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National Evaluation of Title III Implementation—Report on State and Local Implementation

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Contents

Exhibits

I. Introduction

II. Identification and Exit of English Learners

III. Instructional Programming and Placement

IV. Standards and Assessments

V. Title III Accountability

VI. State and District Capacity to Implement Title III

Appendix A. Supporting Materials on Methodology

Appendix B. Supporting Materials on Identification and Exit of English Learners

Appendix C: Supporting Materials on Instructional Programming and Placement

Appendix D. Supporting Materials on Standards and Assessments

Appendix E. Supporting Materials on Accountability

Appendix F. Supporting Materials on State and District Capacity to Implement Title III

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Executive Summary

The federal government has had a long-standing commitment to ensuring access of English Learner (EL) students to a meaningful education. As early as 1968, the *Elementary and Secondary Education Act* (*ESEA*) contained provisions for supporting the education of EL students and in its 1974 landmark decision, *Lau v. Nichols*, the U.S. Supreme Court declared, "There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education" (*Lau v. Nichols* 1974). In 2001, when *ESEA* was reauthorized as the *No Child Left Behind Act* (*NCLB*), the law substantially strengthened the federal focus on the relationship between English language proficiency (ELP) and academic success. In particular, Title III added provisions intended to "promot[e] English acquisition and help English language learners meet challenging content standards" (National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs [NCELA] 2008a). Under Title III, for the first time, districts were held accountable for the progress of EL students both in acquiring English and in achieving states' challenging academic standards.[1] Federal Title III funding was $730 million in fiscal year 2009 and was $750 million in fiscal year 2010 (U.S. Department of Education 2011).

Drawing on data collected through interviews with Title III officials from all 50 states and the District of Columbia, a nationally representative survey of Title III district administrators, and case studies of 12 Title III districts, this report provides a picture of how states, districts, and schools were implementing the Title III provisions as of the 2009–10 school year. This report also presents findings based on the most recent Consolidated State Performance Reports (2008–09) that were available at the time of the data collection and provides some data from 2006–07 from an evaluation of *NCLB* in order to provide historical context on some of the issues discussed in the report. This report documents the variation across states regarding standards for ELP, assessments to measure ELP, targets for the achievement of districts' EL students, and consequences for districts that do not meet their targets. This report also examines how state policies translate into district practices around identifying EL students and exiting students from the EL subgroup, the various instructional models and strategies districts are implementing to serve ELs, and state and district capacity to implement the law's provisions and to meet the needs of this growing and important student population.

Focus of This Report

This study aimed to meet three objectives:

—**Objective 1:** To describe the progress in implementation of Title III provisions, and variation in implementation across states.

—**Objective 2:** To examine programs and services that localities have in place to meet the needs of EL students and how these relate to state policies and contexts.

—**Objective 3:** To maintain a focus, in all project data collection and analysis activities, on the diversity among EL students—for example, in their concentrations, languages, ages, and length of residence in the United States—and the educational implications of this diversity.

1. Title III requires specified accountability reporting and actions only for a subset of districts serving ELs—that is, for those districts receiving Title III funding. In 2004–05, 33 states, the District of Columbia, and Puerto Rico reported Title III accountability results only for districts receiving Title III funding; another three states reported for both Title I and Title III districts; and 13 states reported for all districts with ELs (Le Floch et al. 2007).

With these objectives in mind, this report presents findings that address research questions covering the following areas of interest:

—Identification and exit of students into and out of the EL subgroup

—Instructional programming and placement of EL students

—State ELP standards and assessments

—Development and implementation of Title III accountability

—State and district capacity to promote EL language acquisition and achievement

Key Findings

Identification and Exit of EL Students

The criteria and processes used to determine who is—and who is not—a member of the EL subgroup have far-reaching consequences for Title III funding levels, accountability, and service delivery. Although Title III provides a broad federal definition of an EL, states and districts across the country vary in the ways in which they put this definition into practice. As a result, a student classified as an EL in one state or district may not be considered an EL in another.

In 2009–10, English Learners (ELs) represented a large and growing subgroup of students in school districts across the country.

Nationally, the number of ELs served by Title III–funded programs in kindergarten through 12th grade (K–12) increased by 18 percent between the 2002–03 and 2007–08 school years, growing from approximately 3.7 million students to 4.4 million students (Boyle et al. 2010). Indeed, among Title III districts, 35 percent of districts reported that their EL enrollment had increased by more than 25 percent since September 2004, and by the 2009–10 school year, 24 percent of all students enrolled in Title III districts[2] were ELs.

In 2009–10, states varied in the degree of discretion that they allowed districts with regard to practices for identifying ELs and exiting them from EL status.

In 2009–10, eight states and the District of Columbia had established consistent statewide criteria for identifying ELs, while the remaining 42 states provided districts with discretion in making identification decisions. Eighteen states and the District of Columbia had established consistent criteria within their states for exiting students from the EL subgroup, while the remaining 32 states allowed for district discretion. Thus, a student who is considered an EL based on one district's criteria may not be eligible for services, or may be exited from services in another district, even within the same state.

2. Title III districts are school districts that receive funding through the federal Title III program, which issues formula grants to states that then subgrant these funds to applicant districts on the basis of the size of their EL population. In 2008–09, approximately 27 percent of U.S. school districts received funding through Title III (Consolidated State Performance Reports 2008–09; Keaton 2010).

Officials from 45 states and the District of Columbia reported that the identification process for ELs typically began with a home language survey, followed by an assessment of English proficiency.

Although criteria varied across jurisdictions, according to data collected through state-level interviews, the identification process most typically began with a home language survey administered to incoming students at the time of enrollment (with variation in the level of flexibility afforded districts in selecting the questions asked on the survey). The home language survey was used to identify potential EL students, who then went through an additional screening process to assess their level of English proficiency. While some districts used the results of English proficiency assessments as the sole criterion for determining EL status, others used multiple criteria—such as parental input, teacher judgment, academic achievement tests, and native language tests—in determining whether or not a student qualified for EL services. Once students were identified as ELs according to the state or district's criteria, they were typically placed in services that address their language and academic needs until they meet the exit criteria established by the state or district.

In 2009–10, 94 percent of districts reported using state ELP test scores as a criterion for exiting students from EL status, a practice that was required or recommended in 49 states and the District of Columbia.

Nationwide, 94 percent of officials from Title III districts indicated that they considered state ELP test scores as at least one factor in determining whether students had reached a sufficient level of English proficiency to exit the EL subgroup. Almost all states (46 and the District of Columbia) required districts to consider these state ELP test scores when making exit decisions. Another three states recommended that districts use the state ELP test scores as exit criteria. Only one state allowed, but did not explicitly require or recommend that districts use state ELP test scores. Other criteria that districts frequently used to make exit decisions included state content-area assessment results, local review committee recommendations, teacher recommendations, parental input, and course grades.

As of the 2009–10 school year, all 50 states and the District of Columbia tracked former ELs' academic outcomes for two consecutive years or more after they exited EL status, and 73 percent of Title III districts maintained a districtwide database that included former ELs' academic outcomes.

ESEA requires districts to track the progress made by children in meeting challenging state academic content and student academic achievement standards for the two consecutive years after such children are no longer receiving services (Title III, Part A, Subpart 2, Section 3121 (a)(4)). As of 2009–10, state Title III officials in all 50 states and the District of Columbia reported that they were complying with this provision of the law. Though state databases were not necessarily funded through Title III, officials from 73 percent of Title III districts indicated that they maintained a districtwide database that included academic outcomes of former ELs. At the district level, data on former ELs were also used in some cases to ensure these students continued to receive the support they needed. For example, officials from 78 percent of Title III districts reported that they provided tutoring for former ELs at the elementary level during the first year after they exited EL status as a means of extending instructional support even after the students exited Title III services, and 80 percent of Title III districts provided this support at the secondary level. Officials from 65 percent of Title III districts reported providing an academic counselor or a support teacher at the elementary level, and 78 percent provided this assistance at the

secondary level. Finally, approximately 30 percent of Title III districts provided a peer counselor or English proficient "buddy" for former ELs during the first year after they exited EL status.[3]

Instructional Programming and Placement

Title III requires districts to provide scientifically research-based programs for ELs designed to support their English language development and proficiency, and to help ELs meet challenging state academic-content and student academic-achievement standards in the core academic subjects (*ESEA*, Section 3115). Nationwide, districts have implemented a variety of EL programs and services to meet these objectives, which can largely be grouped into three broad categories: (1) English as a Second Language (ESL) instruction, (2) content instruction designed for ELs, and (3) instruction using students' native language(s) (Center for School and District Improvement 2004; Linquanti 1999; Reed and Railsback 2003; Rennie 1993). These approaches are not mutually exclusive, and in many districts and schools a combination of these programs and services are used to instruct ELs.

In 2009–10, ESL instruction was the most common type of EL service among Title III districts, with 98 percent providing these services to at least some ELs.

ESL instruction focuses on developing proficiency in the English language, including grammar, vocabulary and communication skills (listening, speaking, reading, and writing). ESL instruction is usually provided in English only, although some ESL programs may include use of students' native languages (Linquanti 1999; Reed and Railsback 2003). At the elementary level, ESL instruction may be offered by the regular classroom teacher with groups that may include ELs and non-ELs, it may be provided by an ESL specialist that comes to the classroom ("push-in"), or it may delivered in a "pull-out" model.

According to the nationally representative survey, ESL instruction was the most commonly implemented service for ELs among Title III districts at both the elementary and secondary levels. At the elementary level, officials from almost all (97 percent) of surveyed Title III districts reported providing this service within or outside the regular classroom. Similarly, at the secondary level, 95 percent of Title III district respondents reported that their district provided this service for ELs.[4]

Administrators in 87 percent of Title III districts reported that schools in their districts provided content instruction in English, with adjustments to make the material more accessible for ELs.

Instruction in native language were the least frequently reported EL services among Title III districts, but were still provided in more than half the Title III districts (57 percent) in 2009–10.

In 2009–10, officials in slightly more than half the Title III districts reported that schools in their districts provided at least some instruction for ELs using a student's native language(s). Native language instruction could be used to deliver content-area instruction (e.g., instruction in mathematics, science, or social studies), to deliver language arts instruction in the native language, or in two-way or dual immersion programs involving both ELs and native English speakers. Instruction in the native language was more common at the elementary level (51 percent of Title III district officials reported providing native language instruction at the elementary level in at least some of their schools) than at the secondary

3. These services for former ELs were not necessarily provided using Title III funds.

4. The percentages, by elementary and secondary levels, were lower than the overall total of 98 percent for all Title III districts because some districts offered ESL instruction for either the elementary or secondary level but not for both.

level (42 percent).[5] Nineteen states and the District of Columbia had established formal policies that influenced EL programming and placement decisions at the district level.

States provided guidance to districts regarding the programs and services that must be available for ELs. Although most state officials did not report having formal policies mandating that districts use specific instructional approaches or models for ELs, officials from 19 states and the District of Columbia did report having formal policies in place. These states' policies focused on the language of instruction that could be used to teach ELs or the amount of time students must spend in English language instructional programs per day or week. For example, officials from at least 18 of the 19 states and the District of Columbia reported having formal policies addressing the language of instruction in classrooms, with 10 states and the District of Columbia permitting the use of students' native language and eight states limiting or restricting its use. Three states had specific policies mandating the amount of instructional time during which EL students should receive services for developing English proficiency.

As of the 2009–10 school year, nearly half of Title III district officials (46 percent) reported that a lack of information on proven curricula and programs for ELs was a moderate or major challenge.

Title III requires districts to provide ELs with language instruction educational programs that have demonstrated effectiveness in increasing English proficiency and academic achievement in the core subjects (*ESEA,* Section 3115). However, identifying scientifically research-based programming for ELs appears to have been a difficult task for many districts. The research on effective programs for English Learners is limited (Gersten et al. 2007; August and Shanahan 2006), and officials in 46 percent of Title III districts reported that a lack of proven curricula and programs for ELs was a moderate or major challenge. Likewise, interviewees and focus-group participants from the 12 case study districts reported that they felt they had limited information about the effectiveness of their programs. Identifying and implementing research-based strategies remained a concern for district leaders and school staff.

State ELP Standards and Assessments

Title III changed the accountability landscape for ELs. For the first time, federal law required states to develop English language proficiency (ELP) standards, to adopt valid and reliable assessments aligned to ELP assessments, and to measure ELs' progress toward and attainment of English language proficiency.[6]

In 2009–10, Title III officials in 45 states and the District of Columbia reported that their state's ELP standards had been linked to or aligned with state content standards in at least one or more core subject.

Based on self-reported data from state Title III officials, 45 states—41 states and the District of Columbia—have aligned or linked their states' ELP standards with their states' ELA content standards. More specifically, Title III officials from 29 states and the District of Columbia reported alignment or linkage with mathematics content standards; 24 states and the District of Columbia reported alignment or linkages with science standards; 14 states and the District of Columbia reported linkage or alignment with social studies standards; and three states reported alignment or linkage with history standards. State Title III officials from the majority of these states (33 and the District of Columbia) reported that their

5. Individual percentages at elementary and secondary levels were lower than the overall 57 percent because some districts offered instruction in the native language for either the elementary or secondary level but not for both.

6. Title I, Section 1111(b)(7), of the *ESEA* also requires an annual assessment of English language proficiency (ELP), which can be the same assessment used to satisfy the Title III requirement.

ELP standards had been aligned or linked with two or more of these core content area standards. The effectiveness of the alignment process and the quality of the ELP standards and assessments being used by states were not evaluated by the research team for this report.

As of 2009–10, 48 states and the District of Columbia reported having completed a process to align the state ELP test with the state ELP standards; the remaining two states indicated plans to do so.

Title III of *ESEA*, as amended by *NCLB*, requires states to adopt an ELP test that measures the four domains of speaking, listening, reading, and writing, and that aligns with the state's ELP standards. As of 2009–10, state Title III officials from a total of 48 states and the District of Columbia reported that their state had conducted alignment studies or carried out a process for ensuring the alignment of their adopted ELP assessment with their ELP standards. This information is based solely on states' self-reports and reflects no analysis of the quality of these studies or processes. Officials from the remaining two states reported plans to do so. States relied on one, or a combination of two or more, of the following parties to carry out the alignment process: multistate consortium staff,[7] outside contractor, test developer, a committee of state and local practitioners, or expert consultants.

As of the 2009–10 school year, state officials from about one-third of the states (17) anticipated making changes to their ELP standards in the near future.

Although the majority of state officials (33 and the District of Columbia) did not anticipate changing their current (2009–10) ELP standards in the near future, close to one-third (17 states) anticipated revisions to their ELP standards. The reasons for the changes varied across states but largely fell into three categories: (1) The state planned to revise or adopt entirely new ELP standards to enhance their quality; (2) the state anticipated altering its ELP standards as part of a process for creating alignment between the ELP standards and the state ELP assessment; (3) the state was planning to adopt or revise its content standards and would thus need to revisit its ELP standards to ensure alignment or linkages between ELP and content standards. The adoption of the Common Core State Standards (CCSS) was one of the primary reasons reported by state officials for anticipating a need to refine or revise their state's ELP standards.

In 2009–10, Title III officials from all 50 states and the District of Columbia, and from the majority of surveyed districts (75 percent), reported providing training or guidance on ELP standards to local educators.[8]

State Title III officials from all 50 states and the District of Columbia reported providing guidance to districts on the state ELP standards. States typically used one or a combination of the following strategies for supporting districts' implementation of ELP standards:

—Guidance documents or resources posted on the state website

7. To support the development of state ELP standards or assessments that were consistent with *ESEA* requirements, many states decided to band together to form multistate consortia, an option that allowed them to pool resources and share expertise. Many of these consortia received financial support for their endeavors through Enhanced Assessment Grants awarded by the U.S. Department of Education under sections 6111 and 6112 of *ESEA*, which gave priority to projects aimed at improving assessments for ELs and students with disabilities.

8. State Title III officials reported providing training and guidance on ELP standards to various types of local educators, including district administrators, principals, and teachers of ELs. Surveyed Title III districts reported whether they provided training on the ELP standards to teachers.

—Annual, formal training sessions

—Ongoing training at workshops throughout the year

—As-needed or by-request technical assistance and training

In addition to state-level guidance, officials from 75 percent of the Title III districts reported offering support on the use of the state ELP standards to teachers, as did Title III officials in all 12 of the case study districts. However, the amount and type of opportunities in which teachers in the case study districts participated varied substantially, from formal district- or schoolwide trainings to informal, as-needed, job-embedded support. By way of historical context, it is interesting to note that data collected in 2006–07 and reported in *State and Local Implementation of the No Child Left Behind Act, Volume IX—Accountability Under NCLB Final Report* (Taylor et al. 2010) revealed that principals from one-third of schools nationwide[9] reported needing technical assistance to meet the needs of EL students. About one-quarter of principals from these schools reported that they did not receive such assistance from any source, and about one-quarter of the principals that did receive it reported that it was not sufficient to meet their needs. Overall, principal respondents from about one-half of the schools that needed technical assistance to improve services for EL students reported not having their needs met (Taylor et al.).

In 2009–10, close to half of state Title III officials reported using ELP test data to inform policies and practices for ELs and large majorities of district Title III officials reported using ELP test data to make instructionally related decisions for EL students, their teachers and schools.

While state Title III officials from all 50 states and the District of Columbia reported using the ELP test data for accountability purposes, such as making AMAO calculations and submitting federally required reports, state Title III officials from some states also described using these data to inform professional development and technical assistance (28 states), to drive school and district improvement (23 states and the District of Columbia), and to measure ELs' progress (23 states). These findings demonstrate that close to half of the states have used ELP test data not just to fulfill federal reporting requirements but also to inform policies and practices for serving ELs.

District survey results demonstrate that Title III districts used ELP test data to group EL students for instruction within or between classes (85 percent of Title III districts), to detect gaps in the curriculum for ELs (68 percent), and to plan professional development for teachers of ELs (73 percent).

Officials and educators in Title III case study districts raised two major concerns associated with testing ELs: (1) too much time allocated to ELP and content-based testing, and (2) the lack of validity and the appropriateness of testing ELs in English on state content-based exams.

The time allocated to testing was a common concern raised across respondents from nine of the 12 case study districts. Respondents expressed concern about the burden placed on teachers and staff and the loss of instructional time due to the number of varied state, district, and school-level testing requirements for both ELP and content testing and the lengthy amount of time required to administer them. Respondents from seven of the 12 case study districts also raised concerns about the validity of administering content-area tests in English to EL students before they were proficient in English.

9. The 2006–07 data reflect reports from a nationally representative sample of all U.S. districts and schools, and were not limited to Title III districts, as in the current study.

Development and Implementation of Title III Accountability

Title III, Section 3122(a), requires states to establish accountability systems to monitor state and district performance in supporting ELs' English language proficiency development and mastery of challenging academic content. Under these accountability systems, states must set three performance objectives known as Annual Measurable Achievement Objectives (AMAOs), and then hold Title III–funded districts accountable for meeting those performance objectives every year. Title III districts that do not meet their AMAOs for two or four consecutive years are subject to state actions and support. The three AMAOs are defined as follows:

1. Annual increases in the number or percentage of students making progress in learning English (AMAO 1)
2. Annual increases in the number or percentage of students attaining English proficiency (AMAO 2)
3. Making AYP for limited English proficient children as described in Title I, Section 1111(b)(2)(B), of *ESEA* (AMAO 3)

As of 2009–10, nearly all states (48 and the District of Columbia) had revised their AMAOs since putting them into place, and most states (26) had instituted new AMAOs within the last two years.

In the early years of Title III implementation, states had limited data, guidance, and infrastructure to inform the development of their AMAOs. As a result, in the years following states' initial implementation of AMAOs, these Title III objectives were refined and revised as states made improvements to their ELP assessment system, acquired additional years of ELP test data, and gained access to new guidance and research. As of 2009–10, officials in nearly all states (48 and the District of Columbia) reported that they had revised their AMAOs at least once, and officials in 17 of those states indicated that they had revised their AMAOs multiple times. The nature of these revisions varied, ranging from small adjustments in AMAO targets to a complete overhaul in how the state defined and calculated its AMAOs. An important implication of such widespread revisions is that states' criteria for meeting AMAOs may differ from one year to the next; thus, it would be inappropriate to compare those AMAO performance results across years.

