



The New Federalism

**An Introductory Guide to the
Every Student Succeeds Act (ESSA)**

**Title III – Language Instruction for English
Learners and Immigrant Students**

Title III

Language Instruction for English Learners and Immigrant Students

Introduction

Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), continues to provide formula grants to states, which in turn provide formula grants to school districts for the purpose of English language acquisition and improved academic achievement by English learners. Funds are allocated based on the relative number of English learners in each state and school district within each state. The formula nature of this program was first authorized with the passage of No Child Left Behind (NCLB). While little has changed from both a fiscal operation and program focus perspective, ESSA's major change to Title III is the elimination of its separate accountability structure.

Major changes or highlights made by ESSA related to Title III

Accountability - While ESSA makes many minor and technical changes to Title III, ESSA makes one significant change related to accountability for states and local educational agencies which receive funds under this program. Under prior law, Title III required states to develop Annual Measurable Achievement Objectives (AMAOs) that were related to the acquisition of English and meeting of academic standards required under Title I for English learners. These objectives, along with Title I's adequate yearly progress (AYP) requirements, were used to determine if a school district needed to enter into an improvement plan. After 4 consecutive years of failing to meet AMAOs, states required school districts to modify their curriculum, program or methods of instruction for English learners. Additionally, states determined whether the school district should continue to receive funds under Title III and required educational personnel relevant to the district's failure to meet the AMAOs to be replaced.

ESSA removes the requirement for states to develop and use AMAOs to hold school districts receiving Title III funding accountable for English acquisition and academic achievement of English learners. Instead, English proficiency of English learners, assessed through English language proficiency assessments is a required indicator in the state's accountability system developed under Title I for assessing school performance.

Recognition of Performance by School Districts. Unlike prior law, ESSA allows states to use the state's share of Title III funds to give financial bonuses to school districts which have large increases in EL proficiency and academic achievement.

State Entrance and Exit Procedures from EL programs. ESSA requires states under Title III to establish standardized English Learner entrance and exit criteria, which must include a requirement that all students who might be English learners be assessed for that status within 30 days of enrollment in a school within the state.

Summary of Title III as amended by ESSA

Under Title III, as amended by ESSA, states receive formula grants from the U.S. Department of Education (ED) for the purpose of improving English language acquisition and academic achievement of English learners and Immigrant students. States receive the share of the federal appropriation that is proportional to the number of English learners that reside in each state. States are permitted to reserve 5 percent of their grant for state level activities with the remaining 95 percent used for allocations to school districts based on the relative proportion of English learners residing in each school district. States are required to reserve up to 15 percent of their allotment for grants to school districts with large influxes of immigrant students. School districts which receive grants for English learners are required to expend the grant funds for activities that will improve English language acquisition and academic achievement of English learners. These activities can include direct instructional services to such learners as well as professional development for the teachers of English learners. School districts which receive grants for immigrant students can also expend these grant funds for direct institutional and related services for immigrant students, professional development for teachers and other personnel, family literacy and parent outreach.

Currently, English Language Acquisition grants are funded at \$737.4 million for Fiscal Year 2016. ESSA authorizes increased investments that would total \$147.56 million for this program from FY2017 through FY2020. However, final funding allocations may be different than the authorized amounts each fiscal year, and are established through the annual appropriations process.

Why does this matter to school boards?

While ESSA does not significantly change how funds flow to school districts or how school districts may use these funds, the elimination of AMAOs and the requirements for states to oversee improvement plans and consequences for districts struggling to make AMAOs is significant for school district staff that administer Title III and the personnel who educate English learners. Under ESSA, Title III funding is no longer connected to consequences for failure to meet Title III state level accountability requirements.

With the removal of Title III's accountability related elements, the focus on English proficiency acquisition and the academic achievement of English learners now solely (for federal purposes) rests on those which administer, oversee and work in programs funded by Title I. The inclusion of English proficiency as an indicator in the accountability system established under Title I shifts the emphasis on English language acquisition for accountability purposes from Title III. As such, the relative weight of English language proficiency and the academic achievement of English learners under Title I is determined by the State.