

CRITICAL AREA OUTLINE: ENGLISH LANGUAGE LEARNERS/TITLE III TRANSITION

The Every Student Succeeds Act (ESSA) presents various opportunities for state education agencies (SEAs) to rethink how they best serve students by providing new flexibility from federal constraints. It is important to consider how to leverage the opportunities presented by the new flexibility in the law to achieve the state's strategic vision and priorities. With much of the decision-making now in the hands of state leaders, state Chiefs have increased freedom to determine innovative solutions to drive reform in critical content areas. The purpose of this document is to assist SEA senior staff as they implement ESSA provisions most relevant to the education of English learners (ELs).

STATE VISION

How does your Chief's vision impact the decisions you will have to make? Ensuring you have a clear understanding of the outcomes your Chief is prioritizing will help to inform your work and help to inform how you engage with others across your agency to move toward a coherent ESSA transition strategy. Key questions you may want to consider:

- Do I know what my Chief's overall state strategic vision?
- What does my chief hope to achieve through our state's accountability system?
- How does this area of work fit in with the other key ESSA transition areas to create a comprehensive system?

OPPORTUNITIES AND RESPONSIBILITIES

Many previous Title III standards, assessment, and accountability requirements have migrated to Title I under the new law, even though the Title III program remains in place under ESSA. For example, the assessment and accountability of English Language Learners is moved to Title I and must be included in the state's overall accountability plan. In order to leverage expertise and efficiencies, states should consider how this affects staffing, coordination, and collaboration among Title I and Title III programs within the SEA and in local schools and districts.

As you continue to engage with your Chief and other members of your state leadership team, you will get into a much deeper level of detail with respect to the decisions you will be making about your accountability system design and how you will implement ESSA pertaining to the services for ELs. The chart below presents major ESSA requirements related to ELs and key questions for your consideration. These questions are meant to highlight opportunities and guide considerations and design decisions throughout the development of a comprehensive and coherent system in your state.

Standards	
ESSA Requirements	Questions to Consider
<p>English Language Proficiency Standards (ELP) States must demonstrate that they have adopted ELP standards that:</p> <ul style="list-style-type: none"> ▪ Are derived from the domains of speaking, listening, reading, and writing; ▪ Address the different proficiency levels of ELs; and ▪ Are aligned with the state’s academic standards. 	<p>Has your state adopted ELP standards aligned with state’s academic content standards?</p> <ul style="list-style-type: none"> ▪ If not, how would you like to proceed? ▪ If so, do your state’s ELP standards meet the requirements stated in ESSA? <ul style="list-style-type: none"> - If they don’t meet them, how would you like to revise your state’s ELP standards? - If they do meet them, make sure you have informed key stakeholders about the ELP standards and provide professional development to educators.
Assessments	
ESSA Requirements	Questions to Consider
<p>Academic Assessment</p> <ul style="list-style-type: none"> ▪ Assess ELs in reading or language arts, math, and science assessments; ▪ Use appropriate accommodations (including assessments in the language and form most likely to yield accurate information on what those students know and can do in the content area assessed) 	<p>Academic Assessment Does your state assess ELs annually in reading or language arts, math, and science assessments using appropriate accommodations?</p> <ul style="list-style-type: none"> ▪ If not, how will you ensure ELs are included in the state academic assessment program? ▪ If so, make sure you have trained educators on how to use appropriate accommodations (including native language assessments) for ELs and informed parents of ELs about academic assessments.
<p>ELP Assessment States must assess all ELs’ proficiency in English with an annual ELP assessment aligned with the state’s ELP standards.</p>	<p>ELP Assessment</p> <ul style="list-style-type: none"> ▪ Does your state’s ELP assessment align with the state’s ELP standards? <ul style="list-style-type: none"> - If not, how would you revise the ELP assessment? ▪ How will you ensure <i>all</i> ELs are included in the state ELP assessment program?
Accountability	
ESSA Requirements	Questions to Consider
<p>Performance Indicators</p> <ul style="list-style-type: none"> ▪ The state’s accountability systems must include the following annual indicators: 	<p>Performance Indicators</p> <ul style="list-style-type: none"> ▪ How will you design a state accountability system that includes the required performance indicators?