Due to variation in how states defined and measured their AMAOs, AMAOs in one state were not comparable to AMAOs in another state.

While all states and the District of Columbia base AMAO 1 and 2 determinations on students' ELP assessment results,[10] states' numeric targets and definitions of "progress" and "proficiency" for these AMAOs have varied across states since Title III was enacted. One source of this variation stems from differences in states' ELP assessments; yet, even states that shared a common ELP test employed different approaches for making AMAO determinations (Boyle et al. 2010). In addition, several studies have documented differences in how states determine adequate yearly progress (AYP) under Title I, which serves as the basis for AMAO 3 (e.g., Taylor et al. 2010). As a result, differences in how states have defined their three AMAOs precludes comparisons of performance from one state to another, and

10. In one state, New Jersey, criteria other than student ELP assessment results factored into AMAO 2 determinations because the state defined attaining proficiency under AMAO 2 as exiting EL status (rather than attaining ELP), and it required EL exit decisions to be based on multiple factors beyond the student's ELP assessment performance, such as a student's class work, teacher recommendations, reading level, and performance on standardized assessments.

different states may designate more or fewer Title III districts for accountability actions and support depending on the rigor of their AMAOs.

Only 10 states met their state-level AMAOs for the 2008–09 school year, but at the district-level, 55 percent of Title III districts nationwide reported meeting their AMAOs in 2008–09.

According to annual state performance reports, only 10 states met all three of their state-level AMAOs for 2008–09.[11] These states constitute a diverse set and include states with large numbers of ELs, states with small numbers of ELs, states with growing EL populations, and states with a long history of serving ELs. Among Title III districts that reported an AMAO status for 2008–09, about half (55 percent) indicated that they had met all three AMAOs in the 2008–09 school year. However, altogether, these districts served less than half of the nation's EL population (39 percent); thus, the majority of ELs were enrolled in districts that did not meet all three of their AMAOs in 2008–09. Of the three individual AMAOs, Title III districts were least likely to report meeting AMAO 3, making AYP for the EL subgroup, in 2008–09 (64 percent of Title III districts, compared with 89 percent that reported meeting AMAO 1 and 82 percent that reported meeting AMAO 2).

Based on 2008–09 data, about one-third of Title III districts, which collectively served about one-half of the nation's EL population, reported missing at least one of their AMAOs for two (22 percent) or four (11 percent) consecutive years, subjecting them to accountability actions under Title III.

Among Title III districts that could report their Title III accountability status for 2008–09 (89 percent of Title III districts), 22 percent reported missing AMAOs for two consecutive years, and 11 percent reported missing AMAOs for four consecutive years.[12] These districts accounted for approximately 50 percent of the nation's Title III-served ELs. Indeed, Title III districts with larger numbers of ELs were more likely than districts with smaller EL populations to indicate that they were designated for improvement actions under Title III after missing AMAOs for two or four consecutive years. About half (51 percent) of Title III districts that served more than 1,000 ELs reported missing AMAOs for either two (30 percent) or four (21 percent) consecutive years whereas 20 percent of Title III districts that served 150 ELs or fewer reported missing AMAOs for two or four consecutive years (16 percent and 5 percent, respectively).[13]

In 2009–10, all states with Title III districts that had missed AMAOs for two consecutive years (46 and the District of Columbia) reported requiring those districts to develop an improvement plan, and most states with Title III districts that had missed AMAOs for four consecutive years reported requiring such districts to make instructional changes (18 of 24 states as well as the District of Columbia).

A chief function of Title III accountability systems involves building capacity and stimulating activities to improve EL services among Title III districts that repeatedly miss their annual performance objectives. To this end, states must require any Title III district that misses its AMAOs for two consecutive years to

11. Information on which of the three AMAOs the other 40 states and the District of Columbia missed in 2008–09 is not available. The 2008–09 CSPR data were used because these were the most recent data available at the time the report was drafted.

12. Title III districts that reported missing AMAOs for four consecutive years are not included in the percentage of Title III districts that reported missing AMAOs for two consecutive years.

13. Percentages do not add to total because of rounding.

develop an improvement plan that will enable the district to meet its AMAOs in the future. Title III also calls for states to impose additional actions—such as curricular, programmatic, and instructional modifications; personnel replacement; or termination of funds—on Title III districts that miss their AMAOs for four consecutive years. States are responsible for providing assistance to districts in developing these improvement plans and in implementing the necessary changes.

Officials in every state (46) and the District of Columbia that had designated Title III districts as missing AMAOs for two consecutive years required these districts to develop an improvement plan for the instruction of ELs. The nature of these improvement plans varied: some simply included a few questions as part of the consolidated application or Title I district improvement plan, while other districts had developed a comprehensive template for EL improvement activities. Officials from 16 of the 24 states with Title III districts that had missed AMAOs for four consecutive years reported requiring such districts to write or revise improvement plans to feature significant changes in their approach to serving ELs. Officials from 18 states and the District of Columbia indicated that they required—or would consider requiring in the future on a case-by-case basis—such districts to modify their curriculum, program, or method of instruction.

State and District Capacity

State education agencies and districts are responsible for carrying out the major provisions of Title III, including the identification and placement of ELs, the adoption and use of ELP standards and assessments, the development of accountability measures of Title III districts, and the management of systems to support data-informed decision-making. The ability of states and districts to fully implement these tasks requires internal capacity with regard to staffing, funding, and infrastructure. In particular, the implementation of Title III requires substantive expertise in issues related to ELs. Successful implementation may also be fostered through collaboration within the state education agency, whether between the Title III and Title I staff, or with state officials with expertise in assessment, curriculum, or data systems.

In 2009–10, 30 states had fewer than two full-time staff, or the equivalent, working on issues related to Title III.

When asked if their state had appropriate resources to implement Title III, officials in 15 states specifically mentioned staff limitations as a challenge, with regard to the number of staff devoted to Title III issues or the lack of expertise in issues related to ELs. In 2009–10, officials from 30 states reported that fewer than two full-time equivalent (FTE) positions were allocated to Title III at the state-level.[14] In contrast, six states employed five or more FTEs for Title III. On average, states with a greater number of Title III–funded students employed a greater number of Title III staff at the state level: States with more than 100,000 Title III students retained an average of 8.2 FTEs in 2009–10, whereas states with fewer than 20,000 Title III students employed an average of 1.3 FTEs. Officials from few states (seven) reported that the Title III director focused exclusively on Title III. Thirty-three state Title III directors also worked on other programs related to ELs and 11 worked on Title I.

14. Note that "one FTE" means the equivalent of one full-time position, not necessarily one staff person. One FTE may be staffed by two people at half-time, for example.

Officials from 17 states reported close collaboration between Title I and Title III program offices in 2009–10.

One way in which state education agencies leverage internal expertise is to facilitate coordination between the Title I and Title III program staff. Both federal programs have similar substantive activities (standards, assessments, and support for low-performing schools and districts), and Title I accountability includes attention to EL performance. In 2009–10, officials from 17 states reported close collaboration between Title I and Title III. In another 28 states and the District of Columbia, officials reported some coordination but noted limitations. In five states, however, interviewees reported no coordination among federal program offices.

Although Title III funds are disbursed by formula, the 2009 per-pupil funding levels ranged from $457 in Pennsylvania to $86 in Alaska.

Under Title III, each state education agency with an approved Title III plan is awarded funds by formula, in proportion to the number of school-age English Learners and of school-age immigrants in the state—but not less than $500,000. In the 2009 fiscal year, three states (South Dakota, Vermont, and Wyoming) received the minimum state allocation. In contrast, California received over $168 million and Texas more than $98 million. Despite the fact that Title III funds are administered on a formula basis, there was wide disparity in per-pupil funding levels calculated on the basis of state reports of EL enrollment. For example, while the per-pupil funding level was less than $120 in seven states, it exceeded $300 in four states; this situation derives in part from the fact that Title III funding to states has been determined based on data from the American Community Survey, which provides estimates of the numbers of ELs based on a sample, rather than state reports of EL and immigrant student enrollment. See the National Research Council (2011) report, *Allocating federal funds for state programs for English language learners*, for a more detailed discussion of how these federal funds are allocated.

In 2009–10, officials in Title III districts reported spending nearly half of their Title III funds on instructional staff, and approximately one-quarter on instructional materials, equipment, and technology.

In 2009–10, officials in Title III districts reported spending an average of 45 percent of their Title III funds on instructional staff, and an average of 24 percent on instructional materials, equipment, and technology. Smaller proportions of Title III funds were spent on professional development (18 percent), parent involvement (5 percent), and instructional support staff (5 percent).

In 2009–10, funding for ELs was a challenge reported by Title III districts, both among survey respondents and case study districts.

Although district administrators reported that they appreciated the Title III funds, they acknowledged that Title III funds provide a rather small supplement to the state and local monies that serve as the primary source of funding for EL services.[15] Moreover, one of the most prominent challenges reported by administrators surveyed in Title III districts was "insufficient funding for EL services," reported to be a moderate or major challenge by 71 percent of districts. Among the 12 case study districts, six reported challenges associated with recent budget cuts in funding for ELs.

15. States have primary responsibility to fund services for ELs, and Title III is intended to supplement those funds.

In 2009–10, officials in 74 percent of Title III districts reported that all teachers serving ELs were fully certified for their positions. However, officials in more than half of Title III districts reported difficulty recruiting some categories of EL teachers.

Ensuring that teachers of ELs—including ESL teachers, bilingual teachers, and mainstream classroom teachers—have the appropriate qualifications and expertise to teach ELs is a central capacity-building role of states and districts. One of the main mechanisms for carrying out this role is through certification requirements. Overall, in 2009–10, 49 states and the District of Columbia offered an ESL certification or endorsement, and in 41 of these, such certification was required for teachers who specialize in EL instruction. In another three states this certification was recommended. In five states, ESL certification was not required, although the states did offer such certification or endorsements.

Among Title III districts, 74 percent reported that all teachers of ELs were fully certified for their positions, and in only 7 percent of districts were more than 10 percent of teachers not fully certified for their positions. However, it appears that "full certification" is not equivalent to "adequate expertise" from the perspective of district EL administrators: among those surveyed, 73 percent reported that "lack of expertise among mainstream teachers to address the needs of ELs" was a moderate or major challenge. Furthermore, officials in 54 percent of Title III districts reported difficulty hiring secondary content area teachers with training to provide instruction for ELs.

In 2009–10, 87 percent of Title III districts reported implementing at least one strategy to recruit and retain highly qualified teachers of ELs.

The most frequently reported strategy to support teachers of ELs was the provision of financial incentives to pursue advanced course work, such as stipends for course work or paid release time for professional development (43 percent of Title III districts). In addition, about one-third of Title III districts established partnerships with universities (35 percent), and another third developed teacher induction programs specifically for teachers of ELs (32 percent). Fewer districts (12 percent) reported financial incentives to recruit teachers, such as signing bonuses or housing incentives.

Conclusion

Overall, the findings presented in this report suggest that states and districts are implementing the provisions of Title III but challenges remain as states and districts strive to put the law into practice across a wide range of educational contexts.

—Title III districts vary considerably in the criteria they use to determine which students are considered ELs, meaning that a student who is identified as an EL according to one district's practices may or may not be identified as such according to another district's practices (even within the same state), raising implications for state and local EL funding levels, accountability, and service delivery for this subpopulation.

—State ELP standards and assessments have provided new tools and data to guide the instruction of ELs, but many states are still working to revise and improve these tools. Educators may still need additional support in meeting the needs of ELs in the classroom, and educators interviewed in this study expressed some concerns about the validity of content assessments for ELs. Some of these educators also perceived that the administration of assessments can come at the cost of lost instructional time for students and staff.

—States have established accountability systems that direct consequences and support to districts needing to improve EL outcomes; however, the performance objectives that underlie these

systems vary considerably across states and have undergone considerable revision, complicating comparisons of performance across states and over time.

—States and districts indicated limitations in their capacities to support EL needs as they confronted challenges associated with insufficient funding for EL services, limitations in their data systems, shortages of staff with EL expertise, and a lack of information on proven programs for serving ELs.

Despite the challenges expressed here, Title III seems to have raised awareness of the needs of ELs, an historically overlooked population, as states, districts, and schools have engaged in increased efforts to accurately identify ELs, place them into instructional services that meet their needs, and assess and monitor their progress toward attaining proficiency in English and achieving state academic standards.

I. Introduction

Proficiency in English opens doors to opportunities—to learn the academic curriculum, to graduate from high school and pursue postsecondary education, and to obtain high-paying and rewarding work. However, 4.7 million students in U.S. schools come from a non-English-speaking background and have not yet developed the level of English proficiency needed to achieve academically and compete for jobs in an increasingly global and knowledge-based economy. With data suggesting that the number of English Learners[16] (ELs) will continue to grow in coming years, addressing the needs of ELs has become an urgent challenge to states and school districts across the nation (Capps et al. 2005). In the 2008–09 school year, the K–12 EL population in the 50 states and the District of Columbia totaled approximately 4.7 million, or close to 10 percent of the kindergarten through 12th grade (K–12) enrollment in public schools nationwide,[17] with public schools in every state enrolling EL students. These data demonstrate an increase of about 150 percent from 1989–90 (National Clearinghouse for English Language Acquisition, 2008b). Of these 4.7 million ELs, 4.4 million (95 percent) were enrolled in districts receiving Title III funds.[18] Title III of the *Elementary and Secondary Education Act (ESEA)*, reauthorized by the *No Child Left Behind Act of 2001 (NCLB)*, provides funds ($730 million in fiscal year 2009) for states, which in turn provide subgrants to districts[19] to develop standards-based programs and strategies for better meeting ELs' needs; Title III then requires states to hold recipient districts accountable for demonstrating improved outcomes for this traditionally underserved population.

While several states, such as California, Florida, and Texas, have long had large concentrations of EL students and have thus gained considerable experience in serving the needs of this student population, many states in the Southeast, Midwest, and interior West have seen tremendous growth in their EL populations in more recent years. These states have less experience addressing the specific academic issues associated with effectively supporting ELs in gaining English proficiency and content area mastery (Cosentino de Cohen et al. 2005). In 2008–09, the numbers of ELs enrolled in each state ranged from more than 1.5 million students in California (24 percent of the state's total K–12 enrollment) to fewer than 2,000 students in West Virginia and Vermont (where ELs represented approximately 1 and 2 percent of the total state enrollment, respectively) (see Exhibit 1).

16. The term "English Learner" refers to a student whose primary language is a language other than English and whose level of English proficiency is insufficient to support academic learning in a regular classroom in which English is the language of instruction. The *Elementary and Secondary Education Act* (*ESEA)* uses the term "limited English proficient" for such students; however, it has since become more common to use the term "English Learner," or EL. This report uses "English Learner" to refer to students who require additional instructional supports to fully participate in all-English classrooms until they achieve the requisite level of English proficiency.

17. The data on the K–12 EL population in the 50 states and the District of Columbia are derived from the 2008–09 Consolidated Performance Reports submitted by states, which have not been validated by the U.S. Department of Education, and the 2008–09 Common Core of Data.

18. The data on the number of EL students enrolled in districts receiving Title III funds and the overall number of EL students in California are derived from the 2008–09 Consolidated State Performance Reports.

19. The term "district" is used throughout this report in reference to any Title III subgrantee, including consortia of districts receiving Title III subgrants.

Exhibit 1
Number of ELs Enrolled in K–12, 2008–09 School Year

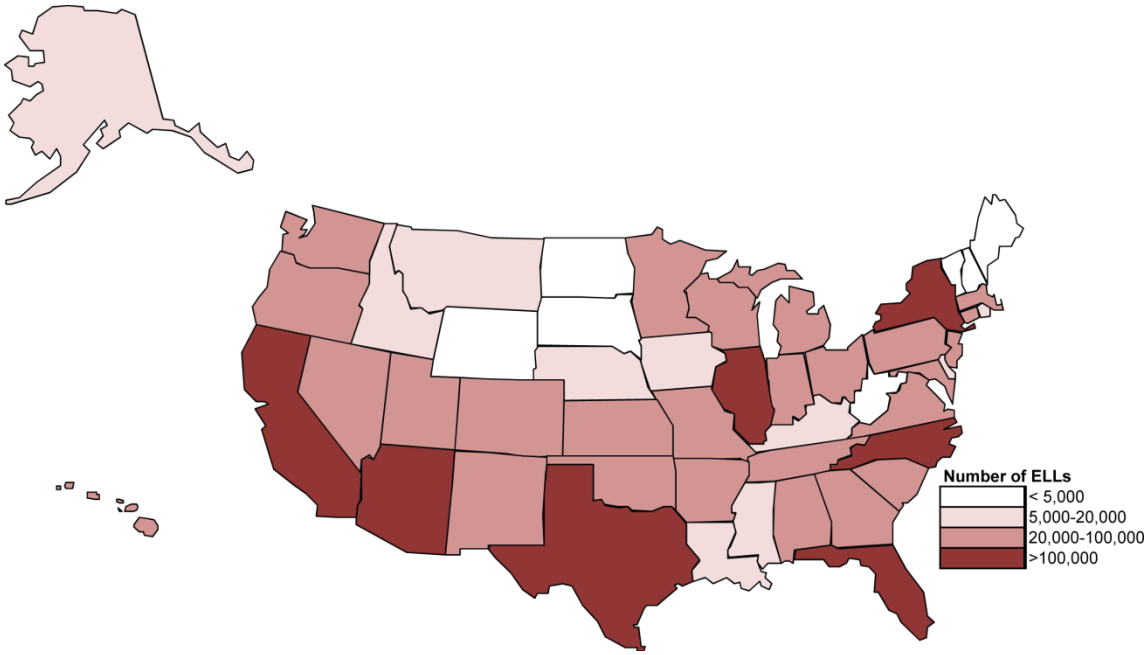


Exhibit reads: The darkest colored states reported that more than 100,000 students enrolled in K–12 were identified as ELs in the 2008–09 school year.

Source: Consolidated State Performance Reports, 2008–09 (n = 50 states and the District of Columbia)

Regardless of a state's or district's history with serving ELs, meeting their needs, always a complex task, has become even more so in recent years as schools are faced with the increasing linguistic diversity and heterogeneity of the population (Capps et al. 2005). More than 400 languages are spoken by ELs across the United States. The majority—80 percent—speak Spanish, while 5 percent speak various Asian languages, including Vietnamese, Hmong, Chinese, and Korean, as their first language (U.S. Department of Education, Office of English Language Acquisition 2008b). Moreover, many EL students face not only the challenges of learning a new language but those that derive from poverty. In 2000, 68 percent of EL children in prekindergarten (PK) through fifth grade were low-income, as were 60 percent of EL children in grades 6 through 12. These rates were nearly twice as high as the rates for English proficient children in comparable grades (Cosentino de Cohen et al. 2005).

Groups of EL students differ from one another in many ways that have important educational implications for states, districts, and schools. In addition to speaking diverse languages, as mentioned above, EL students include newcomers to the United States and long-term residents, students with a stable prior educational background and those with significant disruptions in their schooling, and young students just entering school as well as older students, who may confront greater difficulty learning a new language. Indeed, many states currently face the challenge of burgeoning numbers of ELs at the secondary level (Capps et al. 2005).

