title I funded schools; and
- 2) Title I programs can provide a prior level of support that serve **the same purpose as Title III programs (i.e. providing English language development - ELD)**, but they have to be supplemental. If implemented district wide, the amount of Title I funding cannot exceed the proportion of funding based on the number of ELs in Title I schools v. non-Title I schools. In other words, a school district cannot allocate more Title I money to a certain school based upon the number of English learners attending that school. All students eligible for Title I funding, both native English speakers and English learners, are equally eligible.

Improper Use of Title I and Title III Funded Supplemental Programs for ELs

- 1) Title I or Title III services supplant or take the place of the district's core EL program required by Lau 1974 and Castaneda 1981
- 2) District or school uses funds to pay for something that was paid for in the previous year with other federal, state, or local funds (an LEA may be able to refute this presumption, however, if it can demonstrate that those services could not be continued due to state/local fund budget constraints)
- 3) Title III funds utilized for programs/services required by other federal, state or local laws. Example: If a student is eligible for Title I and Title III, then Title III cannot be used to take the place of services that the student was already eligible for under Title I; the student would be eligible for both.

Hierarchy of Related Federal Laws and Programs

An English learner's core instructional programming is unique because it has an additional component of an EL program that is not present for native English speaking students. The Office of Civil Rights (OCR) requires LEAs to identify students who need language assistance, develop a program that has a reasonable chance of success, support it with the appropriate number of staff and resources, and evaluate its success. A school district **must provide a core EL program prior to utilizing Title I and Title III funds**. The chart below shows the succession of programs if an English learner was eligible for Title I, Title III, and migrant services.

Title I, Part C Migrant (for eligible students)

Supplemental services provided to identified migrant students who qualified due to a move across district lines in search of seasonal, agricultural work.

Title III (for all LEP students regardless of Title I participation)

Supplemental language development services provided to EL students *above and beyond* the core instruction, core EL program, and if applicable, Title I services.

Title III federal funds can be used for this purpose.

Title I

Supplemental services provided to EL students eligible for Title I.

For school-wide, all students are eligible. For targeted assistance, EL students are eligible using the same criteria as all students.

Title I funds provide academic support to students, including EL students, to meet Indiana's challenging academic achievement standards. LEAs may also use Title I, Part A funds to provide a language instruction educational program for EL students eligible for Title I.

Title I federal funds can be used for this purpose.

Core EL program (required by Lau 1974, Castaneda 1981)

Required by [federal law](#) to be provided to all EL students. These English language development services are in addition to the core instruction. State and local funds are used to provide the core EL program. *Must occur in the absence of federal funds. Federal funds (i.e. Title I or III) cannot be used to provide the core EL program.*

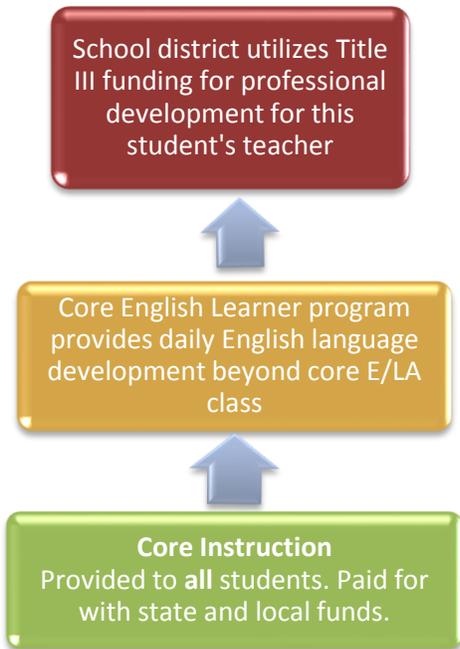
Core Instruction

Provided to all students. Paid for with state and local funds.

