



Supporting English Learners (ELs)

As the share of English Learners (ELs) in American public schools increases nationwide,¹ ESSA requires school districts to ensure that ELs are making progress toward attaining English proficiency and meeting other learning goals. ESSA moves accountability for ELs from Title III to Title I to bring heightened focus to how schools are helping ELs achieve—that is, the law requires that state accountability systems to include EL proficiency attainment as one indicator in determining overall school performance ratings. In addition, districts can take advantage of Title I, Title III, and other funding provisions in ESSA to ensure ELs receive a high-quality education.



What's the Opportunity?

In an effort to advance equity, the Every Student Succeeds Act (ESSA) provides federal funds to assist states and districts in meeting the needs of traditionally underserved students, including students of color, students from low-income families, English learners, students with disabilities, and students who are homeless or in foster care. In exchange for robust data reporting, increased transparency, and a commitment to improve underperforming schools, ESSA provides states and districts with the financial flexibility to use federal ESSA funds on a wide range of actions.

Traditionally, district leaders have limited federal funds to expenditures that clearly met federal compliance requirements, such as funding additional academic interventions, due to concerns about triggering federal audits or oversight. While the law's requirement to ensure that federal funds supplement, and do not supplant, state and local funds remains, district and school leaders are no longer bound by accounting restrictions that required to them to make cumbersome financial demonstrations.¹ As a result, district and school leaders now possess greater latitude to invest ESSA funds in ways they think are most likely to benefit underserved students, including aligning their use of ESSA funds with the district's existing strategic priorities.

This guide is intended to help district leaders disrupt the compliance mindset and inertia that have characterized traditional implementation of federal grants and leverage federal funding and programs in service of a more equitable education system.

¹"Fast Facts: English Language Learners," National Center for Education Statistics <https://nces.ed.gov/fastfacts/display.asp?id=96>



Overcoming Potential Barriers to Equity

- Increasing the number of qualified teachers of ELs and improving the capacity of general education teachers to support current and former ELs who transition into their classroom.
- Maintaining data tracking and supports for former ELs once they demonstrate English proficiency, especially because ESSA allows former ELs to be counted in the EL category for up to four years.
- Disaggregating EL performance on other indicators in the accountability system (e.g., chronic absenteeism) by various EL dimensions (e.g., number of years in the country, level of proficiency, country of origin, special education status).
- Differentiating special education needs from EL needs (i.e., over-identifying students' special education based on language or not identifying disabilities because they are attributed to language).
- Integrating EL strategy with other district initiatives.
- Translating or accessing high-quality instructional materials and assessments for ELs.
- Maintaining students' primary language and affirming student identities while encouraging English proficiency and educational development.
- Communicating with parents and families of ELs in a language that they understand.



Example: Oregon's District-Led Approach to Meeting ELs' Needs²

As the population of EL students across the country grows, more and more districts find themselves tasked with meeting the needs of students who speak different languages and arrive from a variety of countries. As early as 2010, a collection of school districts in Oregon noticed a significant uptick in their EL populations and came together to create the ELL Collaborative. Led by Superintendent Mike Scott of Hillsboro School District, an Oregon district with one of the largest EL populations in Oregon, the ELL Collaborative brought together superintendents from across the state to examine EL policies and develop recommendations.

In addition to the superintendents participating in the ELL Collaborative, community-based organizations representing EL communities activated to

² Janie Tankard Carnock, *Pioneering Change: Leveraging Data to Reform English Learner Education in Oregon*, New America, August 2017, https://na-production.s3.amazonaws.com/documents/Pioneering_Change.pdf.

support legislation (HB 3499) to better serve ELs. HB 3499 passed with unanimous approval in June 2015 and made the following changes:

1. It was difficult to track the progress and trajectory of ELs who exited EL status.

SOLUTION: *The ELL Collaborative and the state education agency worked together to create an EL flag for former and current ELs in the state's data system. Given that students are continually entering and exiting EL status, it can be difficult to track group progress over time, and this change helped to provide a clearer picture of their performance and where they need additional support.*

2. There was no universal coding system for spending on ELs, so it was difficult to judge whether state and local funding was being leveraged effectively.

SOLUTION: *HB 34909 required uniform coding of spending on ELs with a reporting system to be developed by the ELL Collaborative.*

3. Existing indicators of EL proficiency and growth made it difficult to determine whether districts were supporting their EL students well.

