

I. PARENT INVOLVEMENT

I-1. What are the requirements regarding the role of parents of LEP students?

Each LEA using Title III funds to provide a language instruction educational program must implement an effective means of outreach to parents of limited English proficient children. LEAs must inform such parents about how they can be active participants in assisting their children to learn English, achieve at high levels in core academic subjects, and meet the same challenging State academic content and student academic achievement standards as all other children are expected to meet.

I-2. How quickly must an LEA inform parents that their child has been identified for participation in a language instruction educational program for LEP students?

A LEA must inform parents of a child identified for participation in a language instruction educational program supported by Title III not later than 30 days after the beginning of the school year. For a child who enters school after the beginning of the school year, the LEA must inform parents within two weeks of the child's placement in such a program.

I-3. What kind of information must a LEA provide to parents regarding their child's participation in a language instruction educational program? School districts using Title III funds must inform parents of:

- (1) the reasons for identifying their child as being limited English proficient and for placing their child in a language instruction educational program for LEP students;
- (2) the child's level of English proficiency, including how the level was assessed and the status of the child's academic achievement;
- (3) the method of instruction that will be used in the program, including a description of other alternative programs;
- (4) how the program will meet the educational strengths and needs of the child;
- (5) how the program will help the child learn English and meet academic achievement standards;
- (6) the program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school;
- (7) how the program will meet the objectives of an individualized education program for a child with a disability; and
- (8) their rights, including written guidance that (A) specifies the right that parents have to have their child immediately removed from a language instruction educational program upon their request, (B) describes the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and (C) assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered .

I-4. Are any other separate notifications required?

LEAs are required to provide notice to the parents of LEP children participating in a Title III language instruction educational program of any failure of the program to make progress on the annual measurable achievement objectives described in section 3122 of Title III. This notice is to be provided no later than 30 days after this failure occurs.

I-5. What are the requirements on the format and language of the notices to parents?

The required notices described in response to questions I-3 and I-4 must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

J. IMMIGRANT CHILDREN AND YOUTH

J-1. How are immigrant children included in the reauthorized program?

In allocating funds to States, the Department allocates 20 percent of the formula amount based on the State share of immigrant children and youth in all the States. Under section 3114(a) States make subgrants to LEAs based entirely on the LEA share of LEP students. [See questions J-3 and J-4.]

J-2. What is the definition of "immigrant children and youth" in Title III ?

The term "immigrant children and youth," which is defined in section 3301(6) of Title III, refers to individuals who:

- (A) are aged 3 through 21;
- (B) were not born in any State; and
- (C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

J-3. Section 3114(d) authorizes special subgrants for districts with a significant increase in the percentage or number of immigrant children and youth enrolled in the district. How do SEAs determine eligibility?

A State examines data provided by the LEA to determine whether the LEA has experienced a significant increase, as compared to the average of the two preceding fiscal years, in the percentage or number of immigrant children and youth. States have considerable discretion in implementing this provision.

J-4. How do SEAs allocate funds reserved under section 3114(d) to districts with significant increases in the percentage or number of immigrant children and youth?

Title III does not require SEAs to allocate funds reserved under section 3114(d) to eligible LEAs on a formula basis. SEAs must award these funds to LEAs that have experienced a significant increase in the percentage or number of immigrant children and youth. In awarding these subgrants, SEAs must equally consider LEAs that have limited or no experience in serving immigrant children and youth and the quality of the local plans that the LEAs submit under section 3116. SEAs must also ensure that each subgrant is of sufficient size and scope to meet the purposes of Title III.

J-5. Can a LEA receive a subgrant based on the number of LEP students and also receive funds under the 15 percent set aside for LEAs with a significant increase in immigrant students?

Yes. A LEA can receive both types of grants.

J-6. Under the Federal formula for awarding Title III funds to States, the Department allocates 20 percent of the funds based on State shares of immigrant children and youth. What data does the Department use to calculate this part of the State allocation?

The Department uses data reported by the State to determine State immigrant allocations. In their application, States must report how many immigrant children and youth, as defined by section 3301(6), are present in the State. Students may be counted if they meet this definition whether or not they are enrolled in districts with concentrations of these students. States will indicate the total number of limited English proficient students and the total number of immigrant children and youth separately and then together.

J-7. Under the Federal formula, funds are allocated based on the number of limited English proficient students and the number of immigrant students. Should States ensure that only "immigrant" funds are used for "immigrant" students?

While the Federal formula uses both LEP data and immigrant data in calculating State allocations, States do not have to account for these funds separately. The award to the States under Title III creates a single program to serve LEP students, whether or not they meet the definition of immigrant children and youth.

J-8. Doesn't the formula double count most immigrant students?

Yes. States should conduct two separate counts of all students who are eligible under the definition of immigrant children and youth and under the definition of limited English proficient (ESEA, Title IX, Section 9101(25)). Most immigrant students are also limited English proficient and should be included in both counts. However, if an immigrant student were not LEP, that student would not be counted twice.

J-9. Are there special required activities for LEAs that receive grants under section 3114(d) (substantial increase in percentage or number of immigrant students)?

Under the statute, the LEA must provide enhanced instructional opportunities for immigrant children and youth, which may include:

“Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

“Support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“Identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

“Basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

“Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education;

“Activities coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

J-10. Do LEAs applying for subgrants under section 3114(a) have to submit a narrative on how they propose to spend the funding for immigrant children and youth?

Only school districts applying for funds under section 3114(d) (the reservation of funds for immigrant children and youth) are required to include a specific description of how they propose to serve immigrant children and youth.

J-11. What is the definition of 3 full academic years when counting immigrant children and youth?

Immigrant children and youth are students who were not born in any State and have not been attending one or more schools in any one or more States for more than 3 full academic years. Some States define an academic year as 9 months, while other States count an academic year as 10 months. If a student has been in different schools in different school districts and even in different

States, the number of months that the student has been in school in any one or more States must not add up to a total of more than 3 full academic years.

K. DEFINITIONS

K-1. Section 3111(c)(4) requires the Department to use either "data available from the Bureau of Census" or data submitted by the States during the first two years of the program. What does "data available from the Bureau of Census" mean?

The reference in the statute to "data available from the Bureau of Census" means data from the 2000 Census. Data on LEP students for all States will be available in September 2002.

K-2. How is "language instruction educational program" defined?

"Language instruction educational program" means an instruction course in which LEP students are placed for the purpose of attaining English proficiency, while meeting challenging State academic content and student academic achievement standards. A language instruction educational program may make use of both English and a child's native language to enable the child to develop and attain English proficiency. Programs may include the participation of English proficient students in addition to LEP students if such a program enables participating students to become proficient in English and a second language.

K-3. What are "specially qualified agencies"?

The term "specially qualified agency" is defined in ESEA, Title III, Section 3301(13) and means an LEA in a State where the SEA:

- (a) does not apply for Title III funding, or
- (b) submits a plan (or any amendment to a plan) that is not approved by the Department.

K-4. As used in Title III, what do the terms "supplement" and "supplant" mean?

The statute, in section 3115, requires that funds available under a subgrant be used "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 limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds." In this section, "supplement" means "an addition," and "supplant" means "to take the place of."

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