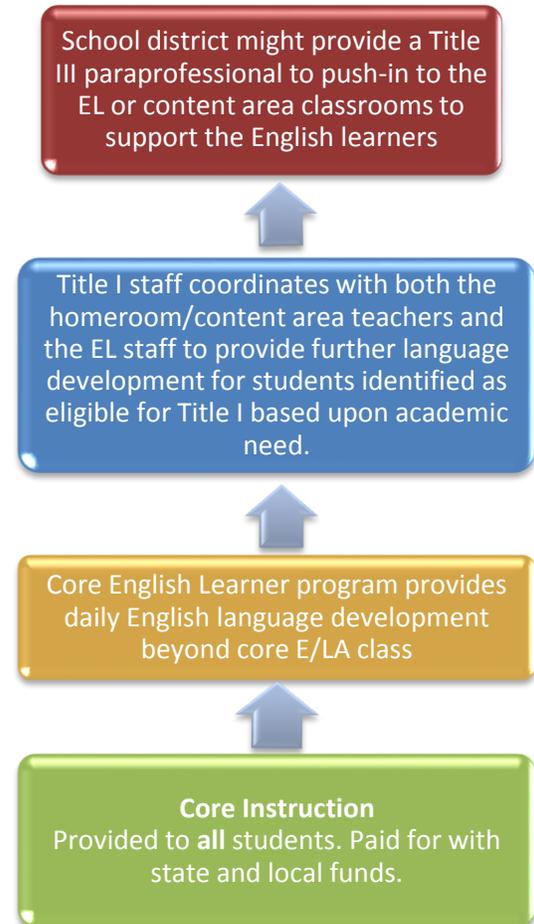
Sample EL Student ELD (English language development) Programming

Since many students are not eligible for all federal programs (i.e. Title I, Title III, migrant, etc.), school districts will utilize the hierarchy on page 4 to provide services in an appropriate manner to support the student through coordination of services while not supplanting.

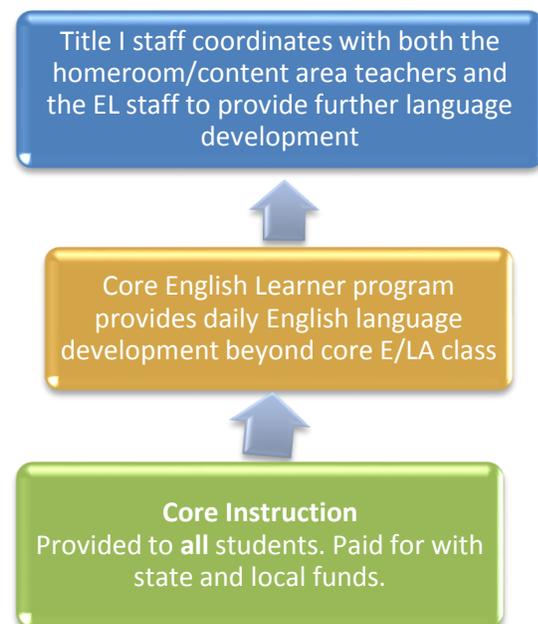
Example A: An English learner receiving Title III services but enrolled in a non-Title I school



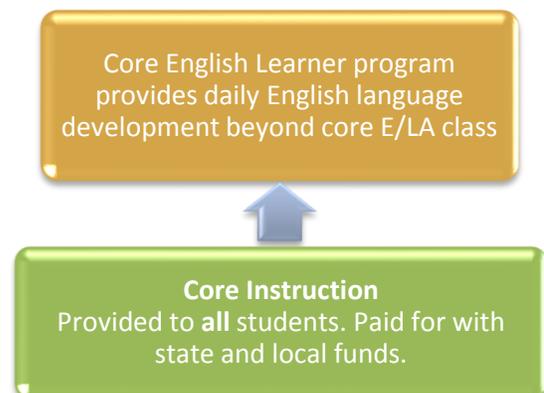
Example B: An English learner receiving Title III services and enrolled in a targeted assistance Title I school



Example C: An English Learner in a Title I school but in a district that does not apply for Title III funding



Example D: An English Learner in a non-Title I school and in a district that does not apply for Title III funding



English language development using Title I staff

If a school expects to provide effective Title I instruction to its English learners, then content area and **Title I staff need to be trained** in the best practices of teaching English learners and not expect the EL staff alone to be the experts in this area. For example, a school with any size of EL population may wish to hire Title I staff that have an English learner dual license or extensive EL training in order to provide language development during Title I instruction.