The challenge that educators encounter in addressing the needs of ELs is reflected in their reported need for technical assistance (TA). In a national survey of schools conducted as part of the National Longitudinal Study of the *No Child Left Behind Act of 2001* (NLS-*NCLB*), AIR researchers found that about one of every three schools in the nation reported needing assistance to meet the needs of ELs in

2005–06 or 2006–07. About one-third of these schools did not receive such assistance, and about two-fifths of the schools that did receive it were not satisfied that the assistance was sufficient to meet their needs. Overall, only about one-quarter of the schools that reported needing TA to improve services for ELs also reported that their needs for such assistance had been met (Taylor et al. 2010). One reason that schools have difficulty meeting the needs of EL students may be the paucity of evidence about the specific instructional practices or programs that produce better academic outcomes for these students (Genesee et al. 2006). Although, as of December 2010, the What Works Clearinghouse (http://ies.ed.gov/ncee/wwc/) identified 16 studies that reached the level of rigor necessary to determine whether these programs could produce significantly improved academic outcomes with EL students (14 of these 16 studies provided evidence of positive or potentially positive effects for at least one improvement outcome), there continues to be a lack of sufficient research aimed at understanding how to improve the quality of instruction for English Learners (Francis et al. 2006; Genesee et al. 2006; Gersten et al. 2007; August and Shanahan 2008).[20]

Purpose of This Study

This National Evaluation of Title III Implementation sought to provide an up-to-date, in-depth picture of implementation of the Title III provisions across the nation, as set forth by *ESEA*, reauthorized by *NCLB*. The evaluation was designed to provide multiple lenses through which to view program implementation in this report: interviews with Title III and assessment directors in all states, a nationally representative survey of 1,528 districts (in which 81.9 percent of the nation's EL population was served) receiving Title III funds, and case study data collection in 12 districts across five states. The study previously produced three evaluation briefs:

- "Title III Policy: State of the States" (Ramsey and O'Day 2010) focuses on state implementation of Title III, describing the title's main provisions, summarizing state actions to implement those provisions, and outlining key benefits and challenges that have emerged.
- "Title III Accountability: Behind the Numbers" (Boyle, Taylor, Hurlburt, and Soga 2010) presents data on the nation's school-age EL population and on states' and districts' Title III accountability performance while exploring complexities in the way Title III accountability performance information is calculated.
- "Title III Accountability and District Improvement Efforts: A Closer Look" (Tanenbaum and Anderson 2010) uses interviews with Title III officials in a diverse sample of six states and nine districts to begin to build a deeper understanding of the supports states provide to districts that repeatedly miss their Title III performance objectives and the strategies such districts are undertaking to improve educational outcomes for ELs.

The evaluation is also producing a survey of states' English language proficiency (ELP) standards (Forte et al. forthcoming), and two distinct types of analysis of student-level assessment data (Taylor et al. forthcoming):

One type draws on student-level data from four states and two districts to describe and explore EL progress and achievement on state ELP and academic content assessments. This includes analyses of the variation in achievement trajectories for ELs with different characteristics, achievement gaps between

20. Researchers repeatedly note in their syntheses that research on teaching ELs is limited. For example, Gersten et al. (2007, 4) state, "[T]he body of scientific research on effective instructional strategies is limited for teaching English Learners." Francis et al. (2006, 9) also note, "There are many gaps in our knowledge based on the direct evidence available from instructional research conducted with ELLs."

ELs and non-ELs, the time frame over which ELs become no longer designated as ELs and attain proficiency in the English language, and the nature of the relationship between ELP and academic-content-assessment scores.

The second type is more exploratory in nature and seeks to inform the development or revision of EL accountability models by applying and illustrating several empirical methods and conceptual or theoretical rationales for determining (1) a meaningful ELP performance standard and (2) a realistic, empirically anchored time frame for attaining a given ELP performance standard. This report on program operations concentrates on examining key areas of program implementation, such as the criteria, processes, and procedures used to identify ELs, to place ELs into targeted services and programs, and to exit ELs from the EL subgroup; the instructional models and programs used in districts and schools to support ELs; the development of state ELP standards and the assessments used to measure ELs' proficiency; the development of states' annual measurable achievement objectives (AMAOs); and the states' and districts' capacities to promote ELs' language acquisition and achievement.

Prior to this evaluation, the existing research on Title III focused almost exclusively on initial state-level implementation of the law's provisions. For this reason, this study aimed to update state-level data about Title III implementation, and also to gain a greater understanding of how the law's provisions around standards, assessment, and accountability mechanisms are being translated at the local level into instructional decisions and improvement strategies for ELs.

Title III History and Provisions

The 2001 reauthorization of *ESEA* (*NCLB*) was not the first attempt to address the needs of ELs through federal law. *ESEA* was amended to include Title VII, the *Bilingual Education Act of 1968*, three years after its initial passage. Title VII drew national attention to the unique educational challenges that non-English-speaking students encountered and recognized bilingual education as a viable instructional method. The law was amended several times through the 1970s, 80s and 90s, expanding funding within the competitive grant structure by increasing emphasis on professional development for teachers and by moving toward a focus on the acquisition of English and away from bilingual education (National Clearinghouse for English Language Acquisition 2008a).

Title VII provisions were replaced with Title III when *ESEA* was reauthorized as *NCLB* in 2001, changing the funding structure from competitive grants to formula grants[21] to states. It also added provisions focused on "promoting English acquisition and helping ELs meet challenging content standards" (National Clearinghouse for English Language Acquisition 2008a). Under this provision, states receive Title III funds and allocate most of the funds to districts through subgrants. States may allow two or more districts to band together to form consortia when individual districts do not have sufficient EL populations to receive their own subgrants.[22] By forming consortia, districts have the opportunity to pool their resources with the aim of better meeting the needs of their ELs.
Title III further mandates explicit accountability for outcomes of ELs, a new requirement of *ESEA*. The accountability measures are incorporated into both Titles I and III. Title I requires that states develop

21. Competitive grants require entities that meet specified criteria to compete for funding. By contrast, formula grants award funds to entities that meet the specified criteria according to a funding formula. Increases in program funding make it more feasible for formula grant programs to replace competitive grant programs.

22. Section 3114 of Title III prohibits states from providing to districts subgrants that amount to less than $10,000; the use of consortia allows the state to serve identified ELs in these jurisdictions.

and implement academic standards, aligned assessments, and Adequate Yearly Progress (AYP)[23] targets in reading or English language arts and mathematics.[24] ELs are included in these state assessments and in the "all students" category for evaluating school and district attainment of AYP targets. Under Title I, schools and districts with sufficiently large EL populations[25] are held accountable for ensuring that the EL subgroup meets AYP targets.

Title III provisions parallel Title I regulations with the goal of ELs attaining both English language proficiency and mastery of academic content. Title III also requires states to develop ELP standards and aligned assessments (distinct from state academic content standards and assessments in English language arts) and to measure progress toward and attainment of those English language proficiency standards for their EL populations. District and state progress is evaluated against annual measurable achievement objectives (AMAOs), and all districts receiving Title III funds are held accountable for meeting state-established AMAO targets each year (see Exhibit 2).

Exhibit 2
***ESEA* Title I and Title III Provisions**

Provision	Title I	Title III
Standards	Reading/language arts, mathematics and science	English language proficiency (ELP) for ELs
Assessment	Academic assessments and an ELP assessment (which can be the same instrument used for Title III, as long as it is aligned with the ELP standards)	ELP assessment
Measuring Progress	Adequate yearly progress (AYP) (to measure progress of all students and student subgroups toward meeting the state's standards in reading/language arts and mathematics)	Annual Measurable Achievement Objectives (AMAOs) (to measure progress of ELs in Title III districts toward meeting ELP and subject matter standards)

Note: While the ELP assessment used for Title III may be the same instrument used for Title I purposes, Title III requires that the assessment be aligned with the state's ELP standards. No such explicit requirement exists for Title I, because Title I does not require ELP standards.

Source: *State and Local Implementation of the* No Child Left Behind Act*, Volume IX—Accountability Under* NCLB*: Final Report* (U.S. Department of Education 2010).

23. Adequate yearly progress (AYP) is the measure by which schools, districts, and states are held accountable for student performance under Title I of the *ESEA*, reauthorized as *NCLB* in 2001. All K–12 schools are required to demonstrate AYP in the areas of reading or language arts, mathematics, and either graduation rates (for highs schools and districts) or attendance rates for elementary and middle or junior high schools. Each district and school must also report their AYPs on student bodies as a whole and by four different subgroups: economically disadvantaged, special education, EL, and students from major racial and ethnic groups.

24. States must also establish standards and aligned assessments in science, but these are not included in AYP targets.

25. States may establish a minimum number of students required for determining subgroup accountability.

The Title III provisions related to identifying ELs, assessing ELs, and determining accountability are described in more detail below.

Identifying ELs

To adequately target resources and monitor progress for their EL students, states, and districts must first define who is an English Learner[26] for the purposes of the law. *ESEA* (Section 9101) defines an English Learner as any individual meeting the following criteria:

—who is aged 3 through 21

—who is enrolled or preparing to enroll in an elementary or secondary school

—who was not born in the United States or whose native language is a language other than English

- who is Native American or Alaska Native, or a native resident of the outlying areas[27]
- who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency
- who is migratory, whose native language is a language other than English and who comes from an environment where a language other than English is dominant

—Whose difficulties in speaking, reading, writing or understanding the English language may be sufficient to deny the individual

- the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3) of *ESEA*
- the ability to successfully achieve in classrooms where the language of instruction is English
- the opportunity to participate fully in American society

Although the law provides this definition of who is an EL, states are allowed flexibility in the manner in which this definition is put into operation. As will be discussed in greater detail in Chapter II of this report, states and districts use multiple tools for identifying ELs, placing them in appropriate language instructional programs, and determining when they are English proficient and eligible to exit the EL subgroup.

Assessing ELs

English Language Proficiency Assessments

Title III requires states to assess ELs in English language proficiency in the four domains of reading, listening, speaking, and writing.[28] As in the case of ELP standards, Title III initially required states to have their ELP assessment(s) in place during the 2002–03 school year. This deadline proved unrealistic, however. While many states used some type of English proficiency test prior to Title III, these tests were generally designed for placement purposes rather than to measure progress in acquiring language proficiency (Taylor et al. 2010). Therefore, nearly all states had to develop and implement new tests to

26. As noted on page 1 of this report, the term used in the law is "limited English proficient." However, for reasons stated in footnote 1, the term "English Learner," or "EL," is used throughout the report.

27. American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

28. Comprehension need not be assessed separately but may be reported as a composite of student scores in listening and reading.

meet Title III requirements. Recognizing that assessment development and validation takes time, the U.S. Department of Education extended the deadline for ELP assessments to spring 2006.

Content Area Assessments

Title I requires states to implement annual assessments in reading and mathematics in grades 3–8 and at least once in grades 10–12, and in science at least once in each of three grade spans: 3–5, 6–9, and 10–12. Title I also requires that 95 percent of students participate in the assessments of reading and mathematics. Title I testing requirements apply to all public elementary and secondary schools and school districts and to each student racial and ethnic subgroup required by statute within those jurisdictions. All ELs must be included in statewide assessments and must be provided with accommodations or alternate assessments, as appropriate.

In September 2006, the U.S. Department of Education amended the regulations governing the Title I program to provide more flexibility in EL testing requirements. Initially, all students were required to participate in their state's academic assessment system once they had enrolled in school, but the 2006 amendment to the Title I regulations stated that a recently arrived EL (i.e., an EL who has attended schools in the United States for fewer than 12 months[29]) may be exempt from one—and only one—administration of the state's English reading or language arts assessment (U.S. Department of Education 2007). A recently arrived student still is required to take the state's ELP assessment, however, as well as the state's mathematics and science assessments even though the state may exclude the scores of recently arrived EL students on the state mathematics assessment for one cycle of AYP determinations (U.S. Department of Education 2007). (The required state science assessments are not part of AYP determinations and were not included in this amendment.)

Determining Accountability

Subgroup accountability under *ESEA* (both Title I and Title III) is based on increasing the percentage of students in a given subgroup who are meeting performance targets (proficiency in state content tests, proficiency or growth on state ELP tests). Title III requires states to report the progress of their ELs in learning English, as defined by the state's ELP standards and as measured by the state's ELP assessment. Progress must be reported relative to the state's AMAOs,[30] which include three criteria:

1. Annual increases in the number or percentage of students making progress in learning English (AMAO 1)
2. Annual increases in the number or percentage of students attaining English proficiency (AMAO 2)
3. Making AYP for limited English proficient children as described in Title I, Section 1111(b)(2)(B), of *ESEA* (AMAO 3)

Through the AMAOs, states hold districts receiving Title III funds accountable for improving the levels of English proficiency and academic performance of their EL students. If a state determines that an applicable district has not met its AMAOs for two consecutive years, the district must develop an improvement plan with support from the state. If the district has not met AMAOs for four consecutive years, the state must require it to modify its curriculum, program, and method of instruction; replace educational personnel relevant to the district's AMAO failure; or be terminated for funding. Parents of

29. The length of time does not have to be 12 consecutive months but can be 12 months total.

30. The term "Annual Measurable Achievement Objective" refers to performance targets set specifically for ELs served through Title III. This should not be confused with annual measurable objectives (AMOs), which are AYP targets for all students.

ELs who are being served by Title III or who are eligible for Title III services must be notified of a district's AMAO status if a district has missed any AMAO for one or more years.

This approach to measuring progress assumes a stable definition of subgroup membership (the denominator in the calculation of percentages). Membership in the EL accountability subgroup, however, changes over time. Indeed, the EL subgroup is unique in that higher performing students (i.e., those who attain proficiency) systematically move out of the subgroup to be replaced by students with lower levels of proficiency (e.g., new immigrants). As will be discussed later in this report, this pattern may create complications for subgroup accountability as measured by both Title I and Title III.

Data and Method

Technical Design and Evaluation Questions

The technical approach for this study embraced three interrelated objectives and was designed to deepen understanding of the extent to which Title III is achieving its underlying goals. These objectives are:

—**Objective 1:** To describe the progress in implementation of Title III provisions, and variation in implementation across states.

—**Objective 2:** To examine programs and services that localities have in place to meet the needs of EL students and how these relate to state policies and contexts.

—**Objective 3:** To maintain a focus, in all project data collection and analysis activities, on the diversity among EL students—for example, in their concentrations, languages, ages, and length of residence in the United States—and the educational implications of this diversity.

These three objectives were used to develop four sets of evaluation questions. Evaluation questions 1 through 4 focus on Objectives 1 and 2—that is, on state, and local implementation of Title III provisions, including variation in implementation across states and localities. The study attended to Objective 3, which focuses on the diversity of the EL population and the relationship of this diversity to policies, practices, and student performance, as relevant and feasible. Exhibit 3 lists the specific evaluation questions addressed in this report and the corresponding data sources (these data sources are described in more detail following the exhibit).

Exhibit 3
National Evaluation of Title III Implementation Evaluation Questions and Data Sources

Evaluation Question	Data Sources
(EQ1) Identification and exit of EL students	
1.1 What policies do states have in place to govern the identification of ELs? 1.2 What sorts of questions are used on states' home language surveys? 1.3 What specific screening assessments do states use to identify students as ELs? 1.4 How are students identified for and exited from EL services at the district level?	State Title III official interview District survey Case studies
(EQ2) Placement and instruction of EL students	
2.1 How are students placed into EL services at the district level? 2.2 Why do districts place ELs into particular services? 2.3 To what extent do districts have information about the effectiveness of the programs that are in use?	Case studies District survey State Title III official interview

continued next page

Exhibit 3 (continued)
Title III Study Evaluation Questions and Data Sources

Evaluation Question	Data Sources
(EQ3) State standards for ELP	
3.1 How have states addressed the requirement to establish English language proficiency (ELP) standards? 3.2 How do these ELP standards vary across states in terms of breadth, specificity, and topics covered?	Standards review State Title III official interview District survey Case studies
(EQ4) Assessment of EL students	
4.1 How do states and districts assess ELs for identification and placement, for Title I accountability, for Title III accountability, and for instructional improvement at the local level? 4.2 How have states sought to ensure alignment of ELP standards and assessments? 4.3 How do states include the four domains of reading, writing, speaking, and listening in their ELP assessments? 4.4 How do states assess student proficiency in the additional domain of comprehension? 4.5 Are states including all EL students in state ELP assessments? 4.6 What testing accommodations are available to EL students on state content assessments? To what extent are these accommodations used? 4.7 Do districts use additional tools or tests to monitor EL students' progress in acquiring English proficiency?	State Title III official interview Case studies District survey
(EQ5) Accountability and AMAOs	
5.1 How are states setting their AMAO targets and making AMAO determinations? 5.1.1 What criteria do states use to set their AMAOs? How have these changed over time? 5.1.2 How do states implement the requirement to factor into their AMAO targets the amount of time students have been enrolled in language instruction programs? 5.1.3 To what extent do states use criteria, other than the state ELP assessment, to make AMAO determinations? 5.1.4 How do state AMAOs relate to state criteria for determining when students exit from the EL subgroup? 5.1.5 To what extent do states apply minimum subgroup size policies in making AMAO calculations? 5.1.6. How do states handle accountability for consortia of small school districts that have been formed for Title III purposes? 5.2 How are AMAOs used to foster improvement? 5.2.1 How aware are districts of their AMAO targets and status? 5.2.2 How and when do states inform districts that they have not met their AMAO targets? 5.2.3 What improvement actions are taken in districts that do not meet their AMAO targets, do not meet AMAOs for two consecutive years or do not meet AMAOs for four consecutive years? 5.2.4 How are parents of EL students informed about the failure to meet AMAO targets? 5.2.5 Are there any promising state practices or policies related to AMAOs and accountability for ensuring that EL students learn English?	State Title III official interview District survey Case studies

continued next page

Exhibit 3 (continued)
Title III Study Evaluation Questions and Data Sources

Evaluation Question	Data Sources
(EQ6) Capacity to promote EL language acquisition and achievement	
Organizational capacity 6.1 What capacity (expertise, staff availability, and organizational supports/infrastructure) exists in the state education agencies and school districts to support schools in meeting the instructional needs of EL students? 6.2 What is the nature of the state and local data systems with regard to EL students? (What data are collected at the state and local levels, how and to whom are they reported, and how are these data used for educational decisions?) 6.3 To what extent do states have the ability to disaggregate ELs into subgroups defined by their interrupted formal education status, native language proficiency, and years in program? **Technical Assistance (TA)** 6.3 What TA do states and districts provide to local educators to help them meet the instructional needs of EL students? 6.4 What professional development is available to teachers of EL students in Title III districts? **Teacher quality** 6.5 What policies have states and districts put in place to ensure that EL students are taught by teachers who are highly qualified in their content area and are also knowledgeable about instruction of EL students? 6.6 How are states and districts implementing the teacher fluency requirements under Title III?	State Title III official interview District survey Case studies

Analytic Approach and Data Sources

The National Evaluation of Title III implementation used a multifaceted mixed-methods research approach that included quantitative components such as a district survey and analyses of student outcomes, as well as qualitative components including an ELP standards review, state Title III official interviews, and case studies.

Interviews With State Title III officials

With the reauthorization of *ESEA* in 2001, state responsibilities increased greatly, specifically with regard to standards, assessments, accountability, and teacher quality. While these are topics that are often associated with Title I implementation, they also reflect state education agency obligations under Title III. To explore the complexities of state actions to implement Title III—including the interaction with Title I and state efforts to address the needs of their specific EL populations—this study conducted interviews with state officials who had primary responsibility for Title III. The telephone interviews were conducted with state officials from all 50 states and the District of Columbia in fall 2009 through winter 2010 for a response rate of 100 percent. The purpose of these interviews was to generate national data on the ways in which states are implementing ELP standards, assessing EL students, setting AMAOs, holding districts accountable for AMAOs, monitoring Title III implementation, and providing support to Title III districts. On many topics, these interviews provided state-level longitudinal data to build on the two waves (2004 and 2006) of Title III data collection conducted for the Study of State Implementation of *NCLB* (SSI-*NCLB*) (Le Floch et al. 2007). The data collected through these interviews are primarily self-reported data and the research team did not conduct any qualitative evaluation of the effectiveness or quality of the actions described by interview respondents. The methods used to collect and code the interview data are described in Appendix A.

District Survey

The primary subgrantees of Title III funds are districts (consortia of districts and consortia of charter schools also receive funds). To explore the local implementation of Title III, this study administered a Web-based survey to a nationally representative sample of 1,528 subgrantees (districts) that receive Title III funds. The purpose of the survey was to examine how local districts use state ELP standards (e.g., for curriculum development); assess EL students for identification, placement and academic progress; monitor student participation and progress in language instruction programs; respond to Title III accountability designations; ensure teacher quality and continued professional learning regarding EL student instruction in language development and content areas; and assist schools in differentiating instruction for diverse English Learners. The district survey was administered from November 2009 through March 2010 and attained a response rate that exceeded 90 percent. (See Appendix A for a detailed discussion of the district survey methodology.)