SOLUTION: *The state used a combination of demographic data and student outcome data to identify districts with high needs and low outcomes for ELs and began to develop comprehensive intervention plans for ELs in the identified low-performing districts.³*

2017 marked the first year that districts were identified for EL intervention and began a partnership with the Oregon Department of Education, which consulted with staff from each of the designated school districts to lead a self-assessment of their programs for ELs. Using a rubric designed Education Northwest, teams of school and district leaders analyzed and evaluated their current programs for ELs through the lens of evidence-based practices. The findings from this analysis were used to define districts' outcomes for ELs and determine their approach to improving outcomes for EL students in their districts.⁴

District leaders can take actions like the ones spurred by HB 3499 even without state legislation, and ESSA provides financial resources to undertake these efforts. ESSA requires states to develop clear exit criteria for EL proficiency

³ Needs Index, <http://www.oregon.gov/ode/students-and-family/equity/EngLearners/Documents/ELIndicesPlots.pdf>.

⁴ Tim Blackburn, Personal communication, November 29, 2017.

and allows states to count former ELs in the EL student group for up to four years, which should allow districts to more easily track the progress of current and former ELs. Further, there are a number of funding streams, including Titles I, II, and III, can be used to implement interventions for ELs, especially in schools where ELs are the identified subgroup for Targeted Support and Improvement (TSI).



What Should I Look for in My State Context?

All states were required to submit state ESSA plans to the US Department of Education (USDOE), so district leaders interested in supporting ELs should familiarize themselves with the relevant aspects of their state plan⁵ related to this equity priority. Questions that district leaders can ask about their state plans and of their broader state context include:

- How are ELs factored into my state’s accountability systems (e.g., the EL proficiency indicator and its weight, EL inclusion as a subgroup for all indicators, and TSI identification)? Additionally, ESSA offers three options for inclusion of new ELs into my state’s accountability system. Which of the options did my state choose?⁶
- What are my state’s new exit criteria for EL proficiency? In how many years does my state expect ELs to attain language proficiency? Are my district’s expectations aligned with the state? If not, my district may have to rethink our current expectations and/or work with the state to negotiate these expectations.
- Which graduation rate is my state using in its accountability system (i.e., 4, 5, or 6 years)? Do my district’s ELs graduate in that time frame?
- Is my state using any combined subgroup (i.e., super subgroup) measures in our accountability system? Are ELs counted in any combined subgroups?
- How is my state defining evidence-based interventions? Have they developed a list from which district leaders must choose, or do we have the flexibility to choose any intervention that meets evidence requirements? Are any of these interventions specific to ELs?
- Does my state have laws about English-only instruction? Do these apply to assessments only or instruction as well?
- Are there any existing EL consortia or district partnerships, like Oregon’s ELL Collaborative, that my district can tap to develop our capacity to serve ELs?

⁵ All state plans submitted to the US Department of Education are available here: <https://www2.ed.gov/admins/lead/account/stateplan17/statesubmission.html>

⁶ For details about the three available options for including ELs in state accountability systems, see The Education Trust’s *Setting New Accountability for English-Learner Outcomes in ESSA Plans*, <https://edtrust.org/wp-content/uploads/2014/09/Accountability-for-English-learners-under-ESSA.pdf>.



Example: Building a “Grow Your Own” Bilingual Teacher Pipeline in Portland⁷

An often-cited barrier to improved EL services, particularly in districts with a rapidly growing EL population, is a lack of qualified teachers of ELs. Portland Public Schools (PPS) provides one example of how an urban school district addressed this issue.

In 2015-2016, PPS was attempting to expand its bilingual instruction to address achievement and opportunity gaps with its growing EL population. Due to a dearth of qualified bilingual candidates, PPS decided to partner with Portland State University (PSU) during the summer of 2016 to launch the first cohort of the Dual Language Teacher Partnership.

The Dual Language Teacher Partnership allowed teacher fellows the opportunity to earn a Master’s Degree in elementary education with an ESOL endorsement or secondary education with World Language endorsement while working as classroom teachers, full-time substitutes, or paraprofessionals. Criteria for the program included the following factors:

- Fellows must have a bachelor’s degree;
- If fellows are teaching, they are working under a restricted license that must be renewed every year for up to three years;
- Fellows are enrolled in one of two pathways and are on track to earn their degree in two to three years; and
- Fellows must have bilingual proficiency and are required to pass a language fluency assessment.

PPS identified a coordinator for the program, and the district paid for the costs of the exam, fees for the PSU admissions process, and tutoring and training support for exams and the university application process. Mentor teachers who worked with fellows were also supported by PSU faculty through a professional learning community.

After one year of the program, PPS eliminated its bilingual teacher shortage. The district continues to evaluate its progress and to build its capacity to use data in ways that help to identify teachers and paraprofessionals who make good candidates for bilingual instruction.