Additionally, further guidance in this document, on

pages 11-13, will explain how schools can use the Title I program to supplement the core EL program by utilizing bilingual staff members, supplemental EL support, and additional teacher training to improve the academic achievement of English learners.

RTI Support

Decisions to place English learners in certain Tier II interventions should be made respective to the EL students' current English language proficiency level (Levels 1-4) and the progress that is currently occurring within Tier I, which includes the core EL program. Districts should utilize progress monitoring to identify EL students at risk of academic failure by **comparing the EL student's performance to other EL students from a similar background and the same level of English language proficiency**. WIDA, which is used by educators to develop and track English learners' academic language skills via the Indiana adopted WIDA English language development (ELD) standards, provides the following reference resources regarding RTI and English learners:

- WIDA's Response to Instruction & Intervention (RTI) for English Learners: <http://www.wida.us/get.aspx?id=601>
- WIDA's RTI Planning Form: <http://www.wida.us/get.aspx?id=613>
- WIDA's RTI for ELLs Webinar: <http://www.wida.us/get.aspx?id=614>

All of these resources can be found on the WIDA website at <http://www.wida.us/downloadLibrary.aspx>

Tier II interventions **do not satisfy** the Lau 1974 requirements to provide a core EL program and are not considered English language development instruction. Additionally, the core EL program is required to be provided with state and local funds only; Title I commonly funds Tier II interventions and therefore must be additional to the core EL program services paid from local and state funds to which an English learner is already entitled. Many English learners simply need **more academic language development** in order to meaningfully access the same content standards, and Title I can support this work by using Title I instruction to provide additional language instruction. Many interventions are designed to be used with monolingual native English speakers who are struggling to develop literacy and numeracy skills; these interventions are not meant to develop academic language among English learners. When designing Title I instruction for English learners, schools should utilize several quantitative and qualitative data points to determine appropriate Title I supports for an EL

student. Placing an EL student in an intervention based solely upon progress monitoring data without the context of the student’s language proficiency might cause the student to lose out on valuable language development opportunities at the expense of an intervention that will not be effective for the student. The IDOE encourages schools to differentiate their Title I instruction, as **the supports may look different** depending on the **root cause of why the student is at risk** of not meeting the state’s challenging academic standards.

For further assistance, please reference the RTI section of the IDOE EL Guidebook, and various other resources regarding education of English learners in Indiana, www.doe.in.gov/elme.

Additionally, the IDOE Office of English Learning and Migrant Education has recorded a six-part webinar series titled *What Every Administrator Should Know about Separating Difference from Disability*, which is hosted by Dr. Catherine Collier. These webinars and the power point can be found at <http://www.doe.in.gov/elme/english-learner-resources>.

Example A: Title I Intervention Schedule

- School utilizes progress monitoring data to determine Title I intervention.
- English learners are included in these groups, but the data is not analyzed respective to the students' English proficiency levels to determine if the student needs an intervention or more language development.
- Same type of intervention is provided to all students, even though some students are at risk of academic failure due to reading difficulties while others are learning the language and need more intensive language instruction.
- This type of schedule might not be effective for many English learners since the **Title I instruction is not designed to fit the needs of EL students.**

Example B: Title I Intervention Schedule

- School analyzes the progress monitoring data of students at risk of academic failure to determine which English learners are more proficient (i.e. Level 4) and would benefit from an intervention OR which English learners are at risk due to low language proficiency and need additional language development.
- The Title I intervention small groups are differentiated so that some periods of the day are interventions while other periods of the day allow this Title I staff member to provide more language development for English learners, which might include developing vocabulary skills, writing proficiency, reading comprehension etc.
- This type of schedule might be more effective for many English learners since the **Title I instruction is designed to fit the needs of EL students.**

School Wide Programs: Schools that employ a school wide Title I program are able to offer the greatest flexibility of service to all their students, including ELs. Title I funded staff members, such as EL paraprofessionals that are supplemental to the core EL program, can work with **any EL student** in the school.