Case Studies

A purposive sample of 12 districts (including one consortium) within five states—California, Minnesota, New Mexico, New York, and North Carolina—was selected for case study visits. The sample included three districts in the larger population states of California and New York and two districts in each of the three smaller states of Minnesota, New Mexico, and North Carolina. This sample was selected on the basis of the following criteria:

—Regional location

—Urbanicity

—Types and sizes of EL populations

—Linguistic diversity

—AMAO status

The district case study sample resulted in 12 districts with varying characteristics (see Exhibit 4).

Exhibit 4
Characteristics of Case Study Districts

District	Urbanicity	Total K–12 Enrollment	%EL[a b]	% EL Growth (2002–03 to 2008–09)	Linguistic Diversity[c]	Number of Consecutive Years Missing AMAOs[d]
District A	Large city	More than 90,000	14%	41%	Linguistically Diverse	4 years
District B	Large city	30,000–90,000	8%	–1%	Linguistically Diverse	4 years
District C	Consortium of 8 suburban districts	7,500–11,000	1%	–8%	Linguistically Diverse	0 years
District D	Distant rural	7,500–11,000	18%	78%	Predominantly Spanish	2 years
District E	Large suburb	7,500–11,000	10%	101%	Linguistically Diverse	2 years
District F	Large city	30,000–90,000	40%	4%	Linguistically Diverse	2 years
District G	Large suburb	Fewer than 4,000	27%	96%	Predominantly Spanish	6 years
District H	Large city	More than 90,000	32%	–20%	Predominantly Spanish	5 years
District I	Fringe town	7,500–11,000	24%	17%	Predominantly Spanish	0 years
District J	Large suburb	30,000–90,000	33%	2%	Predominantly Spanish	3 years
District K	Large city	30,000–90,000	13%	18%	Predominantly Spanish	2 years
District L	Fringe rural	Fewer than 4,000	49%	68%	Predominantly Native American	2 years

Exhibit reads: District A, located in a large city, enrolled more than 90,000 students of whom 14 percent were classified as ELs. The EL population in District A had grown 41 percent from 2002–03 to 2008–09 and was linguistically diverse. As of 2007–08, District A had missed at least one AMAO for four consecutive years.

Notes: [a] 2008–09 data from the National Center for Education Statistics's (NCES's) Common Core of Data (CCD)

[b] Districts labeled "High EL," are any where 32 percent or more of their students are ELs.

[c] Districts labeled "linguistically diverse" are any where 50 percent or more of the EL population speak a home language other than Spanish.

[d] As of 2007–08

Source: National Center for Education Statistics's (NCES's) Common Core of Data (CCD) 2008–09 and National Evaluation of Title III Implementation review of district extant documentation.

Site visits to case study districts were conducted from December 2009 through April 2010 and entailed individual interviews with district officials, including those individuals responsible for curriculum and instruction, EL or Title III programs and services, and assessments, as well as focus groups with school staff, including elementary and secondary principals, resource staff, teachers, and parent liaisons. Parents of ELs also participated in focus groups.

The purpose of these qualitative data collections was to enrich the quantitative analyses of district survey data and to consider the ways in which state policy (from state-level interviews) and district context

interact to influence implementation. The case studies provided insight into the ways in which the Title III provisions are interpreted and enacted within states, districts, and schools. (See Appendix A for a detailed description of how case study data were collected, coded, and analyzed.)

Extant Data Sources

In addition to collecting new data on state and local implementation of Title III, the study drew on several extant data sources, including Consolidated State Performance Reports (CSPRs) for the 2008–09 school year, Title III Biennial Reports, National Center for Education Statistics's (NCES's) Common Core of Data (CCD), state standards documents, published data from the two federally funded studies of *No Child Left Behind (NCLB),*Title III and Title I accountability workbooks, approved plans, and other publicly available state and district documentation.

The two federally funded studies on *NCLB* noted above are the Study of State Implementation of Accountability and Teacher Quality Under *NCLB* (SSI-NCLB) and the National Longitudinal Study of *NCLB* (NLS-NCLB). The SSI-NCLB examined state implementation of *NCLB* in the areas of accountability and teacher quality. This Title III report cites some of the data from phone interviews with the all of the state Title III directors that were conducted in 2006–07. The NLS-NCLB assessed the implementation of *NCLB* provisions in districts and schools; data from the 2006–07 national surveys of districts and schools are cited in this Title III report. The data from these two *NCLB* studies that are cited in this Title III report were first published in *State and Local Implementation of the* No Child Left Behind Act, *Volume IX—Accountability Under* NCLB: *Final Report.*

Considerations

The findings presented in this report should be interpreted with the following considerations in mind:

—The study is descriptive in nature. Its aim was to describe the manner in which states, districts, and schools implement the provisions of Title III and the contextual factors that may be related to implementation. The purpose of the study was not to identify best practices or any causal relationships between specific policies or practices and student outcomes.

—The new data specifically collected for this evaluation were collected over a one-year period only. Thus, the data represent only a snapshot in time in states', districts', and schools' implementation of Title III. As will be discussed throughout this report, Title III implementation has been evolving steadily as states continue to modify or adopt entirely new ELP standards, assessments, and AMAOs, and as they have received additional guidance from the U.S. Department of Education.

—Although data were collected at the state level from officials in all 50 states and the District of Columbia, and from a nationally representative sample of Title III districts, school-level data (including data from principals, teachers, resource staff, and parents) are limited to only those schools represented in the 12 case study visits. As a result, the data from the case study districts cannot be generalized beyond the sample.

Organization of This Report

The study's findings are presented in the chapters that follow. Chapter II presents data on the policies and procedures states and districts use to identify students as ELs and to exit them from the EL subgroup. Chapter III describes instructional models and programs being used in local districts and schools to serve ELs and some of the procedures used to place ELs into particular programs and

services. Chapter IV examines states' ELP standards and assessments, including their development, their implementation, and their use at the district and school levels to support instruction for English Learners. Chapter V describes state accountability systems for ELs, including the development of states' AMAOs and how states support districts that miss AMAOs. Chapter VI presents data on the capacity of states and districts to implement the Title III provisions. The final chapter, Chapter VII, offers concluding remarks and identifies important policy implications and considerations based on the data presented and discussed in the earlier chapters.

II. Identification and Exit of English Learners

The criteria and processes used to determine who is—and who is not—a member of the English Learner (EL) subgroup have far-reaching consequences for funding levels, accountability, and service delivery. Although Title III provides a broad federal definition of an EL, states, and districts across the country vary in their methods and measures for enacting this definition. The end result is that a student classified as an EL in one state or district may not be considered an EL in another. This chapter describes the nature of the EL population in Title III districts and explores the varied policies and practices used to identify ELs and to exit them from the subgroup, as well as practices for supporting former ELs and challenges in identifying ELs with disabilities.

Key Findings

—**In 2009–10, English Learners (ELs) represented a large and growing subgroup of students in school districts across the country.** Title III districts had an average of 14 percent EL enrollment in the 2009–10 school year. Among the Title III districts, 35 percent reported that their EL enrollment increased by more than 25 percent in the five years following September 2004. A majority of EL students (66 percent) in the Title III districts were born in the United States, while the remaining 34 percent were born overseas.

—**In 2009–10, states varied in the degree of discretion that they allowed districts with regard to practices for identifying ELs and exiting them from EL status.** Thus, the same student may be considered an EL according to one district's criteria and not according to another district's criteria, even within the same state. Eight states and the District of Columbia had established consistent statewide criteria for identifying ELs, while the remaining 42 states allowed district discretion. Eighteen states and the District of Columbia had established consistent criteria for exiting students from the EL subgroup, while the remaining 32 states allowed district discretion in making the determination.

—**The identification process for ELs typically began with a home language survey, followed by an assessment of English language proficiency, according to state Title III officials.** Twenty-four states allowed or required districts to use criteria in addition to an English language proficiency assessment.

—**State ELP test scores were the most frequently reported criterion that districts considered in exiting students from EL status.** In 2009–10, 94 percent of Title III districts reported that they considered scores on the state ELP test in exiting students from EL status, a practice that was required or recommended in 49 states and the District of Columbia. Officials from 14 states and the District of Columbia reported having requirements that district's exit decisions be based solely on students' performance on the state ELP test, whereas the remaining 36 states allowed or required districts to use multiple criteria in making those determinations.

—**As of the 2009–10 school year, all 50 states and the District of Columbia tracked former ELs' academic outcomes for two years or more after they exited EL status.** In addition, 73 percent of Title III districts maintained a districtwide database that included former ELs' academic outcomes.

Overview of English Learners in Title III Districts

EL students represent a large and growing subgroup of students in school districts across the country, including districts that have historically had few ELs. Nationally, the number of ELs served by Title III–funded programs in kindergarten through 12th grade (K–12) increased by 10 percent in the five-year period following the 2003–04 school year, from approximately 4.0 million ELs in 2003–04 to 4.4 million in 2008–09 (U.S. Department of Education 2003–04, 2008–09). In 2009–10, 24 percent of students enrolled in Title III districts[31] were ELs. The average EL enrollment in these districts was 14 percent, with a median of 299 ELs enrolled in a district. Among Title III districts, 35 percent of districts reported that their EL enrollment had increased by more than 25 percent in the five years following September 2004.

ELs represent a diverse group of students. Title III districts reported that a majority of their EL students (66 percent) were born in the United States, while the remaining 34 percent were born overseas. Although ELs come from diverse language backgrounds, Spanish is by far the most common native language among ELs in Title III districts (see Exhibit 5).

Exhibit 5
ELs' Native Languages Among Title III Districts

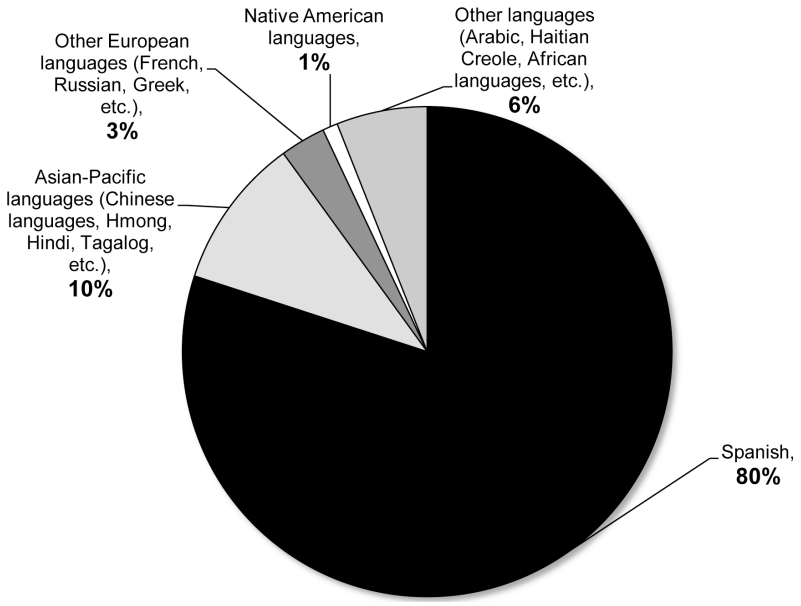


Exhibit reads: Eighty percent of ELs in Title III districts spoke Spanish.

Note: These calculations are based on weighted student data from Title III districts.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

While Title III districts reported considerable diversity in their ELs' language backgrounds, most also reported a predominance of one language group, usually Spanish. Indeed, 75 percent of Title III districts

31. Title III districts are school districts that receive funding through the federal Title III program, which issues formula grants to states that then subgrant these funds to applicant districts on the basis of the size of their EL population. In 2008–09, approximately 27 percent of U.S. school districts received funding through Title III (Consolidated State Performance Reports 2008–09; Keaton 2010).

reported that the majority of their ELs spoke Spanish, and in 43 percent of Title III districts nationwide, native Spanish speakers comprised more than 90 percent of the EL enrollment. By contrast, 15 percent of Title III districts reported having no language group greater than 50 percent.

Nationally, Title III–funded urban districts and Title III–funded districts with high poverty rates tended to have higher numbers and percentages of EL enrollment. For example, among Title III districts, the average number of ELs in high-poverty districts[32] was 1,972 in the 2009–10 school year, whereas the average number of ELs in low-poverty districts[33] was 629. In the high-poverty districts, the average percentage of EL enrollment was 38 percent, while the equivalent in low-poverty districts was 7 percent. As for differences by urbanicity, the average number of ELs was 3,005 in an urban district, 1,310 in a suburban district, and 440 in a district located in a town or a rural area in the 2009–10 school year. The average percentage of EL enrollment was 18 percent in an urban district, 11 percent in a suburban district, and 15 percent in a district located in a town or a rural area.

While these figures provide a picture of the EL population served by Title III funds, their interpretation depends on the methods and criteria used to classify students as ELs, methods that vary considerably across the nation, as is discussed in the following section.

Classifying Students as English Learners

By definition, the EL subgroup is one whose membership is in flux. Students are identified as ELs because of their limited English proficiency, and they are expected to reach proficiency and exit EL status within a period of time. This means that while new students are constantly entering the subgroup, others are moving out. This dynamic subgroup membership has implications for the interpretation of subgroup progress and accountability measures, and also underscores the importance of both entry and exit criteria.

Although federal law provides a basic definition of ELs, states and school districts vary in the ways in which they put this definition into practice. The *Elementary and Secondary Education Act (ESEA)*, as amended by the *No Child Left Behind Act of 2001 (NCLB)* (Section 9101), defines *EL* to include any individual meeting the following criteria:

—who is aged 3 through 21

—who is enrolled or preparing to enroll in an elementary or secondary school

—who was not born in the United States or whose native language is a language other than English

- who is Native American or Alaska Native, or a native resident of the outlying areas[34]
- who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency
- who is migratory, whose native language is a language other than English and who comes from an environment where a language other than English is dominant

—Whose difficulties in speaking, reading, writing or understanding the English language may be sufficient to deny the individual

32. Districts with more than 75 percent of students eligible for free or reduced-price lunch.
33. Districts with less than 25 percent of students eligible for free or reduced-price lunch.
34. American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

- the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3) of *ESEA*
- the ability to successfully achieve in classrooms where the language of instruction is English
- the opportunity to participate fully in American society

Within the parameters set by this federal definition, states establish either general or specific policies for classifying language-minority students[35] as ELs, and vary in the degree of discretion they grant to districts for implementing those policies at the local level. Some states favor the use of a single criterion to identify and exit ELs, whereas other states require or permit the use of multiple criteria. Some states are focused on ensuring consistency in districts across the states; other states allow districts to classify ELs within the local contexts, to increase reliability or to capture a broader range of language skills and communicative contexts. One state Title III official noted the reason for allowing local decisions in the EL exit criteria: "Districts' exit criteria has to include the state's exit criteria, but they can have additional criteria on top of that…. it's just impossible [for the state] to make one [exit criterion] that works at the district level because the districts all do things differently. We have criteria that we use at that state level, and then we allow them to have additional criteria for their purposes."

The differences among states in the criteria and processes used to identify ELs have implications for comparisons among states—and even among districts within states where districts have considerable discretion. Reported numbers of ELs, performance data, and accountability status are all deeply dependent on the classification process, as is service delivery. Indeed, a recent review of selected major urban districts across the country found that large numbers of ELs were not getting special help to learn English, in many cases because they were not being accurately assessed and identified as ELs (Zehr 2010). The identification practices and patterns discussed below derive from the interviews with state Title III directors, the nationally representative survey of Title III subgrantees, and data from the 12 case study districts.

Practices for Identifying Students as English Learners

Officials from 45 states and the District of Columbia reported that the identification process for ELs typically begins with a home language survey followed by an assessment of English language proficiency.

Although practices vary among jurisdictions, according to state Title III officials, the process of identifying EL students typically begins with a home language survey administered to incoming students at the time of enrollment. The home language survey identifies the pool of language minority students, of whom ELs are a subset.

State officials reported that when parents register their child at a school or district office, they are asked to complete a home language survey to provide information about their child's language background. If parents indicate a home language other than English on the survey, their son or daughter will go through an additional screening process to assess his or her level of English proficiency. While some districts use the results of English proficiency assessments as the sole criterion for determining EL status, others use multiple criteria—such as parental input, teacher judgment, academic achievement tests, and native language tests—in making that determination. Once students are identified as ELs according to the state

35. The term "language-minority students" refers to the population of students who do not speak English as a native language. ELs are language-minority students who are eligible for language support services (Ragan and Lesaux 2006).

or district's criteria, they are typically placed in services that address their language and academic needs until they meet the exit criteria established by the state or district.

Home Language Survey

Ninety-three percent of Title III districts reported that they used a home language survey to identify ELs in 2009–10, a practice that was required or recommended in all states and the District of Columbia.

In 2009–10, 93 percent of Title III districts reported that they use a home language survey in their process for identifying students as ELs. Consistent with another study conducted for the 2008–09 school year indicating that home language surveys were widely used across the nation (Zehr 2009), reports by Title III officials in 44 states and the District of Columbia indicated that they required districts to administer a home language survey as an initial step in identifying ELs. The remaining six states reported that they recommended—but did not require—use of a home language survey.

In 2009–10, 18 states and the District of Columbia mandated a state-established home language survey, 12 states allowed districts to add to state-required questions, and 20 states allowed districts to develop their own home language surveys.

State policies vary in the flexibility they allow districts in choosing questions to be used on the home language survey. In 2009–10, Title III officials in 18 states and the District of Columbia reported that they required districts to administer a state-established home language survey and that districts were not allowed to deviate from the state-established questions. On the other hand, 12 states required a set of specific questions but allowed districts to add other questions to their home language surveys. The remaining 20 states did not require any specific questions and allowed districts to develop their own home language surveys. Within this last category of 20 states (which consists of 14 states that required and six states that recommended that districts administer a home language survey), states provided varying levels of guidance to districts. For example, eight of these 20 states offered districts examples of surveys they could use or refer to when building their own, another six states strongly recommended a minimum set of specific questions, another four of these states provided some guidance regarding the types of questions to ask, and the remaining two of these 20 states gave districts full discretion in developing the questions.

Forty-one states and the District of Columbia posted sample home language surveys on their websites. Some of these states are among the states that required districts to administer a state-established home language survey and some of these states are among those that allowed some level of district discretion in the questions that are included on the survey. The two most common questions states included in home language surveys posted on the Web concerned the language that students speak at home and the language the child first learned to speak[36] (see Exhibit 6). Based on a review of required recommended, or example home language surveys posted on state websites, the number of questions on a required, recommended, or example home language survey ranged from one to 10, and most states (33 states and the District of Columbia) had surveys that included a range of two to five questions (see Appendix B for examples of home language surveys).

36. These questions were collected from 41 states and the District of Columbia, which posted required, recommended, or example home language surveys on their websites.

Exhibit 6
Questions on Required, Recommended, or Example Home Language Surveys Posted on State Web Sites

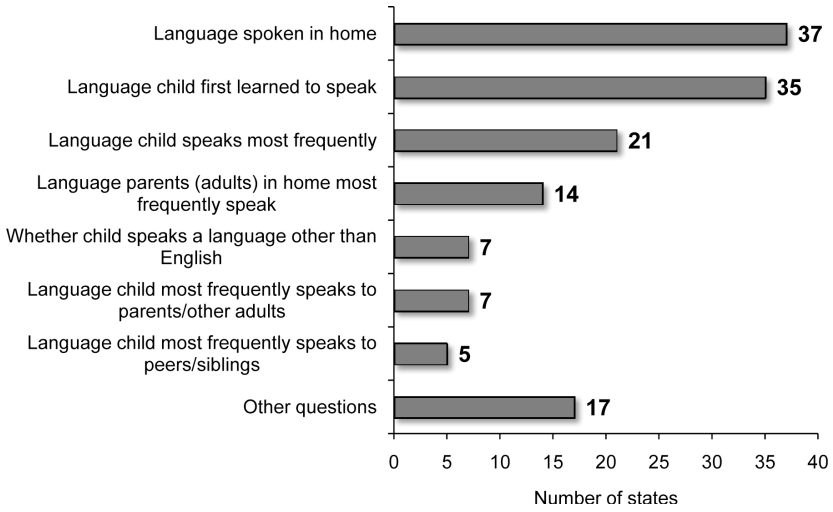


Exhibit reads: Thirty-six states and the District of Columbia required or recommended districts to include a question about the language spoken in the home on their home language survey.