⁷ Amaya Garcia, *Building a Bilingual Teacher Pipeline: The Portland Public Schools and Portland State University Dual Language Teacher Partnership*, September 2017, https://na-production.s3.amazonaws.com/documents/FINAL_SupportingVisionELEquity.pdf.

District leaders interested in programs like the Dual Language Teacher Partnership can leverage ESSA in several ways to develop similar initiatives. District leaders can use ESSA’s reporting requirements, resource reviews, and needs assessments to identify gaps in access to effective teachers of ELs (e.g., how many new EL teachers does my district need? At what grade levels? In which subjects? Do I need them to have special endorsements?). ESSA’s funds can also be used to braid Title II and Title III funding to help teachers to pay for a program coordinator, exam and admissions costs, and training support.



Turning ESSA’s Requirements into Opportunities

This table summarizes ESSA requirements for districts and provides illustrative examples of how district leaders could move beyond meeting ESSA’s requirements to using the law to drive their strategic priorities. Each box includes a reference to the related ESSA statutory provision found in the ESSA Provisions section of this brief (see p. 10) so that district leaders are able to validate any actions that they take to support English learners.

	WHAT DOES ESSA REQUIRE DISTRICTS TO DO?	HOW COULD DISTRICT LEADERS BUILD ON ESSA REQUIREMENTS?
<p>REPORTING AND DATA ANALYSIS</p> 	<p>ESSA requires states to include an indicator on English language proficiency in the accountability system.ⁱⁱ Additionally, state, district, and school report cards must report on EL proficiency rates and disaggregate data for other indicators (e.g., academic proficiency, graduation rates, measures of school quality or student success) for ELs.ⁱⁱⁱ</p>	<p>To move beyond ESSA’s reporting requirements, district leaders should consider creating data systems that differentiate and track current and former ELs to understand their progress and challenges. District leaders should also use data to understand the heterogeneity of their EL population and accompanying needs. For example, how do migrant ELs’ performance compare to that of non-migrant ELs? District leaders should use this information to drive their EL services and supports.</p> <p>Particularly in school districts where EL populations at individual schools may be too small to include in data reporting, district leaders should look at their district-wide EL data to understand trends in English language proficiency and growth.</p>

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		School districts, especially those with large concentrations of ELs at schools that may be implementing school-wide EL programs, should track the success of those interventions with ELs.
	WHAT DOES ESSA REQUIRE DISTRICTS TO DO?	HOW COULD DISTRICT LEADERS BUILD ON ESSA REQUIREMENTS?
SET PRIORITIES AND MAKE DECISIONS 	Districts are required to conduct resource reviews for schools that are identified for comprehensive support and improvement and additional targeted support and improvement. ^{iv}	Resource reviews of comprehensive support and improvement schools should include a data on ELs, including information on access to qualified teachers and access to high-quality instructional materials. This information can be further disaggregated by student characteristics, such as migrant status, special education classification, and age of entry. Districts may also choose to conduct resource reviews for schools identified for targeted support and improvement.
	Districts must conduct needs assessments for schools that are identified for comprehensive support and improvement. ^{iv}	District leaders should include questions in needs assessments that will illuminate ELs' performance, growth, and needs. For example, on average how long does it take ELs to advance from one level of proficiency to another at this school? What interventions are particularly effective with ELs at this school? Districts may also choose to conduct needs assessments for schools identified for targeted support and improvement.
	Districts must use evidence-based interventions to improve student outcomes in schools identified for comprehensive support and improvement and targeted support and improvement. ^{iv,v}	District leaders should develop an overall district strategy for ELs and link interventions for school improvement efforts to the EL strategy.



Using Flexible Funding

This table provides illustrative examples of the ways that district leaders can use ESSA funding to move towards supporting ELs. The examples below are meant to elicit creative thinking about braiding funds to accomplish this equity initiative; they are not exhaustive.