A school is successful if it is effective for all groups of students. The same instructional measures that are effective for all students will be beneficial to English learners. However, schools must employ additional measures or emphasis on the specific needs of English learners, such as **additional ELD** (English language development) services. Oral proficiency and literacy in the first language can be used to facilitate literacy development in English.¹ Schools will utilize a variety of approaches to support its students, including English learners at different levels of English proficiency. The school might utilize a Title I EL teacher for intensive reading support for Levels 1-2 beyond the core EL program where a Title I EL paraprofessional would push into the classroom to support joint productive activities in small groups.

Targeted Assistance Schools: EL students are eligible for Title I services on the **same measures as any other student**. EL students' low level of English proficiency or a newcomer/beginner status will justify for provision of Title I services. The student's English language proficiency placement or annual assessment could be used as documentation of placement in the Title I program. In addition to the EL students' core EL program required by Lau of 1974, Title I can be used to promote content learning, English language proficiency, and to develop native language literacy.

Title I staff provide services for eligible ELs based upon the same measures used to identify any student. The instruction for ELs must be challenging while differentiated based upon the students' English proficiency levels. The curriculum for ELs must be conceptually challenging. Coordination among all staff members, including content area teachers, EL staff, Title I staff, Title III staff, and others is important so that the plan for each student is delivered in an **integrated** fashion. All instruction, including Title I support, should incorporate language objectives for an English learner in addition to the content objective. For instance, a math, social studies, or science lesson is still a great time to learn language and a student often needs specific language skills to be able to demonstrate the content area knowledge. Properly training Title I staff in second language acquisition and providing comprehensible instruction to English learners will help the students reach the same high performance standards as all students. English learners are more effective when learning is authentic and meaningful, which occurs when the instruction is culturally relevant.

¹ August, D. and Shanahan, T. (2006). *Developing Literacy in Second-Language Learners: Report of the National Literacy Panel on Language-Minority Children and Youth*. Center for Applied Linguistics, Lawrence Erlbaum Associates: Mahwah, NJ.

Use of Title I Funds for English Learners

Title I, Part A funds are expended at the LEA level to meet the needs identified in the comprehensive needs assessment process. In a school wide Title I program, the funds are used to improve student performance and upgrade the entire educational program of the school. In a targeted assistance school, the funds are used only to meet the needs of children identified as being in the greatest need of services. Suggested activities for ELs eligible for Title I and their families, identified via the comprehensive needs assessment, and meet the provisions of supplement not supplant include:

- i. Extended day programs, such as tutoring, summer school, or intersessions
- ii. Language instruction program
- iii. Supplemental, research-based E/LA, math, science, social studies, or foreign language instruction (which includes the students' native languages)
- iv. Supplemental instruction materials and technology to help ELs meet grade-appropriate state standards and address language needs
- v. Parent involvement, including addressing barriers to participation by parents with limited English proficiency, such as family literacy programs that focus on the development of English literacy, English language, and parent-child reading activities for EL students
- vi. Supplemental Title I-EL personnel; **see pages 11-13** for guidance and **specific scenarios** to avoid supplanting of core EL programs

Native English speaking students are often great models for EL students; educators that regularly provide interaction opportunities among native English speakers and EL students through joint productive activities and instructional conversations promote academic success of all their students.

Professional Development

Targeted and sustained professional development is key for all teachers, especially those who work with culturally and linguistically diverse populations. Title I funds can support professional development in Title I schools to develop any teacher's knowledge of second language acquisition, strategies to support comprehensible input for ELs, cultural competency, and other activities to enable all children to meet the state's student performance standards.

Parent Involvement

Parents are a vital component of a successful school, and parents with limited English proficiency must have the same equal opportunity to participate in their children's education and activities. Title I funds can be used to provide effective outreach to inform parents, in an understandable language, regarding core academic achievement, meeting state standards, and attaining English proficiency.