Note: These questions were collected from 41 states and the District of Columbia that posted required, recommended, or example home language surveys on their websites. The nine states for which a home language survey was not available for review are states that fell within the 20 states that offered districts full discretion in developing their own home language survey questions.

Source: State websites, 2009–10.

In addition, several states had established extra steps to supplement the home language survey, to ensure that students were accurately identified for the formal screening process that followed the survey. Three states (Rhode Island, Connecticut, and New York) required or recommended an interview with parents or the student if a language other than English was indicated on a home language survey. Another three states (Arizona, Arkansas, and New Mexico) provided a procedure for classroom teachers to identify a potential EL in cases in which the initial home language survey did not identify the student for screening. For example, in Alaska, if teachers noticed that a student was struggling with English, they could fill out a state-provided checklist based on their observation. Depending on the score of the checklist, the student would have to take the English language proficiency assessment and be screened for EL services.

Similarly, district officials and school staff in three case study districts [A, H, and D] mentioned that they supplemented the home language survey with informal interviews or teacher observations to accurately identify students who should go through the formal screening process.[37] For example, a district official in a medium-size, rural district [D] with a predominantly Spanish-speaking EL population reported that the district interviewed parents because of challenges and concerns regarding appropriate and accurate implementation of the home language survey. If parents spoke only Spanish during the interview, the district would then test the children. Indeed, this official mentioned that the district had parents who failed to report a language other than English on the home language survey because "they are trying to avoid services." School staff in a very large, urban district [H] with a high enrollment of

37. This information was not specifically solicited from every case study district.

Spanish-speaking ELs also mentioned that some parents viewed EL services as a "stigma" for their children and indicated English on the home language survey even if the children spoke another language.

English Proficiency Assessments for EL Identification

In 2009–10, 98 percent of Title III districts reported that they administered an assessment of English proficiency in the EL identification process, a practice that was required in all states.

The home language survey is but the first step in the EL identification process, as it provides information only on the students' exposure to and use of a language other than English in the home setting. Once use of another home language is indicated, the student's degree of proficiency with English is generally the deciding factor in his or her classification as an English Learner. Those students who are determined to already be proficient in English on entry to the school system will not be identified as EL, will not be part of the EL subgroup for accountability purposes, and will generally not receive specialized language services under Title III.

All states require districts to administer an assessment of English language proficiency to any potential EL student.[38] This screening assessment plays an important role in the identification process. Its purpose differs from state ELP tests administered annually for accountability. Although both screening assessments and state ELP tests measure student's English proficiency, the results of the screening assessment do not need to be reported for accountability purposes. Rather, the results are primarily used to ensure that students are appropriately identified as ELs and to guide EL students' placement into EL services offered in a district or school (see Chapter III for a more detailed discussion of the policies and practices guiding students' placement into programs). For example, in the 2009–10 school year, 14 states belonging to the World-Class Instructional Design and Assessment (WIDA) consortium required districts to use a consortium-developed screening test (WIDA ACCESS Placement Test [W-APT]) for EL identification. However, these states used another consortium-developed assessment (ACCESS for ELLs) for annual testing to measure ELs' progress. The content and length of these two types of assessments are different even though both tests measure English language proficiency (WIDA Consortium n.d.).

In 2009–10, 26 states and the District of Columbia mandated specific assessments for districts to use to identify students as ELs; another six states required districts to choose from a set of state-approved assessments.

Interviews with state Title III directors found that about half the states (26 states and the District of Columbia) mandated a specific English proficiency assessment for districts to identify ELs in the 2009–10 school year. Another six states provided districts with a set of state-approved assessments from which they could select. And the remaining 18 states allowed districts to choose their own assessment, although six recommended a particular assessment (see Exhibit 7).

38. Potential ELs are most commonly identified through a home language survey. (Forty-five states and the District of Columbia require districts to administer a home language survey.) In addition, some states supplement the home language survey with other measures. For example, New York recommended that districts conduct interviews with students whose home language was not English. Districts were allowed to consider interview results as a factor in determining whether to administer an English language proficiency (ELP) assessment.

Exhibit 7
State Policies Regarding Assessments for EL Identification

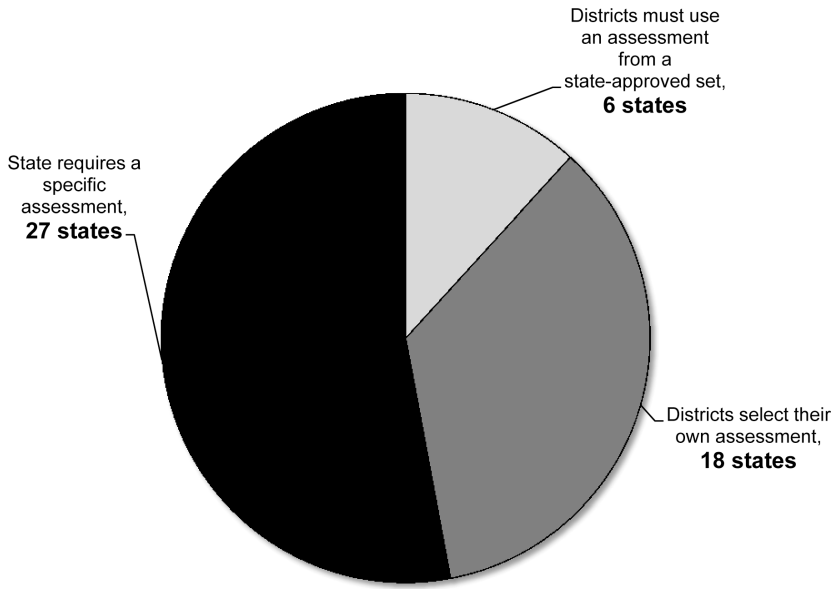


Exhibit reads: Twenty-six states and the District of Columbia required districts to administer a specific assessment.

Note: n = 50 states and the District of Columbia.

Source: Title III Evaluation Interviews with State Title III Directors, 2009–10.

Among the 32 states that, along with the District of Columbia, mandated specific assessments for identifying ELs in 2009–10, seven states implemented their own unique English proficiency assessments, and 25 states and the District of Columbia adopted existing assessments that were not unique to these states.

Among the 32 states that, along with the District of Columbia, mandated a specific English proficiency assessment or required districts to select one of the state-approved assessments, seven states used their own unique assessments,[39] and 25 states and the District of Columbia adopted existing assessments that were not unique to these states. An example of a state-developed assessment is the Language Assessment Battery-Revised (LAB-R), used in the state of New York. The New York City Board of Education published LAB in 1982 to correspond to the curriculum of the New York City School System (Center for Equity and Excellence in Education n.d.). As of the 2009–10 school year, the updated version of this assessment was a state-approved assessment that districts used in the EL identification process. Among the 26 states that had adopted existing assessments, those states that belonged to a multistate consortium tended to adopt existing assessments developed by their consortium. For example, 14 states and the District of Columbia, in the WIDA Consortium, use the WIDA Consortium's family of assessments[40]

39. These seven states' assessments were Arizona's AZELLA, California's CELDT, Idaho's ELL Placement Test, Kansas's KELPA and KELPA-P, Michigan's ELPA Screener Test, New York's LAB-R, and Washington's WLPT Placement Test-II.

40. The WIDA Consortium's family of assessments includes the Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs), WIDA-ACCESS Placement Test (W-APT), Measure of Developing English Language (MODEL) and Selection Taxonomy for English Language Learner Accommodations (STELLA) (see http://www.wida.us/assessment/w-apt/index.aspx).

for EL identification, and 10 states in the LAS Links/English Language Proficiency Collaboration and Research (ELPCR) Consortium used the LAS Links family of assessments[41] (see Exhibit 8).

Exhibit 8
Assessments Required or Approved by States for EL Identification

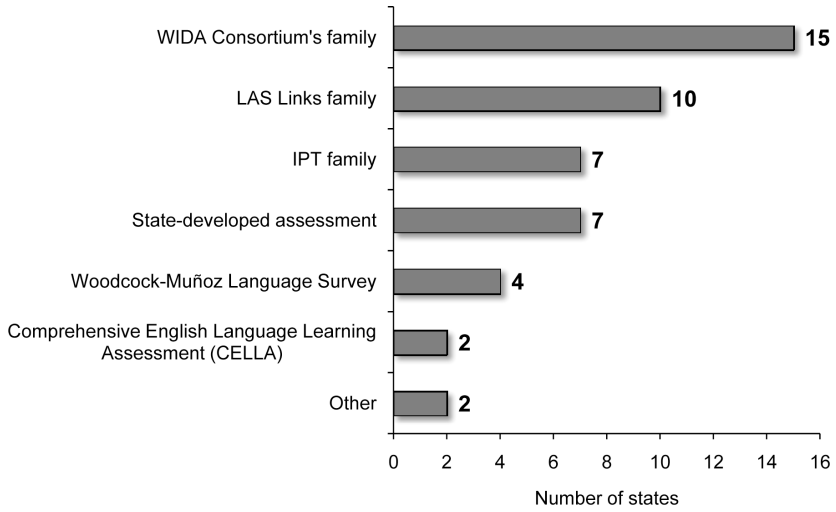


Exhibit reads: Fourteen states and the District of Columbia either required districts to use an assessment from WIDA Consortium's family or approved the districts' use of a WIDA assessment.

Notes: n = 50 states and the District of Columbia. Eighteen states that did not require districts to use a particular assessment are not included in the categories above.

Some states are counted more than once when they use multiple assessments.

WIDA Consortium's family includes the ACCESS for ELLs, W-APT, MODEL, and STELLA. http://www.wida.us/assessment/w-apt/index.aspx

LAS Links family includes the LAS Links Benchmark Assessments, LAS Links K–12 Assessments, LAS Links Placement Test, LAS Links Español, LAS Links Instructional Guidance,and preLAS 2000. http://www.ctb.com/ctb.com/control/productFamilyViewAction?p=products&productFamilyId=454

IPT family includes the IPT Oral Tests (pre-IPT, IPT I, and IPT II) and IPT Reading and Writing Tests (Early Literacy, IPT 1, IPT 2, and IPT 3). http://www.ballard-tighe.com/products/la/iptFamilyTests.asp.

Source: Title III Evaluation Interviews with State Title III Directors, 2009–10.

41. The LAS Links family of assessments includes the LAS Links Benchmark Assessments, LAS Links K–12 Assessments, LAS Links Placement Test, LAS Links Español, LAS Links Instructional Guidance, and preLAS 2000 (see http://www.ballard-tighe.com/products/la/iptFamilyTests.asp). In addition, Colorado uses a modified version of the LAS Links assessment, known as the Colorado English Language Assessment (CELA) Placement Test.

Level of District Discretion Within States in Identifying English Learners

In 2009–10, eight states and the District of Columbia had established consistent statewide criteria for identifying ELs, while the remaining 42 states allowed varying degrees of district discretion[42] in making those determinations.

In addition to the variation across states in how ELs were identified, there was another layer of variation among districts within a state related to the level of discretion the state delegated to school districts for the identification process. In 2009–10, eight states and the District of Columbia granted districts no discretion in determining criteria for identifying ELs but rather required specific criteria to be used consistently across all school districts. These states (1) required a specific set of questions on a home language survey, (2) required a minimum cut score on a specific English proficiency assessment, and (3) did not allow districts to use additional criteria in the identification process.

The remaining 42 states allowed district discretion in EL identification decisions, although the level of flexibility varied among states, ranging from full district discretion to limited district discretion. These states presumably did not have consistent criteria for identifying ELs within the state. On one end of the continuum, five states (Connecticut, Montana, North Dakota, South Dakota, and Utah) allowed districts full discretion in determining the entire identification process, including decisions on whether to use a home language survey (although these states usually recommended the survey), on which English proficiency assessment to use, and on whether to set additional criteria to an English proficiency assessment at the local level. However, the other 37 states allowed limited district discretion in determining some aspects of the identification process but also required that certain identification procedures and processes be in place.

In 2009–10, 24 states allowed districts to use criteria in addition to the English proficiency assessment for identifying ELs.

Among the 42 states that allowed district discretion, 24 reported that they allowed districts to consider additional factors to an English proficiency assessment in the process of identifying ELs to supplement the assessment results. For example, one state Title III official indicated being hesitant to screen students solely on the basis of English assessment results and explained, "We try to have certain flexibility so that districts make decisions based on a number of factors. … It isn't you get a test score, you're automatically an ESL [English as a second language] kid. I don't think that's fair to the kids." Similarly, the Editorial Projects in Education (EPE) Research Center notes that, for the 2008–09 school year, 17 state education agencies allowed districts to use at least three different identification criteria, such as interviews with parents or students, evaluations by teachers, and grades or other aspects of students' educational background (Zehr 2009). According to the nationally representative Title III district survey, the most frequently reported criteria—in addition to the home language survey and English proficiency assessment—were "parental input/choice" (52 percent of districts), teacher judgment (35 percent of

42. Note that the District of Columbia and Hawaii have been included in the analyses. Although not a state, the District of Columbia has a state education agency that is responsible for administering federal education programs and grants such as Title III to its local education agencies, which include one large public school district and numerous public charter school districts. Hawaii consists of a single school district, but the district is divided into complex areas. The state's guidance regarding EL identification and exit decisions allows for discretion among these complex areas.

districts), and other state academic content tests or other standardized achievement tests in English (31 percent) (see Exhibit 9).[43]

Exhibit 9
Types of Identification Criteria Used by Districts

Factors	Percentage of Districts
English proficiency assessments (including both state-mandated and district-selected)	98
Home language survey	93
Parental input/choice	52
Teacher judgment	35
State academic content assessments or other standardized achievement tests in English	31
Native language proficiency tests or standardized achievement tests in native language	25
Years in the United States	20
Progress tests (also called interim, benchmark or diagnostic tests)	20
Class grades	18
Years in the EL service program	18
Grade level	8

Exhibit reads: Ninety-eight percent of Title III districts reported that they considered English proficiency assessments (including both state-mandated and district-selected) for identifying students as an EL.

Notes: n = 1305–1386.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Practices for Exiting Students From English Learner Status

As EL students gain proficiency in English, districts eventually exit them from EL status, at which point they are no longer considered part of the EL subgroup for the purposes of accountability and funding, and they typically no longer receive EL services. Exiting students from EL status and services is a complex matter. It requires balancing educators' desires to mainstream students and to show progress in terms of reclassification rates with the commitment to ensure that EL students in fact have the requisite proficiency to be successful in a mainstream academic setting. States and districts also have to balance a commitment to equity and consistency across educational units and students with the desire to respond to the particular needs of individual children. Another issue is the tension between complexity and transparency of the decision process and criteria. A single criterion is much easier to understand and communicate—and also more likely to be applied consistently. However, a single criterion may oversimplify the notion of proficiency and insufficiently represent a student's performance across domains and contexts. Some states emphasize consistency in their policies while others place greater emphasis on reflecting the individual nature of the language acquisition and content-learning process. The resulting differences in when and how students are exited from EL status and services have implications for both instruction and accountability.

43. Note that the weight of these factors might vary when districts considered whether a student should be identified as an EL, but the exhibit does not consider this difference.

In 2009–10, 14 states and the District of Columbia required that exit decisions be based solely on students' performance on the state ELP test, whereas the remaining 36 states allowed or required districts to use multiple criteria in making those determinations.

Within the basic definition of an English Learner under *ESEA*, states and districts vary in the ways in which they determine when a student is proficient enough to exit from EL status. In 2009–10, 14 states and the District of Columbia required that exit decisions be based solely on a student's performance on the state ELP test, whereas the remaining 36 states allowed or required districts to use multiple criteria in making those determinations. As shown in Exhibit 10, state ELP test scores were the most frequently reported exit criterion, with 49 states and the District of Columbia requiring or recommending them. State academic content assessment scores were the second most frequently reported criterion, with 20 states requiring or recommending them. Other less frequently reported criteria included academic grades and class work (seven states), teacher input (eight states), local review committee recommendation (three states), and parent consultation (two states). Other factors commonly considered include additional English proficiency assessments, parental input, teacher judgment, and class grades. Almost all Title III districts (98 percent) indicated that they reviewed these criteria at least once a year to assess individual students' readiness to exit from EL status.[44]

State English Language Proficiency Test Scores

In 2009–10, 94 percent of Title III districts reported that they considered scores on the state ELP test in exiting students from EL status, a practice that was required or recommended in 49 states and the District of Columbia.

Nationwide, 94 percent of Title III districts indicated that they considered state ELP test scores to determine whether students were proficient enough to exit EL status. Almost all states required districts to use these state ELP test scores when making decisions to exit students from EL status, a finding that is consistent with a similar study of states and districts with the largest number of ELs (Regan and Lesaux 2006). Forty-six states and the District of Columbia required districts to use state ELP test scores for exit criteria, and in another three states (Nebraska, Missouri, and Michigan), this was a recommendation (see Exhibit 10). However, the remaining state (Minnesota) allowed, but did not explicitly require or recommend, that districts use state ELP test scores for EL exit decisions. Minnesota encouraged districts to use multiple measures but allowed districts to decide which measures to use and how to use them.

44. Fifty-five percent of Title III districts reported reviewing these factors once a year, 24 percent reported reviewing them twice a year, and 20 percent reported reviewing them more than twice a year.

Exhibit 10
Types of Exit Criteria Required or Recommended by States

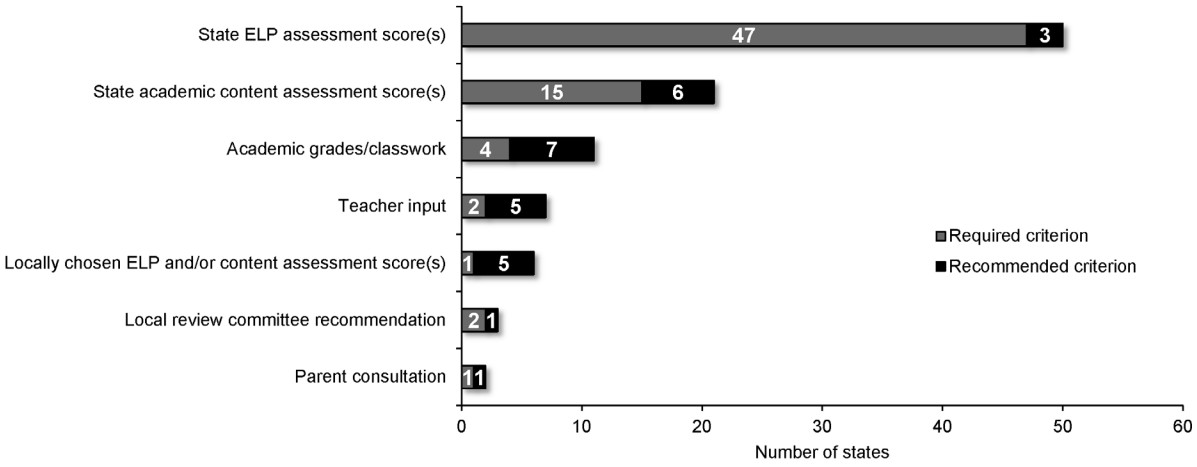


Exhibit reads: Forty-six states and the District of Columbia required districts to consider state ELP test scores for exiting students from EL status. Three states recommended state ELP test scores as a criterion for exiting students from EL status.

Notes: n = 50 states and the District of Columbia.

Source: Title III Evaluation Interviews with State Title III Directors, 2009–10.