OPPORTUNITY

Support educators to teach ELs	<p>TITLE I Train ELs’ educators in CSI/TSI schools^{vi}</p> <p>TITLE II Recruit and train ELs’ educators^{vii}</p> <p>TITLE III Train ELs’ educators^{viii}</p>
Invest in linguistically relevant and sustaining instructional materials for ELs	<p>TITLE I Purchase instructional materials and assessments^{ix}</p> <p>TITLE III Purchase instructional materials and assessments^x</p>
Apply evidence-based interventions for ELs	<p>TITLE I Apply evidence-based interventions for EL students in Title I, CSI, or TSI schools^{iv, v, vi}</p> <p>TITLE III Apply evidence-based interventions for EL students^{viii}</p>
Offer wraparound supports for ELs	<p>TITLE III Provide general enrichment and supports (e.g., after-school supports, higher education partnerships, wraparound services and student supports)^{xi}</p> <p>TITLE IV Provide general enrichment and supports (e.g., after-school supports, higher education partnerships, wraparound services and student supports)^{xii}</p>
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OPPORTUNITY

Support ELs in early childhood education programs	<p>TITLE I Use funds to establish or enhance preschool programs in Title I schools^{xiii}</p> <p>TITLE III Apply for Title III funds as an early education consortium^{xiv}</p>
Support Native EL students	<p>TITLE III Use funds for Native American and/or Native Alaskan students^{xv}</p> <p>OTHER GRANTS Use Title VI funds for Indian, Native Hawaiian, and Alaska Native students</p>
Serve migrant students who are ELs	<p>TITLE I Use Title I-C funds to serve migrant children^{xvi}</p>
Serve rural students who are ELs	<p>OTHER GRANTS Use Title V funds for small, rural schools or rural and low-income schools^{xvii}</p>

*Title II and Title IV funding can be moved into any other Titles. Titles I and III cannot be moved.



Resources

- Migration Policy Institute, Analyzing State ESSA Plans for English Learner Accountability <https://www.migrationpolicy.org/research/analyzing-state-essa-plans-english-learner-accountability-framework-community-stakeholders>
- New America Foundation, Seeing Clearly <https://na-production.s3.amazonaws.com/documents/Seeing-Clearly.pdf>
- American Institutes for Research has a series of resources related to ESSA and English Learners <https://www.air.org/resource/essa-english-language-learners-ells>



ESSA Provisions

This table provides statutory references for district leaders so that they can draw upon ESSA to validate district changes that promote supporting ELs in service of equity.

	ESSA STATUTORY LANGUAGE
i	<p>A special rule within ESSA’s supplement, not supplant provision changes the financial accounting methodology as follows:</p> <p>“(1) In general.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.</p> <p>(2) Compliance.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.</p> <p>(3) Special rule.—No local educational agency shall be required to—</p> <ul style="list-style-type: none"> (A) identify that an individual cost or service supported under this part is supplemental; or (B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).” [Sec. 1118(b)(1)-(3)].
ii	<p>States must annually measure “progress in achieving English language proficiency, as defined by the State and measure by assessments [...] within a State-determined timeline for all English learners - (I) In each of grades 3 through 8; and (II) In the grade for which English learners are otherwise assessed...during the grade 9 through grade 12 period, with such progress being measured against the results of the assessments...taken in the previous grade” [Sec. 1111(c)(4)(B)].</p>
iii	<p>Under Title I, district report cards must include “information on the number and percentage of English learners achieving English language proficiency” [Sec. 1111(h)(1)(C)(iv); the state report card requirements outlined in Sec. 1111(h)(1)(C) also apply to districts. This information, as well as additional district report card requirements, is outlined in Sec. 1111(h)(2)(C). Districts must also disaggregate data on English learners [Sec. 1111(c)(2)(D)].</p>

<p>iv</p>	<p>For all schools that the state identifies as needing comprehensive support and intervention (CSI) in a district, the district must work with “stakeholders (including principals and other school leaders, teachers, and parents)” to develop a plan that:</p> <ul style="list-style-type: none"> “(ii) includes evidence-based interventions; (iii) is based on a school-level needs assessment; (iv) identifies resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan; (v) is approved by the school, local educational agency, and State educational agency; and (vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency.” [Sec. 1111(d)(1)(B)(ii)-(vi)] <p>For schools identified for additional targeted support and improvement (ATSI), school districts must also “identify resource inequities (which may include a review of local education agency and school level budgeting)” [Sec. 1111(d)(2)(C)]. Targeted support and improvement (TSI) schools where the performance of any subgroup of students on their own would lead the state to identify the school for CSI must also conduct a resource review [Sec 1111(d)(C)]. If these TSI schools are Title I schools, they can become CSI schools if they do not exit TSI status (exit status for TSI schools is determined by the local educational agency). And in the first year of identification (2017-2018), states “shall notify local educational agencies of any schools served by the local educational agency in which any subgroup of students, on its own, would lead to identification under [the lowest-performing 5 percent of all Title I schools] even without having those schools be identified as TSI schools first [Sec. 1111(d)(2)(D)].</p>
<p>v</p>	<p>For all schools that the state identifies as needing targeted support and intervention (TSI), the school must develop a plan that:</p> <ul style="list-style-type: none"> “(ii) includes evidence-based interventions; (iii) is approved by the local educational agency prior to implementation of such a plan; (iv) is monitored, upon submission and implementation, by the local educational agency; and (v) results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.” [Sec. 1111(d)(2)(ii)-(v)]