In the case of parent interviews or compact letters, Title I interview and information should be shared in a language understandable to the parent, which can be supported via Title I funds.

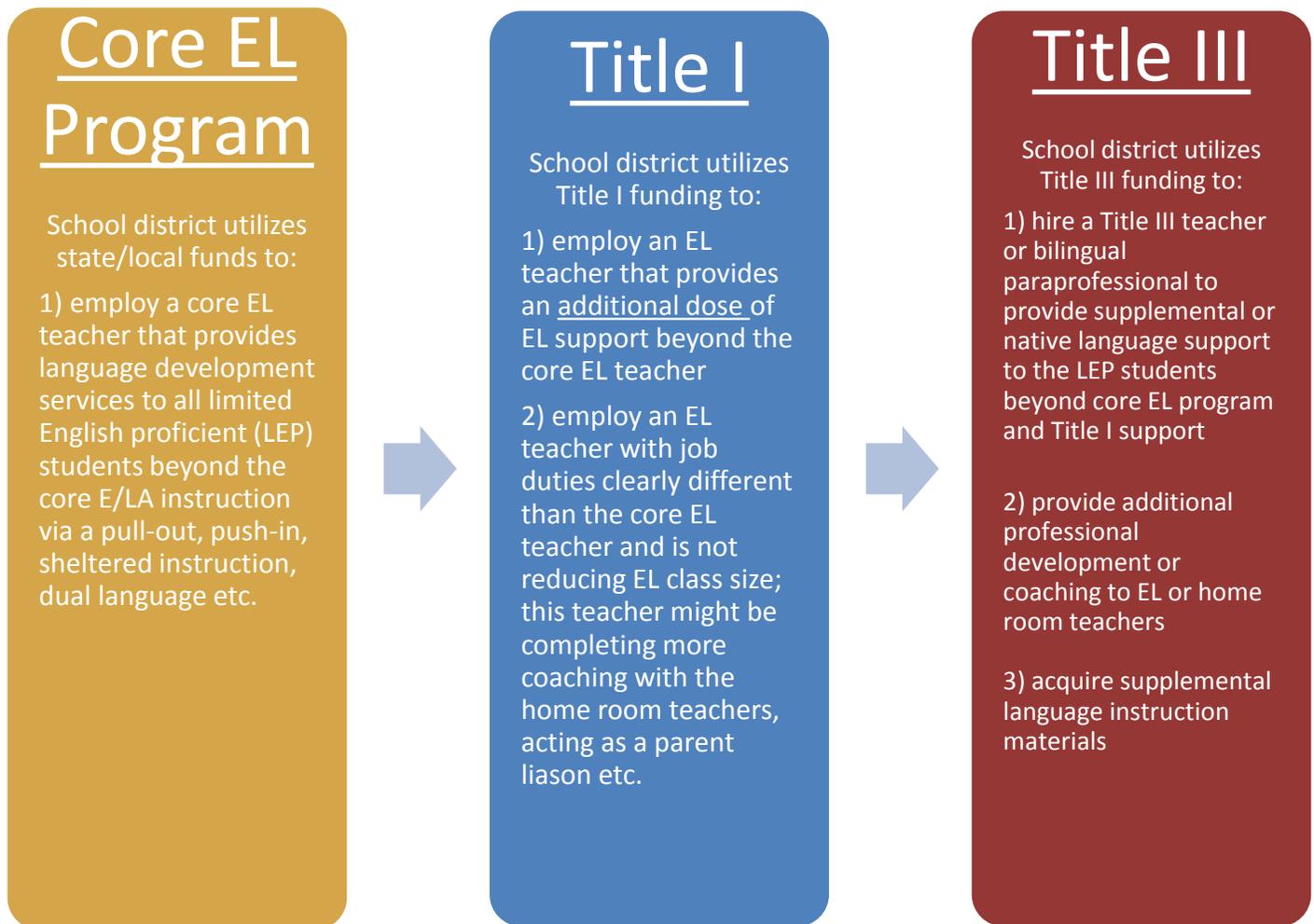
The LEA must address barriers to participation by parents who are economically disadvantaged, disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. LEAs would provide, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the home of participating children in the language used in such homes. Communicating in the same native language as the parents, both verbally and in written form, encourages greater participation. If this is not possible, such as a parent who speaks a language that no staff or community member can interpret, then the school should provide information in English that avoids jargon and language that is not understandable to non-native speakers of English. This similar method might be helpful for all parents, even native English speakers, as educational terms are not sometimes easily understood. Parents with limited English proficiency need to be included; these parents might serve on school improvement or curriculum teams to ensure that the needs of their students are addressed within the school's plan.