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<ul style="list-style-type: none"> - Academic proficiency as measured through state academic assessments; - Graduation rate for high schools <i>or</i> one or more academic indicators applicable to elementary and middle schools; - ELs' progress in attaining proficiency in English; and - At least one school quality or student success indicator. <ul style="list-style-type: none"> ▪ Except for the ELP indicator, all indicators must be measured separately for all students in a school and for each subgroup. 	<ul style="list-style-type: none"> ▪ How will you determine ELs' progress in attaining English proficiency with annual ELP assessments and academic assessments? ▪ How will you determine a reasonable weight for the EL indicator and embed into the accountability system? ▪ What are the new reporting requirements for EL students, and how do you avoid situations of potential double counting of the same student in more than one subgroup? ▪ How will you design the new accountability system that contributes to or helps drive improved EL academic performance?
<p>Inclusion of ELs in the Accountability System</p> <ul style="list-style-type: none"> ▪ Establish state-determined, long-term goals and interim measures of progress for increases in the percentage of ELs who make progress in achieving English proficiency; ▪ Develop procedures for the bi-annual LEA report, including procedures for disaggregated data on EL students who have disabilities; ▪ May include the assessment scores of formerly ELs within the results for the EL subgroup for up to four years. 	<p>Inclusion of ELs in the Accountability System</p> <ul style="list-style-type: none"> ▪ How do you want to go about establishing "ambitious long-term goals" and "interim progress" measures? Who should lead this work, and which stakeholders should be involved? ▪ How will you use this opportunity to drive significant improvement in proficiency rates for English Language Learners in your state? <ul style="list-style-type: none"> - How do you envision ELs' progress and achieving English proficiency factoring into your accountability system, as is now required? - How will you collect accurate EL status data for the subgroup reporting (for example, ELs with disabilities)?
<p>Definition of English Learner</p>	
<p>ESSA Requirements</p>	<p>Questions to Consider</p>
<ul style="list-style-type: none"> ▪ ESSA defines an "English learner" as an individual who, among other things, has difficulties in speaking, reading, writing, or understanding the English language that may be sufficient to deny him or her the ability to meet challenging state academic standards. ▪ Under Title III, states must establish and implement, after consultation with LEAs representing the geographic diversity of the state, standardized EL entrance and exit procedures. 	<ul style="list-style-type: none"> ▪ Does your state have uniform statewide procedures for EL entrance and exit to programs? <ul style="list-style-type: none"> - If not, how would you like to proceed? - If so, would this be a good opportunity to review the process with stakeholders and determine if the process can be improved? ▪ Does your state assess potential ELs within 30 days of enrollment to identify their EL status?

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<ul style="list-style-type: none"> ▪ All students who might be ELs must be assessed for the EL status within 30 days of enrollment. ▪ SEAs may use the 5 percent of Title III funds that is set aside for state-level activities to support this endeavor. 	<ul style="list-style-type: none"> - If not, how will you collaborate with LEAs and develop the process? - If so, would this be a good opportunity to review the process with stakeholders and determine if the process can be improved?
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School Improvement

ESSA Requirements	Questions to Consider
<p>Using its system for differentiating school progress, each state will identify at least 5 percent of its Title I schools as in need of “comprehensive support and improvement” and additional schools that have low-performing student subgroups (including ELs) as in need of “targeted support and improvement.” States and their LEAs will then work with these schools to improve outcomes for the school in general or for selected subgroups, as indicated based on the needs identified through their accountability systems.</p>	<p>States will have significant new flexibility, compared to the No Child Left Behind requirements, in identifying schools as in need of improvement and in determining what actions to take with regard to low-performing schools.</p> <ul style="list-style-type: none"> ▪ How would you take this opportunity to work with LEAs to improve those schools of which their ELs’ academic performance does not meet the state goals? ▪ How would you address learning needs of ELs in those schools?

Federal Funding Opportunities

ESSA Requirements	Questions to Consider
<p>As with prior law, SEAs may reserve up to 5 percent of their Title III, Part A funds for state activities. Permissible state activities include (but are not limited to) establishing statewide entrance and exit procedures, teacher and principal preparation and professional development, planning, technical assistance, and recognition. In addition, ESSA:</p> <ul style="list-style-type: none"> ▪ Authorizes SEAs to use the 5 percent state set-aside to provide recognition and financial rewards to LEAs that have significantly improved the achievement and progress of ELs; ▪ Reduces the portion of the state set-aside that SEAs may use for administrative costs from 60 percent to 50 percent of the 5 percent set-aside; ▪ Authorizes the Secretary of Education to use Census Bureau data or state counts of the 	<ul style="list-style-type: none"> ▪ How will you use new fiscal rules to support implementation of your state strategic vision? ▪ How do you want to utilize the federal funding flexibility to improve EL academic performance in your state? ▪ How would you assist LEAs and schools in developing programs and activities that will increase the ability of teachers to effectively teach English learners, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, so that such English learners can meet the challenging State academic standards?

number of students assessed for English proficiency, or a combination of those two sources, to compute states' Title III allocations.