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	<p>TSL schools where any subgroup of students on its own would lead to identification by the state as a CSI school must also conduct a resource review [Sec 1111(d)(C)].</p>
vi	<p>Title I schoolwide schools (where all students are considered to be “Title I students”) may design Title I programs, and therefore use Title I funds, to increase opportunities for all children to meet state standards, including children in identified student groups, such as ELs [Sec. 1114(b)(7)(A)(i)]. There are a variety of instructional strategies, non-instructional strategies, and teaching/school personnel support and professional development strategies, that can support ELs in a schoolwide setting [Sec. 1114(b)(7)(A)(iii)(I)-(V).] Likewise, in a targeted assistance program, funds can be used to provide additional supports for Title I students, including Title I students that are ELs.</p>
vii	<p>LEAs may use Title II-A local funds for a variety of professional development and school personnel support activities, including helping to meet the needs of ELs [Sec. 2103(b)]. In addition to many other activities that can help EL students, Title II Part A may specifically be used to develop programs and activities that increase the ability of teachers to effectively teach ELs, which may include the use of multi-tier systems of support and positive behavioral supports [Sec. 2103(b)(3)(F)].</p>
viii	<p>Under Title III, individual LEAs or a consortium of LEAs are eligible to apply for grants to improve outcomes for English learners by offering academic supports, developing teachers’ competencies, and engaging parents. Eligible entities receiving funds under this grant may carry out one of more authorized activities, which includes “offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education” [Sec. 3115(d)(8)].</p>
ix	<p>States, in consultation with school districts, shall implement quality student academic assessments in math, reading, and science. The assessments shall provide for “(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students...including to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency” [Sec. 1111(b)(2)(B)(vii)(III)].</p>

<p>x</p>	<p>Title III allows school districts to use funds for:</p> <ul style="list-style-type: none"> “(1) Upgrading program objectives and effective instructional strategies. (2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures. (3) Providing to English learners - <ul style="list-style-type: none"> (A) tutorials and academic or career and technical education; and (B) intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators. (4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services. (5) Improving the English language proficiency and academic achievement of learners... (8) Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education.” [Sec. 3113(d)]
<p>xi</p>	<p>An eligible entity receiving funds under Title III may engage in the following activities:</p> <ul style="list-style-type: none"> “(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families - <ul style="list-style-type: none"> (A) To improve the English language skills of English learners; and (B) To assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children... (8) Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education” [Sec. 3115(d)].
<p>xii</p>	<p>Local applications for Title IV-A funds must also describe how funds will be targeted to schools served within the individual LEA or LEA consortium, including to those with the greatest needs as determined by the LEA [Sec. 4106(e)(2)(A)(i) and to schools implementing TSI plans [Sec. 4106(e)(2)(A)(iv). Funds to support well-rounded educational activities in Title IV may also include: “(C) program-</p>

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	<p>ming and activities to improve instruction and student engagement in science, technology, engineering, and mathematics, including computer science, such as – (i) Increasing access for students through grade 12 who are members of groups underrepresented in such subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses” [Sec. 4107(a)(3)(C)(i)].</p>
xiii	<p>Title I schools that operate a schoolwide program “may use funds available under this part to establish or enhance preschool programs for children who are under 6 years of age” [Sec. 1114(c)].</p>
xiv	<p>District subgrantees of Title III funds may use funds to develop and implement “effective preschools, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services” [Sec. 1115(d)(6)(B)].</p>
xv	<p>Sec. 3112 of Title III states that Indian tribes, tribally sanctioned educational authorities, native language organizations, schools operated or funded by the Bureau of Indian Education, schools operated by the Bureau of Indian Education in consortium with other schools or tribal organizations, or schools operated by the Bureau of Indian Education and an institution of higher education are eligible to apply for Title III funds to the US Department of Education (USDOE).</p>
xvi	<p>The purpose of Title I-C is to</p> <ul style="list-style-type: none"> “(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves; (2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards; (3) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner; (4) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;

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	<p>(5) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and</p> <p>(6) ensure that migratory children benefit from State and local systemic reforms.” [Sec. 1301].</p>
xvii	<p>Sec. 5222(a)(d)(3) allows local education agencies to use Rural Education Initiative funds to support “activities authorized under title III.”</p>