LEAs might use Title I funds to hire bilingual parent liaisons to increase parental involvement of all parents, especially parents with limited English proficiency. Schools could create parent resource rooms where parents can feel welcome and access information to help support their children's education. Family literacy programs could be offered to help parents understand the academic instruction provided by the school; schools could use Title I funds to provide literacy materials in English or the native language of the students. Native language materials will allow the students to continue building their native literacy skills, which is a great predictor of success in English for ELs, while developing content area knowledge in an understandable language.

Intersection of Personnel Supports

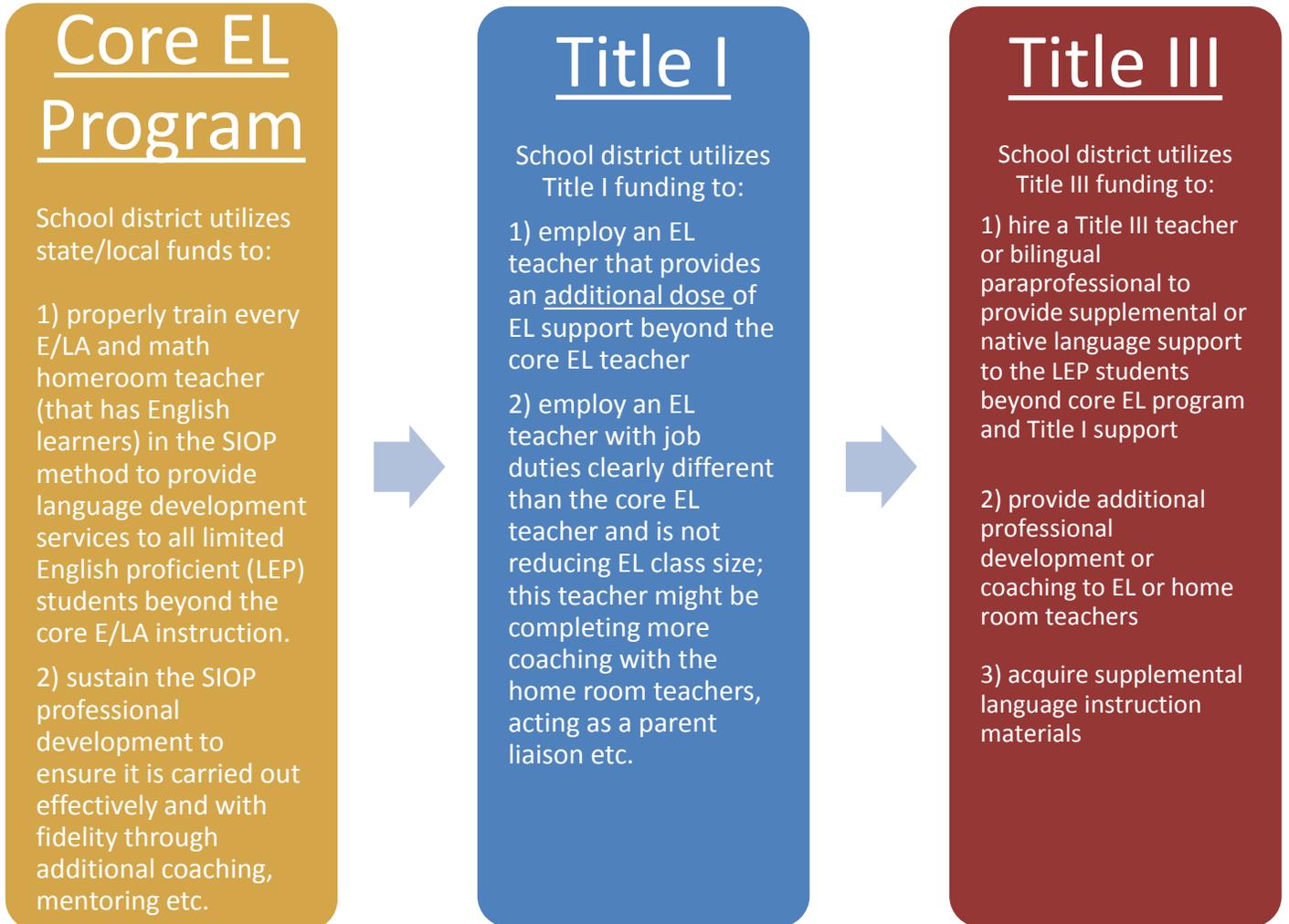
In order to determine how Title I and Title III funds can be used to support English learners, a school district must first develop and clearly state its core EL program (required by Lau 1974, Castaneda 1981). Please note that the following scenarios are *examples* and the scenario is dependent on how each step (core EL program, Title I, and Title III) is fulfilled. If a school district has questions about the eligibility of federal funds for certain activities or personnel, please contact the appropriate IDOE Title I or Title III office.