In 2009–10, 15 states required districts to use the state ELP test as the sole criterion in making exit decisions, and each of these states had established minimum passing scores.[45] Because state ELP tests included the four domains of reading, writing, speaking, and listening, some states had set both an overall cut score and a set of minimum scores for each domain. However, other states simply used an overall score. In addition, these minimum passing scores varied across states, resulting in different criteria for EL exit. For example, in 2009–10, 21 states and the District of Columbia in one multistate consortium (WIDA) used the same assessment (ACCESS for ELLs), developed by the consortium, although they set cut scores differently, ranging from a score of 4.5 to 6.0. Eight of the WIDA states established additional cut scores for the separate components of the assessment (either for every domain or for the reading and writing domains combined).

State Academic Content Assessment Scores

In 2009–10, 15 states required districts to use state academic content assessment scores, in addition to state ELP test scores for making decisions about exiting students from the EL subgroup.

After state ELP test scores, state academic content assessment scores were the most common criteria for determining if students were ready to exit EL status, with 15 states requiring this criterion *in addition to* state ELP test scores (see Exhibit 10). One state required districts to use either the student's score on the state ELP test or the student's score on the state reading assessment as a criterion for exit. That is, if an EL was proficient on the state ELP test, he or she would exit EL status even if he or she did not score at

45. The state ELP tests were also used for annual EL testing for Title III accountability reporting. However, passing scores were not necessarily the same for exit criteria and accountability reporting.

the proficient level on the reading assessment, and vice versa. The Title III official explained, "We don't make them do both … because ultimately, you know proficiency, if they can score proficient on the state reading test, we feel that holding them to both would be holding them to a higher level than non-ELL kids." Sixty-nine percent of Title III districts reported using state academic content assessment scores for EL exit decisions; 64 percent reported using state academic content assessment scores in addition to state ELP test scores.

Minimum Grade-Level Requirements for English Learner Exit

In 2009–10, five states did not permit students to exit EL status until they were old enough to be tested for reading and writing, typically in first to third grade.

Because language acquisition is a developmental process and language demands increase as students move up through the grades, English language proficiency may be defined and assessed differently at different grade levels. One obvious example of this is that state English language proficiency standards and state ELP tests for very young children generally focus on listening and speaking skills, as the children have not yet learned to read fluently in any language. As reading and writing become more central to academic success, they take on more prominence in state ELP tests and expectations for English proficiency (Forte et al. forthcoming). The changing nature of language requirements and assessments in the early grades is reflected in some states' policies for exiting students from EL status.

State officials from five states (Kentucky, Ohio, South Carolina Texas, and West Virginia) reported that students were not able to exit EL status until they reach a certain grade level. Because younger children were only tested in listening and speaking, they were required to remain classified as ELs until they were old enough to be tested for reading and writing. Kentucky and Texas did not allow prekindergarteners and kindergarteners to exit EL status. For example, in Kentucky, students had to remain in EL status at least long enough to take the first-grade state ELP test. The first-grade state ELP test assessed all four language domains for the first time. Ohio, South Carolina, and West Virginia did not allow children in Pre-K through second grade to exit. For example, South Carolina did not allow districts to exit ELs until they reached third grade, when they first took the state ELP test (ELDA) which fully measured all four language domains (listening, speaking, reading, and writing). According to one state Title III director, "The kindergarten, first, and second grade tests are actually inventories. My ESOL [English for Speakers of Other Languages] advisory board and I decided it was inappropriate to exit young children based on a teacher opinion, and also … we're not measuring enough academic English." In West Virginia, the state's exit criteria indicated that students would not be able to exit the EL subgroup until third grade at the earliest. West Virginia's exit criteria were to score Proficient on the state ELP test (West Virginia Test of English Language Learning [WESTELL] or ELDA) for two years and score at the "mastery" level on the state reading or language arts assessment (West Virginia Educational Standards Test [WESTEST] 2) for one year. Because the reading or language arts assessment is first administered in third grade, students in earlier grades would not have an opportunity to satisfy these exit criteria.

Level of District Discretion Within States in Making Exit Decisions

As of the 2009–10 school year, 18 states and the District of Columbia had established consistent statewide criteria for exiting students from the EL subgroup, while the remaining 32 states allowed district discretion in making that determination.

Just as states varied in the level of discretion allowed to districts in identifying students as ELs, states varied in the level of discretion allowed to districts in exiting students from EL status. As a result, in some states, criteria for exiting students from EL status varied from district to district within the state, depending on the level of local discretion allowed by the state. Thus, an EL in one district might be exited on the basis of a set of criteria, but in another district, this same student might continue to be an EL and receive services.

In 2009–10, 18 states and the District of Columbia had consistent criteria across all districts for exiting students from EL status. These states (1) required a minimum score on the state ELP test as the sole criterion for exit, or (2) required a minimum state ELP test score and state content-assessment score(s) as the sole criteria for exit. In these 18 states and the District of Columbia, cut scores were determined by the state, and in theory, there was no variation in the way in which EL exit decisions were made across districts within the state.[46] As one Title III official explained, "We wanted to make sure that there's a uniform process of [exiting] LEP student in [our state], and those guidelines have to be followed by the district, even though a team can review [individual cases] under special conditions of the student, but students must meet the exit criteria to exit from the program." Among the 15 states and the District of Columbia that required state ELP test scores as the sole criterion for exiting student from EL status, 96 percent of Title III districts reported that they used state ELP test scores for exiting students from EL status or services. These districts also reported that they considered additional factors, such as "parental input/choice" (36 percent), state academic-content-area tests (28 percent), and progress tests (27 percent). Because the survey did not ask districts to distinguish between criteria used for exit from EL status and criteria used for exit from EL services, it is difficult to determine whether these districts actually considered additional factors for exiting students from EL status in spite of the single exit criteria required by the states.[47]

The remaining 32 states allowed district discretion in setting criteria for EL exit, although the level of flexibility at the local level varied across states, from full discretion to limited discretion. These states presumably did not have consistent criteria for exiting ELs within the state. On one end of the continuum, three states (Michigan, Minnesota, and Missouri) allowed a high degree of district flexibility in determining when and how a student could exit. In Michigan, districts were not required to use state ELP test scores as a criterion for exit, although the state encouraged districts to do so. Thus, in a given Michigan district, officials could exit an EL regardless of whether he or she had scored at the proficient level if the combined evidence suggested that the student no longer needed services. Similarly, Minnesota and Missouri encouraged districts to use multiple measures, but decisions about which measures to use, and how to use them, were local. These states did not require students to score Proficient on the state ELP test to exit EL status.

46. In a few instances, states might allow for an alternative path for exit under rare, special circumstances (e.g., ELs with disabilities).

47. The survey question did not make a distinction between exit from EL status and exit from EL services, although districts might have different criteria for each. The districts in states that required the sole use of ELP test scores as exit criteria could have used additional criteria to determine continuation in or exit from EL services while students were still in EL status or after students exited EL status.

The other 29 states allowed districts some flexibility in the exit process and procedures but also required that certain components and criteria be in place. For example, some states required districts to meet a minimum threshold of state-established criteria but allowed the districts the flexibility to augment these criteria. For example, a state Title III official from one state that had established a statewide cut score on the state ELP test but also allowed districts to set additional criteria explained, "It's just impossible to make one [criterion] that works at the district level because the districts all do things differently. We have criteria that we use at the state level, and then we allow them to have additional criteria for their purposes." Similarly, in another state, it was the scores of the state ELP test and state academic content assessment that drove the decision to consider an EL for exit, and once this threshold was reached, districts considered other factors, including teacher evaluation of academic mastery and parent opinion. In addition, districts were allowed to augment the minimum threshold from the state to make their criteria more stringent. As the state Title III director noted, "It's essentially a two-part decision matrix. The first part is just a simple test that the state administers….The other three criteria … are all established and determined at the local level, and … I'm pretty sure there's variability in districts in terms of those other three criteria." Additionally, 10 states[48] allowed or required districts to consider criteria that were subjective in nature, such as teacher input, local review committee recommendations, and parent consultations. A majority of Title III districts reported considering one or more of the following factors in decisions about exiting students from EL status: the state ELP test, state academic content, test, additional English proficiency assessments, parental input or choice, teacher judgment, class grades and progress tests. According to the nationally representative Title III district survey, the most frequently reported criteria—aside from the state ELP test scores and state academic content assessment scores—were additional English proficiency assessments (60 percent of districts), parental input or choice (60 percent of districts), teacher judgment (59 percent of districts), course grades (57 percent of districts), and progress tests (51 percent of districts) (see Exhibit 11).[49]

48. These states are Arkansas, Colorado, California, Hawaii, Texas, Delaware, Iowa, Massachusetts, Montana, and New Jersey.

49. Note that the weight of these factors might vary when districts considered whether a student should exit EL status, but the exhibit does not consider this difference.

Exhibit 11
Types of Exit Criteria Used by Districts

Factors	Percentage of Districts
State ELP test	94
State academic content area tests	69
Other English proficiency assessments (not state ELP test), including writing samples	60
Parental input/choice	60
Teacher judgment	59
Class grades	57
Progress tests (also called interim, benchmark, or diagnostic tests)	51
Other standardized achievement tests in English (not state academic content test)	43
Years in the EL service program	21
Grade level	16
Years in the United States	14
Home language survey	14
Native language proficiency tests or standardized achievement tests in native language	9

Exhibit reads: Ninety-four percent of districts reported that they considered state ELP test scores for exiting students from EL status.

Note: n = 1293–1387.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Monitoring of and Support for Former English Learners

When students exit EL status, they are reclassified as former ELs for accountability purposes, and generally speaking, they no longer receive EL services.[50] However, research shows that an EL's designation as proficient in an earlier grade does not guarantee that he or she will meet the increasing academic demands in later grades (Ragan and Lesaux 2006; Linquanti 2001; Kieffer, Lesaux, and Snow 2008).[51] As such, states and districts have developed policies and practices to support former ELs in keeping up with increasing curriculum and language demands as they progress through the grade levels.

Monitoring of Former English Learners

As of the 2009–10 school year, all 50 states and the District of Columbia reported that they track former ELs' academic outcomes for two years or more after they exit EL status, and 73 percent of Title III districts maintained a districtwide database that includes former ELs' academic outcomes.

ESEA requires Title III subgrantees to track former ELs' academic outcomes for two years after the students no longer receive Title III services and to report former ELs' progress to the states during this

50. Exit from EL status does not always correspond with exit from an EL program. Interviewees in case study districts reported that former ELs may remain in EL programs and keep receiving language support after they exit EL status.

51. Researchers attribute former ELs' academic challenges in later grades to their limited opportunities to develop academic language, which is critical for academic success in upper grade levels. Former ELs are likely to be fully dependent on classroom experiences to develop academic language, whereas their English-only classmates have resources outside school to help them develop academic language (Kieffer, Lesaux, and Snow 2008).

time period (Title III Subpart 2, Section 3121 (a)(4)). State Title III officials in all 50 states and the District of Columbia reported that they tracked former ELs' data for two years. As one state Title III official explained, "We are required to monitor them for two years and additionally give them the language assessment during that two-year period as well to make sure they haven't slipped back." Furthermore, 18 states and the District of Columbia reported that they tracked the data for more than two years. Another 16 states reported that their data systems had the capacity to track the data for more than two years but they did not do so as of the 2009–10 school year, and another three states were developing the capacity to track data for more than two years.

At the district level, 97 percent of Title III districts reported that they monitored former ELs regularly for their academic performance during the first year after they exited EL status at the elementary level. At the secondary level, 95 percent of Title III districts monitored former ELs. In addition, 73 percent of Title III districts indicated that they maintained a districtwide database that includes academic outcomes of former ELs.

Ongoing Support for Former English Learners

Former ELs who were struggling could receive services or be reidentified as ELs in some states.

In response to our open-ended questions, Title III directors in at least two states raised issues related to the redesignation of former ELs to EL status.[52] These states allowed districts to place former ELs back into EL status if needed. For example, Delaware allowed districts to reidentify former ELs but only with state approval. According to the state Title III director, districts had to make a request to the state to reidentify a student as an EL. Similarly, another state based exit decisions solely on the student's performance on the state ELP test, but former ELs could be reclassified as an EL if they were not making a successful transition. This would be a joint decision of teachers at the district level. According to the state Title III official, "If the team of teachers note that this may have been a misidentification in terms of exiting, we will come back together … and then they would be able to redesignate that child and see if that child should be reclassified as LEP."

As did the state interview and district survey respondents, respondents in case study districts mentioned that they identified former ELs who were not making progress during the transitional period and provided additional support. As a district official in a large, urban district with a predominantly

Monitoring of Former ELs

A medium-size, rural district with a predominantly Spanish-speaking EL population [D] had established a system of monitoring former ELs for two years. Three teachers (one ESL teacher and two "mainstream" teachers) regularly signed off on a district-developed check-in form to indicate whether, in their judgment, a former EL was successful in the classroom. The teachers completed these check-in forms once a week during the first semester of a student's monitoring phase and somewhat less frequently (e.g., once every other week) during subsequent semesters. If these three teachers determined that a monitored student was struggling, they would place that student back into EL services. In some cases, the struggling student may have been reclassified as an EL, but in other cases (particularly with older students), the student may have received extra support in the classroom without being formally reclassified.

52. This information was not specifically solicited from all states, and it is difficult to count states that redesignate former ELs to EL status.

Spanish-speaking EL population [K] explained, "They are monitored after they exit, and if at any point in time it looks like they need support again, they can be reidentified. Teachers can also make these recommendations. It is not a closed door, they can reenter the system." Furthermore, four case study districts [J, C, K, and D] indicated that, in some instances, students who exited EL status might remain in EL services. For example, a small, suburban district in a consortium of eight small districts [C] reported that it often provided service for former ELs even though they scored Proficient on state ELP test and exited EL status. As one middle school teacher explained, "Even if they pass the [state ELP test], they still struggle in their classes because the bar is not too high in the [state ELP test]. So, we are allowed to provide service one or two years after [they pass] the [state ELP test], and we still do this in many cases." District officials in a medium-size, rural district with a predominantly Spanish-speaking EL population [D] also reported that schools continued to provide services to former ELs through content-based support, tutoring, and other assistance:

> We thought that it's better to have kids in ESL a little longer than they actually needed it because we felt that they were doing a bit of backsliding, and leaving them in there would allow us to be sure that they are ready to move on. That was an example of seeing that we had students that fit the state's exit identification but still needed that extra support (see text box, Monitoring of Former ELs).

Nationwide, officials in Title III districts reported that they provided tutoring, academic counseling, and other support to at least some former ELs. However, the data do not indicate how many former ELs received these services. Therefore, these percentages do not show the prevalence of services. Seventy-eight percent of Title III districts reported that they provided tutoring for at least some former ELs at the elementary level during the first year after they exited EL status, and 80 percent of Title III districts provided this support at the secondary level. Sixty-five percent of Title III districts provided an academic counselor or a support teacher at the elementary level, and 78 percent provided this assistance at the secondary level. In addition, approximately 30 percent of Title III districts provided a peer counselor or English proficient "buddy" for at least some former ELs during the first year after they exited EL status at both the elementary and secondary levels.

English Learners With Disabilities

Five states and all 12 case study districts raised challenges associated with accurate identification of ELs with disabilities.

As discussed at the beginning of this chapter, ELs represent a diverse group of students. Title III officials in four states specifically mentioned challenges associated with accurately identifying EL students who also had disabilities,[53] and interviewees in all 12 case study districts mentioned the same challenges. Their common theme was the difficulty of "disentangling" learning difficulties from language barriers when determining whether ELs should receive special education services. As a result, ELs may be placed in special education programs even when they would not need these services, or conversely, ELs may not be placed in special education programs even when they could benefit from these services.

Across the case study districts, students who had disabilities and were not proficient in English were typically identified as ELs first and subsequently received further consideration for special education. However, the actual identification process for special education varied. Four districts [C, B, L, and J] screened ELs for special education by following the same general procedures designed for non-ELs.

53. Information on whether this was a challenge was not specifically solicited from all states. This issue was raised by these state officials in response to an open-ended question.

Another seven districts [H, A, K, F, G, D, and E] included additional steps in the special education screening process to address the language issue when they screened ELs with disabilities. For example, six of the seven districts [H, A, K, F, G, and E] included teachers who specialize in EL instruction or a team of EL specialists in the special education team who screened ELs. The team considered students' native language assessment results, nonverbal assessment results, and records of language support services received.

The case study data indicate that districts were cautious about referring ELs to special education because of the difficulty in distinguishing learning difficulties from language barriers. Interviewees in at least three case study districts [B, A, and J] expressed concern over the delays this could cause in getting students the services they needed. For example, at least four case study districts [H, K, G, and A] discouraged immediate placement of ELs into special education in order to prevent overrepresentation of ELs in special education. Three of these districts required additional language interventions or strategies to be tried out before ELs were screened for special education.

Furthermore, the challenge in accurately identifying ELs with disabilities potentially affected the accountability system around Title III. District officials in a very large, urban district with a linguistically diverse EL population [A] raised concerns for those ELs who remained in EL status because they could never pass the state ELP test due to their disabilities. One district official stated, "Thirty thousand students are labeled ELLs and SWD [students with disabilities]. … Once we determine that the child is not really an ELL, there is no way to exit that child. Every year, it's a bigger number because it doesn't drop off." The district missed annual measurable achievement objectives (AMAOs) for four consecutive years at the time of the interview in the 2009–10 school year. The state in which this district was located required districts to make exit decisions based solely on students' performance on the state ELP test. The state Title III official reported that the state was in the process of updating the home language survey to add questions regarding disabilities so students with disabilities would not be identified solely as ELs. State Title III officials in two states raised similar concerns about students who remained in EL status due to their disabilities. They also reported that state leaders were considering the modification of exit criteria so that ELs with disabilities could exit EL status if they were initially misidentified.

Chapter Conclusions

State policies vary in the types of criteria used to define ELs, the number of criteria, and the thresholds that must be met. Furthermore, states vary in the level of discretion that they give to districts in making these determinations, and this creates variation from district to district in some states. This variation results in inconsistent definitions of ELs nationwide, meaning that some states identify much larger percentages of their language minority students as ELs than do others (Kieffer, Lesaux, and Snow 2008). A given student may be defined as an EL according to one district's criteria and not be defined as such according to another district's criteria, even within the same state.

ESEA requires districts to provide programs for ELs that are aimed at ensuring ELs attain English proficiency and meet challenging state academic-content and student academic achievement standards in the core academic subjects *(ESEA,* Section 3115). Thus, the uneven definition of ELs across the country presumes the uneven distribution of services (Regan and Lesaux 2006), potentially undermining equal access to meaningful academic content as protected by law *(Lau v. Nichols* 1974; *Equal Educational Opportunities Act* 1974). The inconsistency creates difficulties in making meaningful comparisons in districts' abilities to meet accountability requirements of the EL population under Title III and Title I. For example, in states that allow district discretion in exiting students from the EL subgroup, comparing one district's exit rate with that of another district may be problematic. Furthermore, these inconsistencies pose a challenge to states and districts in making comparisons of academic achievement of EL students, and thus potentially make it difficult for these entities to develop consistent instructional practices for students (Regan and Lesaux 2006, 21).

III. Instructional Programming and Placement

Title III of the *Elementary and Secondary Education Act (ESEA)* requires districts to provide programs for English Learners (ELs) that are aimed at helping ELs attain English language proficiency and meet challenging state academic content and student academic achievement standards in the core academic subjects (*ESEA*, Section 3115). Nationwide, districts have implemented a variety of instructional services for ELs for these dual purposes of English language acquisition and content learning, including programs that provide English as a Second Language (ESL) instruction, programs that provide instruction in the content areas in English, and programs that provide instruction in students' native languages. This chapter explores the range of programs offered to ELs in districts across the nation, the process of placing students into these programs, and the availability of information on the effectiveness of these programs.

Key Findings

—**In 2009–10, instructional programs using English as a Second Language (ESL) instruction were the most common EL services among Title III districts, with 98 percent providing these services to at least some ELs.** Content instruction in English designed for ELs was the next most frequently reported EL service among Title III districts, with 87 percent providing content-based instruction to at least some ELs.

—**In 2009–10, 57 percent of officials from Title III districts reported providing instruction for at least some ELs in some of their schools that included students' native language(s).** Forty-four percent of Title III district respondents reported offering content instruction in students' native language(s), 44 percent reported offering native language arts instruction, and 29 percent reported offering dual immersion programs.