Resources

Every Student Succeeds Act: <https://www.gpo.gov/fdsys/pkg/BILLS-114s1177enr/pdf/BILLS-114s1177enr.pdf>

CCSSO ESSA Support: http://www.ccsso.org/Resources/Programs/Every_Student_Succeeds_Act.html

- **EL ESSA:** *Major Provisions of ESSA related to the Education of English Learners* (March 2016)
 - [Webinar PowerPoint](#)
 - [Webinar Recording](#)
- **Funding:** *Summary of Significant Spending and Fiscal Rules in the Every Student Succeeds Act* (February 2016)
- **Teacher Support:** [Principles for Teacher Support and Evaluation Systems](#) (March 1, 2016)
- **Stakeholder Engagement:** [Stakeholder Engagement Considerations under ESSA](#) (March 3, 2016)

STRATEGY

CROSS-CUTTING ACTIONS

As the state develops its set of strategies, you and your team will be working across the SEA on a number of related strategies. To foster this collaborative work, you may want to consider the following key questions that connect all work teams in your SEA related to implementing ESSA pertaining to services of ELs. We have categorized these key questions by topic: 1) strategic questions, 2) stakeholder engagement, 3) communications and messaging, 4) advocacy, and 5) data use and technology.

Strategic Questions

- Can you explain what you want to achieve to any audience?
- What would success look like for each strategy you plan to develop and by when?
- What is your risk assessment? What are the barriers?
- How will you ensure your strategies endure the test of time? What is the plan for continuous improvement?

Stakeholder Engagement

You may begin constituency outreach *today* to inform key stakeholders about the new law related to ELs and to begin gathering ideas for implementation. Be sure to coordinate with the overall agency strategy before proceeding. The process of gathering input is also an opportunity to identify partners who will help implement any changes and to communicate about the state's vision, mission, and implementation strategy.

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- Do you have an existing coalition, or do you need to build one?
- If you need to build one, have you considered all possible stakeholders?
 - Examples: Business, philanthropy, civil rights leaders, parents, teachers, school administrators, district administrators, etc.
- Which foundation and corporate partners work in this area in your state?
- Have you engaged civil rights leaders or groups representing traditionally underrepresented students, such as students with disabilities, English language learners, and communities of color?
- How are you working with other states and/or CCSSO to share best practices on implementing ESSA pertaining to ELs?

Communications and Messaging

When a new law passes, teachers, parents, principals, superintendents, and legislators want to know, “What’s changing today?” ESSA has been branded as a law that provides tremendous state flexibility, but requirements still exist to which states and local districts must adhere. Both of these issues present a communications and messaging challenge that states should be proactive in discussing with key stakeholders.

- Have you identified the audience(s) necessary for ESSA implementation in your state? (Examples: media, legislators, teachers, school administrators, business community, civil rights leaders)
- How will you communicate with each audience throughout the implementation process? Consider:
 - Do you have a central location for providing updates on your website?
 - How are you being transparent with the public throughout the process?
 - Have you established regular updates and/or meetings with key groups?
- Have you developed key messages for communications within and throughout the state education agency?
- How can you work with your communications team to identify what EL-related messages need to be shared when and with whom?

Advocacy:

ESSA provides increased flexibility and complex implementation challenges; therefore, advocacy strategies for implementation efforts at the state and federal levels are necessary to ensure successful transition to the new law. Integrating advocacy and stakeholder engagement activities into early implementation planning will allow state education leaders to realize their vision.

- Does your state need to make changes to state policy, legislation, or regulation to implement ESSA pertaining to ELs?
- How does the ESSA implementation timeline align with state legislative calendar or State Board meetings?
- Does your agency or local school districts need additional state resources to carry out the work?
- What areas of the law require clarification from the U.S. Department of Education, and which should be clarified at the state level?

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Data Use and Technology Supports

Data and technology enable the success of a state education agency's policy priorities by supporting the delivery of services and applications. Information collected by state agencies shines a light on student outcomes and supports better decision making at all levels. The passage of ESSA provides states with an excellent opportunity to think strategically and holistically about the data implications across program areas and the necessity of technology supports for implementation.

- How will you use data to make better decisions and support better student outcomes?
- What questions do you need to answer to determine the success of your agency's vision?
- How will you share data with your key stakeholders to ensure transparency and accountability?
- What technology supports do you need in place to deliver on your strategic vision?

IMPLEMENTATION

Structure

As you consider your implementation strategy, your state's leadership team will need to discuss questions related to implementation and structure across your state's ESSA transition team. For example, you will likely consider:

- What staff, time, and money will need to be dedicated to this endeavor?
- What additional resources might you need?
- Can you repurpose some resources/staff?
- Who is the single person responsible for this strategy's success?
- Is there a team of people who will support your point person?
- What time, money, and technology will be needed for successful implementation of this strategy?
- Do you have data and information systems in place to track outcomes and measure success?
- Who are the key stakeholders you need to help implement this strategy?

Fiscal Considerations under ESSA

The Fiscal Year 2016 appropriations act clarified that the ESSA provisions affecting formula grants will not take effect until the 2017–2018 school year. The formula funds (for Titles I, II, and III, etc.) that states will receive in July 2016 and use mainly in 2016–2017 will be carried out under No Child Left Behind. ESSA provides the Secretary of Education with the authority to “take such steps as are necessary for the orderly transition” from NCLB to ESSA, so the U.S. Department of Education (ED) will likely issue additional guidance on the transition in the coming months.