Sample A: Hire a supplemental EL teacher with Title I funds. (In a school wide Title I school, the Title I staff can work with any student. In a targeted assistance Title I school, the Title I staff can only work with identified students eligible for Title I.)



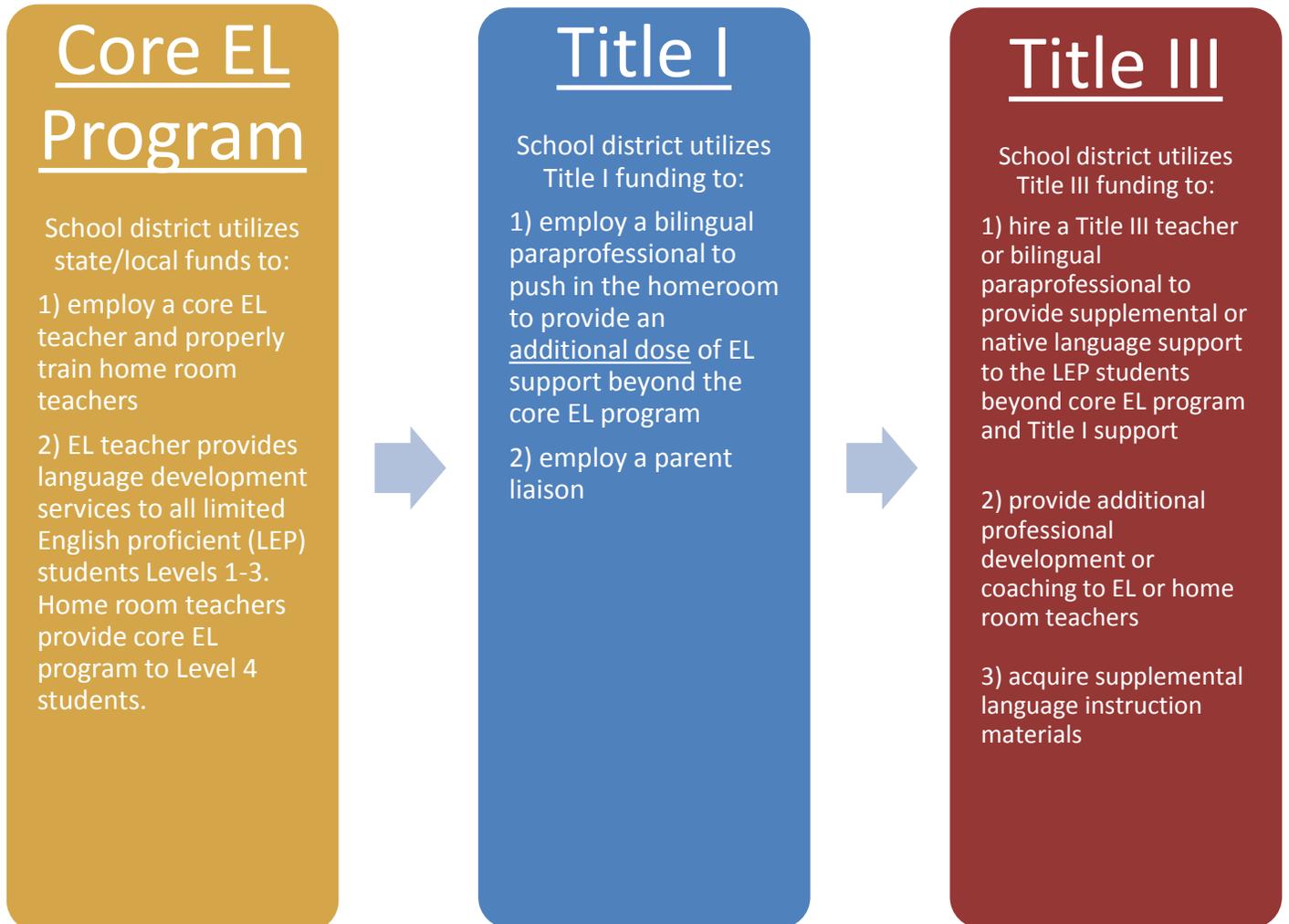
Key Supplanting Guidance: The Title I or III funded teacher must have a job description that is clearly supplemental to the core EL teacher position. The Title funded teacher may not administer English proficiency assessments, ISTEP, ECA etc., since these are federally required and so must be paid from state or local funds. However, a school district could split fund this teacher with state/local funds for time/effort to complete federally-required testing.