—**As of the 2009–10 school year, 18 states and the District of Columbia had established formal policies that influenced EL programming and placement decisions at the district level.** Three states had policies that specified the amount of instructional time that ELs should spend receiving services in developing English proficiency and the time period over which they should receive this instruction.

—**In 2009–10, nearly half the Title III district officials (43 percent) reported that a lack of proven curricula and programs for ELs was a moderate or major challenge.** Case study district respondents reported relying on their own data to gauge program effectiveness.

Instructional Services for English Learners

Title III of the *ESEA* requires districts to provide ELs with language instruction educational programs (LIEPs) that have demonstrated effectiveness in increasing English proficiency and academic achievement in the core subjects (*ESEA*, Section 3115). The law (Section 3301) defines a language instruction educational program as an instruction course:

a. in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging state academic content and student academic achievement standards, as required by section 1111(b)(1); and
b. that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the participation of English-proficient children if such course is designed to enable all participating children to become proficient in English and a Second Language.

To address Title III's dual goals of ensuring that ELs develop English proficiency and learn grade-level academic content at the same time, Title III districts must provide instructional programming for ELs that promotes both of these objectives. For ELs, who are disadvantaged by the language barrier in content-area classrooms, instruction on grade-level content becomes possible through instructional support using students' native language or through scaffolded instruction with an attempt to adjust the level of English. Both strategies make academic content understandable to students who are learning English (Linquanti 2001).

While districts implement a range of program models and instructional strategies for ELs, these language instruction educational program services can be grouped into three broad categories based on the language and content of instruction and program goals. These are (1) English as a Second Language (ESL) instruction, (2) content instruction designed for ELs, and (3) instruction in students' native language(s).[54] Note that these categories are not mutually exclusive, and some instructional approaches evade easy categorization. For example, the Sheltered Instruction Observation Protocol (SIOP) model, which focuses on providing content-based instruction in English, also involves establishing objectives for developing English proficiency (Hanson and Filibert 2006; U.S. Department of Education, Institute of Education Sciences 2009).[55] Thus, although these categorizations have their limitations, they provide structure for the discussion in this chapter.

English as a Second Language (ESL) Instruction

English as a Second Language (ESL) instruction focuses on development of proficiency in the English language, including grammar, vocabulary, and communication skills (listening, speaking, reading, and writing). The instruction is usually provided in English only, although some ESL programs may include use of students' native languages (Linquanti 1999; Reed and Railsback 2003). Often students are "pulled out" of their home classroom for ESL instruction (in elementary schools) or have a full class period focused on ESL (in secondary schools). Program models used to provide instruction for developing English proficiency are commonly called ESL but also called English Language Development (ELD) or English for Speakers of Other Languages (ESOL). A variant of the ESL program is content-based ESL instruction, which is intended to develop language skills while preparing students to study grade-level material in English. Although using content as a means, these approaches are still focused primarily on the learning of English, which distinguishes them from content instruction designed for ELs, below (Reed and Railsback 2003).

54. These three categories were derived from classifications featured in Center for School and District Improvement (2004), Linquanti (1999), Reed and Railsback (2003), and Rennie (1993).

55. For more information on the SIOP model, see the text box titled "The SIOP Model," below.

Content Instruction Designed for ELs

Content instruction designed for ELs focuses on the teaching of academic content rather than the English language itself, even though the acquisition of English may be one of the instructional goals (Reed and Railsback 2003). The content instruction is delivered in English, but adjustments may be made based on the English proficiency level of students in order to make the subject matter more comprehensible and accessible for ELs (Linquanti 1999). Some typical program approaches of this kind are referred to as "sheltered English instructional methods," "SIOP" and "structured English immersion" (Reed and Railsback 2003).

Instruction in Native Language

The program models using native language vary widely in terms of the use of native language, content of instruction and program goals. Some bilingual programs aim for developing English proficiency as their primary goal, limiting native language use and using the native language only to support this end goal. Other programs are designed to foster bilingualism, and students are taught to develop proficiency in both languages; academic content is taught in both the native language and English (Center for School and District Improvement 2004; Linquanti 1999; Reed and Railsback 2003; Rennie 1993). While most native language instruction targets ELs, dual-immersion programs (or two-way immersion) incorporate both ELs and native English speakers. Dual-immersion classrooms include a balanced mix of students who are native English speakers and students who are native speakers of a different language. While instruction is in English for part of the day, the language of instruction later switches to the second language. In this way, all students benefit from instruction in their native language, and all experience the acquisition of a new language, modeled by their peers. The goal of this program model is to develop students' proficiency in both their first and second languages (Linquanti 1999; Reed and Railsback 2003).

The SIOP Model

In the Sheltered Instruction Observation Protocol (SIOP) model, teachers modify the way they teach academic content so lessons are comprehensible to ELs, integrating instruction for developing English proficiency into their content-based lessons so students can learn and practice the language as it is used within the context of each academic discipline. The SIOP model consists of eight components that guide teachers in developing lesson plans and delivering instruction—preparation, building background, comprehensible input, strategies, interaction, practice and application, lesson delivery, review, and assessment. Each of these components is woven into a SIOP lesson that covers academic content along with English language acquisition and may span approximately one to three days, depending on the lesson design (Hanson and Filibert, 2006; U.S. Department of Education, Institute of Education Sciences, 2009).

State Policies on English Learner Services and Placement

As of the 2009–10 school year, 18 states and the District of Columbia had had established formal policies that influenced EL programming and placement decisions at the district level.

Interviews with state Title III officials indicated that the majority of states did not have formal policies on EL placement. Among the 18 states and the District of Columbia that did, these states' policies addressed the language of instruction that could be used to teach ELs and the amount of time students must spend in English language instructional programs. All other states allowed districts discretion in determining the type and nature of the programs they offered, and the strategies for determining a student's placement. One reason for this high level of discretion and flexibility is the variable composition of the EL population within a given district. When determining availability of EL services,

districts must consider the size and composition of their EL population, as well as the capacity of their teachers and staff. As one state Title III official explained, "It's up to the district and that depends on how many ELLs they have, what kind of programs they have in place, how many endorsed teachers they have, whether or not they're bilingual. It depends on a number of factors, so that is left up to the district to decide."

Policies on Language of Instruction

In 2009–10, at least 17 states and the District of Columbia had formal statewide policies on the language of instruction.[56] Seven of these states had policies that required or encouraged districts and schools to offer instruction in students' native languages under certain conditions; four states had policies that restricted instruction in languages other than English; and six states and the District of Columbia had policies that permitted use of students' primary language but did not require it.

In 2009–10, state Title III officials most often indicated that their state did not have a formal policy on instructional use of students' native languages (26 states). However, at least 17 states and the District of Columbia did report having such policies.[57] Among them, seven states had policies that encouraged,[58] or even required, districts or schools to offer bilingual education programs featuring instruction in both English and students' native languages under certain conditions. For example, Washington required that districts provide all eligible ELs with a transitional bilingual program that used ELs' native language in basic literacy and content instruction as a bridge to developing English proficiency. Only under certain circumstances, such as when resources in the student's primary language were unavailable or there were not enough students at one grade level to warrant the purchase of native-language materials, were districts permitted to select an alternative instructional program. In New Mexico, the state's Bilingual Multicultural Education Act provided funding to support local bilingual multicultural programs with the goal of making all students, including ELs, bilingual in English and another language. Policies in the other five states (Connecticut, Illinois, New Jersey, New York, and Texas) required districts to provide a bilingual program whenever there were at least 20 students with the same native language in a given grade level or school, or within the entire district, depending on the state's policy.[59]

In contrast, four states (Arkansas, Arizona, California, and Massachusetts) had policies restricting the use of programs that incorporated instruction in ELs' native language(s). In Arkansas, state law declared that the basic language of instruction should be English only.[60] Policies in the other three states established structured English immersion (SEI) programs as the default approach to serving ELs in the state but allowed bilingual education programs through waiver systems. For instance, California's and Arizona's laws mandated the use of SEI programs, which focused on providing English-only instruction with an

56. Excluding foreign language classes.

57. The information presented here regarding states' policies on the use of native-language instruction was gathered through a search of online policy documents and then sent to the state Title III director for verification or correction via a data confirmation form. In all, confirmed responses were collected from 44 states and the District of Columbia. The remaining six states, for which information was not available, have been excluded.

58. States with policies that "encourage" districts and schools to offer bilingual programs are states that provide resources or incentives with the explicit goal of furthering bilingual education in the state.

59. New York mandated a bilingual program if there were 20 or more ELs of one language group at the same grade level in the same school building. In Connecticut and Illinois, the threshold had to be met within a single school building; in New Jersey, the whole district; in Texas, the same grade level within a district but only in the elementary grades.

60. See http://arkansased.org/educators/pdf/lep/official_language_121509.pdf

attempt to adjust the level of English, as appropriate. However, after 30 days of SEI instruction, parents could submit a waiver requesting that their children be taught in a bilingual instructional setting. Indeed, two case study districts in California included schools that were implementing bilingual programs as a result of parents' having submitted a waiver request. One of these districts had schools that offered two-way immersion in Spanish, Korean, and Mandarin, while the other had schools implementing English-Spanish bilingual programs. Similarly, Massachusetts state law specified that that no subject matter should be taught in a language other than English and that students must learn to read and write solely in English, but the law permitted districts to offer bilingual programs to students who received waivers. Indeed, if 20 or more students within a given grade-level received a waiver, districts were required to offer "classes teaching English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law" (Massachusetts General Law, Chapter 71A).[61]

The remaining six states and the District of Columbia had policies that allowed, but did not require, the provision of bilingual education programs. The foci of these policies varied: in some instances, the policies explicitly permitted the use of native language instruction or bilingual education, while in other cases, they emphasized the provision of instruction in English but did not restrict bilingual education programming. For example, Tennessee's state code required that "instruction in the public schools and colleges of Tennessee … be conducted in English unless the nature of the course would require otherwise" (Acts 1984, chapter 821, section 1). Within the framework of this law, the state education agency was able to encourage districts to offer heritage language programs and allow them to pilot other types of bilingual programs.

Policies on English as a Second Language (ESL) Instructional Time

In 2009–10, three states had policies that specified the amount of instructional time during which EL students should receive services for developing English proficiency.

Officials from three states (New York, Rhode Island, Arizona) described policies that specified the amount of ESL instructional time ELs were required to receive, depending on their level of English proficiency.[62] New York categorizes ELs in three levels of proficiency—Beginning, Intermediate, and Advanced—based on the results from its screening assessment, the Language Assessment Battery-Revised (LAB-R) and its state English language proficiency (ELP) assessment, the New York State English as a Second Language Achievement Test (NYSESLAT). From kindergarten to eighth grade, students who test at the Beginning or Intermediate levels receive two units of ESL instruction, and students at the Advanced level receive one unit. (The state defines one unit as 180 minutes per week, which equals 36 minutes per day.) From ninth to 12th grade, students who test at the Beginning level receive three units of ESL instruction, students at Intermediate receive two units, and students at Advanced receive one unit. This policy applies to all ELs, regardless of whether they are enrolled in a bilingual program or a "free-standing" ESL program. For example, students in bilingual education programs have to receive one to three units of ESL instruction (depending on their level) in addition to bilingual instruction.

61. Massachusetts law did permit districts to offer two-way immersion programs without requiring parents to apply for and receive waivers.

62. This information was not specifically solicited from all states. Rather, we asked the question "What criteria does your state use for the placement of LEP students into the LIEP programs offered in your state?" The above three states explicitly stated that they had policies that specified the amount of time. In addition, California and Massachusetts mentioned that they recommended the amount of time but did not require it.

Likewise, Arizona requires schools to provide ELs with up to four hours of structured English immersion (SEI) instruction per day based on their proficiency level. Rhode Island also prescribes a specific number of hours for instruction designed to develop English proficiency according to a student's proficiency level. However, unlike Arizona, Rhode Island provides districts with more flexibility with respect to the type of programming that can be offered during this prescribed instructional time. The state has identified seven different program models, and each district determines which program or combination of programs to offer.

Services for English Learners Among Title III Districts

In 2009–10, officials in Title III districts reported providing a wide range of services to meet the needs of ELs. The most frequently offered instructional service was ESL instruction for developing English proficiency, provided by nearly all Title III districts (98 percent). A majority of Title III districts also provided instruction in content areas specially adapted for ELs (87 percent), and more than half also offered special instruction for newcomers (57 percent) (see Exhibit 12). Fifty-seven percent of districts also offered at least one approach in which teachers provided some instruction in students' native language(s). This section discusses the prevalence of these instructional strategies among Title III districts, along with a more nuanced view of implementation among case study districts.

Exhibit 12
Types of EL Services Among Title III Districts, 2009–10

Types of EL Services	Percentage of Title III Districts That Provide EL Services
English language development for ELs (e.g., English as a Second Language instruction) within or outside the regular classroom	98
Instruction in content areas using English but specially designed for ELs (e.g., sheltered instruction, SIOP).	87
Program models using native language: Instruction in content areas (mathematics, science, social studies) involving significant (at least 25 percent) use of the native language	44
Program models using native language: Instruction in the language arts of the native language	44
Program models using native language: Two-way immersion programs involving both ELs and native English speakers	29
Special instruction for newcomers to U.S. schools	57

Exhibit Reads: 98 percent of districts reported that they provide English as a Second Language (ESL) instruction within or outside the regular classroom.

Note: n = 1389–1407.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

English as a Second Language (ESL) Instruction

In 2009–10, ESL instruction was the most common type of EL service among Title III districts, with 98 percent providing these services to at least some ELs.

According to the nationally representative survey, ESL instruction was the most common of EL services provided among Title III districts at both the elementary and secondary levels. At the elementary level, almost all (97 percent) Title III districts provided this service within or outside the regular classroom.

Almost half (49 percent) of Title III districts provided this service to *all* ELs at the elementary level. At the secondary level, 95 percent of Title III districts provided this service, and 39 percent of Title III districts provided this service to *all* ELs at the secondary level.[63]

Respondents in all 12 case study districts reported that they provided services using ESL instruction. For example, in one small rural district in a Title III consortium [C], pull-out ESL instruction was the only available EL service. In accordance with state requirements, which specify the duration of ESL instruction by a student's English language proficiency level, schools in this district blocked out a set of ESL sessions in their daily schedules. During these sessions, teachers who specialize in EL instruction provided individualized instruction to ELs on vocabulary, grammar, and writing skills in relation to the academic content that ELs were learning in their other classes. One teacher explained how she taught her students preposition and article use during one ESL session by drawing on instructional material from the student's English class:

> I just took her English assignment that she wrote on the Island of the Blue Dolphins, and I had her print it out … and it was replete with article errors because it's so difficult. So I took that, and for every place that might or might not require an article, I put a blank in front of it. I had her tell me what she perceived to be the article use rules, so we started with that. And we saw what experts say about article rules. And then, we took a look at her paper, and we were also using a basic grammar textbook. That's where I trouble shoot, and I try to take the content and teach her grammar, writing skills.

Another case study district [J] with much larger EL enrollment implemented leveled ESL instruction. This large suburban district provided ESL classes for all ELs daily, as required by the state. The ELs were grouped and assigned to one of the four levels of ESL classes according to their English proficiency. One district official explained that these ESL classes were the vehicle for ELs to develop their English proficiency:

> The [ESL] time that is placed into every school day is really viewed as sacred because that's the time where a teacher can work as a practitioner and hone in on the skills to help those students move. We really want to get them up and out.

At the elementary level, schools in this district offered 45 minutes of ESL instruction per day for grades 1 through 6, and 30 minutes per day for kindergarten students. At the secondary level, ELs at the lowest three proficiency levels received two periods of ESL class per day, and the more advanced ELs received one period of ESL class and one of general education class in English. The district required specific instructional materials for these classes according to students' English proficiency and grade levels. The classes were taught by mainstream teachers who had met state certificate requirements for teaching a second language.

Content Instruction Designed for ELs

In 2009–10, content instruction designed for ELs was the next most frequently reported EL services among Title III districts, with 87 percent providing content-based instruction to at least some ELs in the district.

Administrators in a majority of Title III districts (87 percent) reported that schools in their districts provided content instruction in English designed for ELs, with adjustments to make the material more

63. The percentages, by elementary and secondary levels, were lower than the overall total of 98 percent for all Title III districts because some districts offered ESL instruction for either the elementary or secondary level but not for both.

accessible for ELs. At the elementary level, 81 percent of Title III districts provided specially designed content instruction in English to at least some ELs, and 20 percent of Title III districts provided this instruction to *all* ELs. At the secondary level, 81 percent of Title III districts provided content instruction in English for ELs, and among these districts, 18 percent provided this service to *all* students identified as ELs.

Eleven of the 12 case study districts reported that they provided instruction in content areas in English specially designed for ELs. Three case study districts [H, I, J] implemented content-based instruction through a specialized instructional strategy called SDAIE (Specially Designed Academic Instruction Delivered in English). The SDAIE strategy involves the teaching of grade-level subject matter in English in ways that are comprehensible and that engage students academically (Reed and Railsback 2003). For example, one of these three districts [H] launched a districtwide initiative to train general education teachers to use the SDAIE strategy. This districtwide initiative emphasized providing teachers with skills to scaffold content-area instruction and differentiate instruction for ELs. In this district, all ELs were expected to attend the SDAIE classes, in which they were grouped according to their English proficiency levels, as measured by the state ELP test. At the elementary level, the district central office recommended that schools place ELs into their grade-level classrooms in such a way that only one or two proficiency levels were included in any given classroom. These arrangements allowed teachers to tailor instruction and provide targeted support for ELs according to their proficiency levels.

Another common strategy for content instruction designed for ELs is the collaboration model (or co-teaching model), endorsed by schools in four case study districts [D, E, F, and G]. In the collaboration model, mainstream teachers and teachers who specialize in EL instruction provide joint instruction in classrooms with a mix of native-English-speaking students and ELs. For example, in one large, linguistically diverse district [F], the collaboration model is the predominant approach for instruction of ELs. School-level staff explained that this model allows ELs to learn the same academic content in the same context as their English-proficient peers but with appropriate language supports. One district official explained,

> The service is delivered collaboratively. That means that the teachers need to plan together. They need to co-teach. They need to assess and evaluate student learning together and report it to parents together. Also, they need to reflect on how things are going.

Moreover, mainstream teachers and teachers who specialize in EL instruction reported each benefit from their co-teachers' respective areas of expertise, making teachers who specialize in EL instruction more aware of the content and mainstream teachers more aware of how to make content accessible to ELs. As one mainstream teacher stated, "I would say that my work with [my partner ESL teacher] has given me a lot more perspective than I used to have. … I've learned that ELL practices are best for all [both ELs and English-proficient students]."

Instruction in Native Language

Instruction in a student's native language was the least frequently reported EL service among Title III districts but was still provided in more than half the Title III districts (57 percent) in 2009–10.

In 2009–10, officials in slightly more than half the Title III districts reported that schools in their districts provided instruction for at least some ELs that included students' native language(s). Instruction in native language was slightly more common at the elementary level (51 percent of Title III districts

reported native language instruction at the elementary level) than at the secondary level (42 percent). Specifically, Title III survey respondents reported whether any of the following three approaches were implemented in schools in their district (note that these are not mutually exclusive categories):

—Instruction in content areas (math, science, social studies) involving significant (at least 25 percent) use of the native language

—Instruction in the language arts of the native language

—Two-way immersion programs involving both ELs and native English speakers

Among these programs, district respondents most often reported the use of native language instruction in the content areas, followed by instruction in the language arts of the native language. Two-way immersion programs were the least common approach, available in only 29 percent of Title III districts (see Exhibit 13[64]).