Sample B: Hire a supplemental EL teacher with Title I funds. (In a school wide Title I school, the Title I staff can work with any student. In a targeted assistance Title I school, the Title I staff can only work with identified students eligible for Title I.)



Key Supplanting Guidance: The school district must be able to clearly demonstrate that each home room teacher delivering the core EL program for an LEP student has been properly trained and implements the LEP student’s ILP daily in order for the EL teacher to be supplemental. The Title funded teacher may not administer English proficiency assessments, ISTEP, ECA etc., since these are federally required and so must be paid from state or local funds. However, a school district could split fund this teacher with state/local funds for time/effort to complete federally-required testing.

Sample C: Hire a supplemental EL paraprofessional with Title I funds. (In a school wide Title I school, the Title I staff can work with any student. In a targeted assistance Title I school, the Title I staff can only work with identified students eligible for Title I.)



Key Supplanting Guidance: The EL paraprofessional alone cannot satisfy the core EL program requirements. The Title I or III funded paraprofessional may not assist with the administration of English proficiency assessments, ISTEP, ECA, etc., since these are federally required assessments and so must be paid from state or local funds. However, a school district could split fund this teacher with state/local funds for time/effort to complete federally-required testing. Federally funded staff may only translate or interpret for activities related to the specific program (i.e. Title I) and cannot translate or interpret for regular school communication or activities required by other state, local, or federal laws. See here for more information.

Additional Resources:

August, D., & Hakuta K. (1995). LEP Students and Title I. *Stanford University*. Retrieved from [http://www.stanford.edu/~hakuta/Publications/\(1995\)%20-%20LEP%20Students%20and%20Title%20I%20A%20GUIDEBOOK%20FOR%20EDUCATORS.pdf](http://www.stanford.edu/~hakuta/Publications/(1995)%20-%20LEP%20Students%20and%20Title%20I%20A%20GUIDEBOOK%20FOR%20EDUCATORS.pdf)

IDOE Title I Guidance <http://www.doe.in.gov/titlei>

Title III Non-regulatory Guidance for Standards, Assessment, and Accountability
<http://www.doe.in.gov/sites/default/files/elme/title-iii-non-regulatory-guidance-part-ii-standards-assessments-and-accountability.pdf>