Exhibit 13
Types of Program Models Using Native Language Among Title III Districts

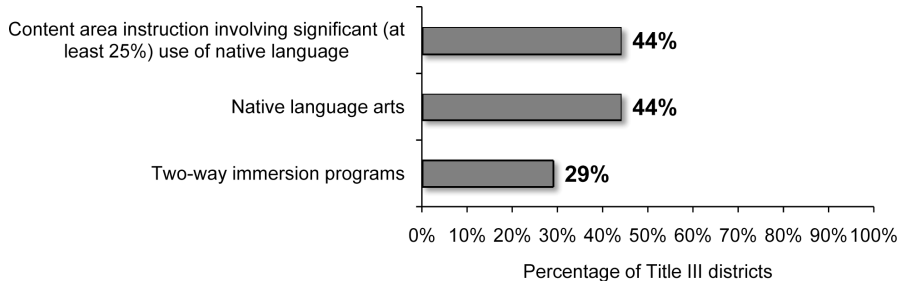


Exhibit Reads: Forty-four percent of districts reported that they provided content-area instruction involving significant (at least 25 percent) use of the native language for at least some ELs.

Note: n = 1389–1395.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Although 57 percent of Title III districts reported that native language instruction was occurring in at least some of their schools, very rarely were any of these programs offered districtwide to all ELs. Indeed, districts with a diverse language population would be challenged to offer native language instruction to all ELs. Between 1 and 4 percent of Title III districts made the approaches listed in Exhibit 13 available to all ELs in the district (2 percent, 2 percent, and 4 percent, respectively, at the elementary level; 1 percent, 1 percent, and 4 percent, respectively, at the secondary level). Only 17 percent of Title III districts provided EL services using native language to a majority of ELs at the elementary school level, and only 12 percent provided these services to a majority of ELs at the secondary school level. Nationwide, Title III districts that provided instruction using a native language were more likely to have a large number of ELs or a large percentage of Spanish-speaking students (see Appendix C).

Administrators in 10 of the 12 case study districts reported that at least some schools in their districts provided some type of instruction in students' native language(s). For example, one very large urban district [A] with a long history of serving ELs, gave schools great autonomy in selecting a program model

64. Exhibit 13 presents a subset of the data presented in Exhibit 12.

that best fit the needs of their EL student population. As a result, several schools in the district offered native language instructional programs, including content-area classes in the students' native languages, bilingual programming, and two-way immersion programs for ELs and non-ELs. Indeed, officials in this district reported that they encouraged the use of native language to support ELs in understanding academic content. One high school biology teacher described the way in which teachers encouraged students to feel comfortable using their native language at school, particularly to master complex academic content:

> All of our teachers are bilingual so students have a lot of supports. We really want them to get the knowledge, so they can still use native language if needed. We push them to get the advanced [high school] diploma, and in order to do so, they really need to understand the content. We want students to feel comfortable to use their native language if they need it to understand the content.

Other case study districts also embraced native language instruction. One large urban district [K] with a largely Spanish-speaking EL population and a notable population of American Indian language speakers encouraged the use of bilingual programs and two-way immersion programs if a school's EL population was large enough to warrant such an approach. The EL coordinator for this district explained the district's approach to native and second-language instruction as follows:

> We believe here that it is very important that children's culture and language [are] valued and respected. These students are not seen as students who bring deficiencies into the classroom but who bring a lot of positive values and knowledge. These are not empty receptacles that come to us that we pour language and knowledge into them. It's a question of knowing the students, who they are, their background, their ability in their native language and where they are in their continuum of English language acquisition and providing them with supports so that our students can be bilingual and biliterate.

In a context in which bilingualism is embraced, two-way immersion is a logical fit. One teacher explained how the two-way immersion program enhanced mastery of language and academic content in English and Spanish:

> Fifty percent of my day is instructed in English, and 50 percent is instructed in Spanish. We are taking a look to see that our core content areas are delivered in both languages. We are not repeating the content in both languages. We are using the language in a strategic manner so that students are receiving the content in English and Spanish but not repeating it. We are trying to activate the students' ability to work in both languages and not necessarily to wait for the concurrent translation. We are trying to foster a rich classroom environment that supports oral language development as well as academic language development for both English and Spanish across all content areas.

In another case study district [L], a heritage language program model was implemented in schools districtwide. This district was located on an American Indian reservation, and the home language of the district's EL population was predominantly the heritage language of the community. District officials sought to promote proficiency in the heritage language, as well as English. As a result, all students, received at least 45 minutes of instruction in the heritage language and culture, and students designated as EL at the elementary level also received English language instruction during a two-hour or three-hour block, depending on their English proficiency level. Support for ELs at the middle school and high school level was less structured; instructors would rotate through the mainstream, content-based classrooms during the school day to support ELs as necessary by translating words and directions.

According to the district leaders, the programming for ELs in this district was somewhat complicated by the dual focus of teaching both the heritage language and the English language. The heritage language was becoming less prominent in the community. The EL coordinator reported that the number of EL students entering kindergarten has dropped in recent years, and there was community concern over new generations' not learning the heritage language. As one parent remarked,

> I speak fluently in both languages, but my girls have difficulty saying words. We have many cultural traditions and things that go on. We have [elders] that help out and sometimes my girls don't understand when they are spoken to in their own language and I don't think that's good at all. I feel like I've failed in teaching them their own language. I'm concerned about my own culture and [heritage] language.

Indeed, according to one district official, the bilingual programming in the district was initially designed to help students learn English, but "now the opposite seems to be true. They speak English, but not [the heritage language], but they're not proficient in either one." This tension between maintaining students' heritage language and culture and developing English proficiency posed a challenge for the district in terms of programming and instruction.

A state Title III official from another state with a significant American Indian population reported a similar tension between maintaining the heritage language and developing English proficiency for American Indian ELs. This official remarked, "We're challenged with the sovereign [Indian] nations that are in [this state]; how to get school districts to work with them, and since most of the sovereign nation issue is teaching the kids their heritage language, and Title III at least in my shop is about teaching them to learn English, we're running into some problems."

Newcomer Programs

In 2009–10, 57 percent of Title III districts offered special instruction for newcomers to U.S. schools.

According to the nationally representative survey of Title III districts, 34 percent of ELs enrolled in Title III districts were born outside the United States and had immigrated to the United States. These students face an additional challenge because they must learn the culture of American schools, as well as the English language. Some students who are newcomers to the United States may require only a short transition period, while others, particularly students with interrupted formal education (SIFEs), need intensive supports before they can attend classes with their American-born peers. In 2009–10, 57 percent of Title III districts offered special instruction for newcomers to U.S. schools (see Exhibit 12). Among the 12 case study districts, 9 [A, B, D, E, F, G, H, I, and L] offered supports for newcomers, including short summer programs, content courses tailored specifically to newcomers, and stand-alone centers for SIFEs.

Newcomer programs are designed to provide support for students with very low levels of English literacy skills and who often experienced limited formal schooling in their native countries. The structure and content of newcomer programs vary widely from program to program. Some newcomer programs last for a limited period of time (for example, the summer before the start of a new school year), and are designed to help students transition to regular EL programs after receiving support for beginning English skills and acculturation to the U.S. school system. Other newcomer programs may last a year or two and include more substantial courses and curricula, such as ESL instruction, bilingual education, and native literacy programs (Reed and Railsback 2003; Center for Applied Linguistics 2000). For example, one large urban, linguistically diverse case study district [B] recently began offering science and

mathematics courses specifically for newcomers to the United States. As one high school principal explained,

> We have an ESL program where we teach intensive English for beginners for three periods, and for those students, mainly our SIFE or refugee students, we have content area science and math also. And they have an after-school program where they receive instruction in social studies content area. … Those teachers have received SIOP[65] training so they know how to bring the content instruction to the ELLs in a way that they understand it.

Still, the teachers in this high school described challenges in providing instruction to the SIFE students: Some classes included students of seven native languages, rendering it impossible to provide native language support. In addition, one high school teacher commented that there was no standard that reflected the proficiency level at which her students started, adding, "You need to learn basic vocabulary about clothes and food. You can't teach anything else until they've had the basic vocabulary. There is not a state standard for kids who are just coming in. … You need to have something that just allows you to do vocabulary and basic grammar structures."

Another medium-size suburban district used a portion of its Title III funds to launch a newcomer center for the most challenged ELs, consisting of one middle school and one high school classroom in neighboring school buildings. The newcomer center is staffed by one full-time teacher, one full-time teaching assistant, and one quarter-time social worker. Although the newcomer center serves relatively few students (in 2008–09 it served 19 high school and 13 middle school students; in 2009–10, 15 high school and 9 middle school students), it serves the students who face the greatest challenges, who would have been very difficult to place in a regular school setting. Indeed, many of the students in the newcomer center were refugees who had spent most of their lives in a refugee camp and had no formal education whatever. The lead teacher for the newcomer center reported that her objective for her students was to "prepare them so they can be successful when they go to regular school next year, so they will have confidence and cultural understanding. … We're trying to help them try to navigate the new world."

District Practices for Placing Students Into English Learner Services

In 2009–10, placement decisions were based on a variety of factors including a student's proficiency level, parent input, teacher judgment, and the programs available in a district or school.

Although some states had laws and policies that guided or influenced districts' programming for EL services and placement, overall, districts were afforded flexibility in the strategies they used for placing ELs into programs based on local, contextual factors. Consistent with the literature (Committee on Developing a Research Agenda on the Education of Limited-English Proficient and Bilingual Students 1998; Center for School and District Improvement 2004; Rennie 1993; Reed and Railsback 2003), data for this study (collected through state interviews, the Title III district survey, and case studies), indicated that placement decisions were based on a combination of factors, including the instructional options available in a district, staff capacity and resources, the nature of the EL population, the needs of individual students, and parental choice. Officials from Title III districts reported that numerous factors could determine an EL's placement into an instructional program. Although English proficiency

65. For more information on the SIOP model, see the text box "The SIOP Model," in the first section of this chapter.

assessment results were by far the most commonly reported factor (98 percent of districts), other frequently reported factors included parental input (74 percent) and teacher judgment (65 percent) (see Exhibit 14).

Exhibit 14
Factors Considered in Placing Students in EL Services in Title III Districts, 2009–10

Factors	Percentage of Title III Districts
English proficiency assessments (including both state-mandated and district-selected)	98
Parental input/choice	74
Teacher judgment	65
Progress tests (also called interim, benchmark, or diagnostic tests)	58
State academic-content-area tests	48
Class grades	46
Home language survey	42
Years in the EL service program	39
Other standardized achievement tests in English	36
Grade level	32
Years in the U.S.	31
Native language proficiency tests or standardized achievement tests in native language	30

Exhibit Reads: Ninety-eight percent of districts reported that results from English proficiency assessments were considered in instructional placement decisions.

Notes n = 1322–1392.

The weight of these factors may vary when districts make placement decisions, but the exhibit does not consider this difference.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Similarly, officials from all 12 case study districts reported using English proficiency assessment results to make placement decisions. Parental input was also a factor in all case study districts, often through the submission of waivers for an alternative type of program. Of course, placement decisions are constrained by the type of programming available, and among the 12 case study districts, three of the smallest, most rural districts [I, C, L] offered a single type of programming for all ELs. The remaining eight districts, all middle- to large-size districts, had a variety of program types, providing some degree of choice for placement. However, even in these districts, not all instructional options were available in every school in the district or for all ELs within the same school [A, B, D, E, F, H, J, K].

In addition, placement decisions could be made at the district level or at the school level. For example, a district central office may make placement decisions in order to cluster ELs of particular needs in designated schools, in which staffing and programming are designed to address their needs, such as schools that offer newcomer or bilingual programs. On the other hand, placement decisions could be made at the school level when the district central office assigned ELs to their neighborhood schools and allowed each school to determine the type of programming on the basis of the size and nature of their EL population [A, D, E, K, L]. For example, in one large urban case study district, schools were afforded discretion in determining instructional options and student placement. The types of EL services depended largely on the demographics of the school population, whether the staff were qualified to provide instruction of a specific type, and parental preferences. In addition, the number of students in a particular program generated the amount of funding a school received, so a school's capacity to provide

different instructional models and services was affected by the number of students. In this district, central office staff would meet annually with a school principal to review the school's demographics, the community, student outcome data, and the school's staffing, and to make a recommendation for the types of programming to offer. According to district staff, it was the responsibility of the district to "ensure that all schools [had] sufficient highly qualified staff to be able to implement the program models they [had] at their schools."

English Proficiency Assessment Results

In 2009–10, 98 percent of Title III districts reported that they used English proficiency assessment results as a factor when assigning ELs to instructional programs.

Nationally, English proficiency assessment results were the most common factor that Title III districts considered when they placed students into EL programs. These assessments included screening assessments used in the initial EL identification process, state ELP tests administered for all ELs annually for accountability reporting, and other types of language proficiency assessments. Some districts used only one type of assessment while other districts used multiple types of assessments for making placement decisions. District-level staff from all 12 case study districts also reported that ELP assessment results were a primary consideration in making placement decisions. These assessment results provided information on each student's English proficiency level, often categorized as Beginning, Intermediate, Advanced, and Proficient. Administrators in case study districts reported using this information for various aspects of placement decisions, such as matching individual ELs with an appropriate program, determining the amount of time for ESL instruction for each student, and grouping ELs of the same proficiency level for targeted instruction.

Parental Input or Choice

Parental input or choice was the second most frequently reported consideration in placement decisions, reported by 74 percent of Title III districts.

In 2009–10, 74 percent of Title III districts surveyed reported that they considered parental input or choice in making placement decisions for ELs. Title III directors in at least 26 states[66] indicated that they had policies allowing parents to have a voice in their children's placement. Among the 12 case study districts, 10 districts had more than one program type available. District administrators and school staff in at least eight of these districts mentioned that they considered parental input or choice in making placement decisions [A, B, D, F, G, H, J, and K]. In these districts, parents of ELs were provided with information about schools with appropriate services for their children, although the types of communication varied, such as one-on-one conferences, written communication, or an online video in the most frequently spoken languages.

Officials in one large urban case study district [K] reported that they abided by parents' wishes regarding whether they wanted their children to be placed in a two-way immersion, bilingual, or ESL program, or to opt out of these EL programs. As one district official (an EL coordinator) explained,

66. We only have data from 26 states in regard to parental input or choice in EL placement because this information was not specifically solicited from all states. All these 26 states mentioned that they allowed parents a voice in placement decisions.

> It's important for us to share with parents the benefits that their child might receive in these kinds of classes. … There are a lot of things that you need to finesse and work with parents so that they're knowledgeable and understand what these support services mean and how we think they're going to address the needs of these students. We have to let them know that these programs are not remedial in nature.

In another large urban case study district [B], the district placement center provided parents with a list of schools with EL services, and the district's open-enrollment policy enabled parents to choose from nearly any school in the district.[67] However, teachers in a high school focus group and the district Title III director admitted that, in practice, parents of ELs had limited options, if any. According to these respondents, EL parents often lacked sufficient knowledge of schools to evaluate options, to request transportation to schools outside their neighborhoods, or to apply for the few selective public schools. As a result, one high school became the default high school for ELs in the district. As one school staff member with a large enrollment of ELs noted, "The term 'free appropriate public education' is a unique term. Yes, it may be free, but the distribution is uneven."

Nationally, 2.7 percent of ELs in Title III districts did not receive EL services in 2009–10 because of parental choice.

Per Title III provisions (Section 3302), parents have the right to opt their children out of EL services altogether if they so choose. However, only rarely do parents opt out of services: In 2009–10, administrators in Title III districts indicated that only 2.7 percent of ELs did not enroll in EL services because of parental choice.

According to state interview data and a review of state websites, at least 27 states[68] allowed parents to opt out of EL services for their children once the children had been identified as ELs. If parents did opt out, districts in these states would make modifications to the general education program in order to overcome language barriers. For example, one state Title III director noted, "They would be enrolled in ESOL services unless their parents choose to waive them in which case we have to provide language support through other means." Similarly, a Title III official in another state noted how parents could opt out of services; however, the district would still be obligated to provide appropriate means to meet students' academic and language needs. In contrast, in Florida, due to a consent decree, parents of ELs do not have the option of not allowing their children to receive EL services, but parents do have the option of choosing what type of services their children receive.

Long-Term ELs

State Title III officials and case study districts identified several subpopulations of ELs who faced unique challenges in exiting EL status. These subpopulations tended to remain in EL status longer than the other ELs. This section discusses their unique challenges and instructional strategies to address them.

67. However, district officials reported that parents often sent children to a neighborhood school even if they could send the children to another school of their choice.

68. We did not systematically ask each state whether parents were able to opt out of having their children receive EL services. We were able to collect this information from 28 states either through information that was volunteered during the state interview or from guidance documents we found on the state's website. Of these 28 states for which we were able to collect the information, 27 allowed parents to opt their children out of services.

Teachers and administrators in almost all of the case study districts identified long-term ELs as a struggling subpopulation of ELs and recognized the unique challenges associated with them. Four district officials mentioned specific instructional strategies to assist long-term ELs, although each district had its own approach.

Almost all the case study districts raised the issue of challenges associated with long-term ELs—students reached the Intermediate level of English proficiency and got "stuck" in EL services. Long-term ELs are students who have attended U.S. schools for a long time, typically defined as seven years or more, yet are still classified as ELs (Menken 2009). Menken has identified two main groups of long-term ELs: (1) transitional students who move between the U.S. and their country of origin and (2) students with inconsistent schooling. An administrator from a large urban district [A] also mentioned these circumstances, commenting "These are kids that either start in ESL, go back to bilingual—inconsistent programs. Other kids go back and forth between the U.S. and other countries. There is a lack of continuity, breaks in instruction."

These students pose a unique challenge to school district teachers and administrators. While long-term ELs' social English may be close to that of native speakers, these students struggle with the academic language needed to meet the state or district's requirements for exiting EL status (Menken 2009). One teacher from a small suburban district with a large EL population [G] stressed, "I think this is one of the most significant problems—the "lifers." … They are language students, but are they best served through an ESL class? And that is very difficult to know." Another challenge cited by teachers of ELs and administrators in at least two case study districts [D, G] is that students become "comfortable" in EL services. "Some of those kids don't want to get out," a high school administrator stated. "It's a comfort level." Teachers and administrators from these districts attribute this level of comfort to students who do not feel motivated to move on or who feel reluctant to leave ESL classes, which they have come to perceive as a safety net.

At least three officials from the case study districts identified different instructional strategies or programs to help long-term ELs attain proficiency. For example, administrators at a large suburban district [J] tried to identify students who had been in EL services for five or six years to the staff at their middle and high schools. In addition to identifying these students, administrators also made recommendations on how to help them. A school administrator from a district with a large growth of ELs [G] suggested that by challenging long-term ELs "and mak[ing] them uncomfortable a little bit, they tend to succeed." She indicated that her school's English language arts department took the lead in developing instructional strategies for long-term ELs. A Title III administrator in a large urban district [B] indicated that their district had a voluntary Saturday program available for long-term ELs to provide them with additional assistance. The Saturday program started with over 200 students several years ago, but attendance had been declining since then.

Availability of Information on Effectiveness of English Learner Programs

In 2009–10, nearly half the Title III district officials (43 percent) reported that a lack of proven curricula and programs for ELs was a moderate or major challenge. Case study district respondents reported relying on their own data to gauge program effectiveness.

Title III requires districts to provide ELs with LIEPs that have demonstrated effectiveness in increasing English proficiency and academic achievement in the core subjects (*ESEA*, Section 3115). However,

identifying research-based programming for ELs may be a difficult task for many districts. The research on effective programs for English Learners is limited (Gersten et al. 2007; August and Shanahan 2006). The What Works Clearinghouse has only identified 16 studies that reach the level of rigor necessary to determine whether these programs can produce significantly better academic outcomes for EL students, and of these, only 14 provide evidence of positive or potentially positive effects for at least one outcome.

Nationally, officials in 43 percent of Title III districts reported that a lack of proven curricula and programs for ELs was a moderate or major challenge. Likewise, interviewees and focus-group participants from the 12 case study districts reported that they felt they had limited information about the effectiveness of their programs. Indeed, identifying and implementing research-based strategies remained a concern for district leaders and school staff. They reported using their own data to try to determine whether or not their selected programs were adequately meeting the needs of their EL students.

Officials from at least five of the 12 case study districts described using student data to develop or modify their instructional programs and to gauge the programs' effectiveness. For example, in a very large urban case study district, every school was required to develop an annual school-based plan for EL services that addressed programmatic and instructional strategies, staff distribution, and data-driven practices for ELs. These plans had to include data on ELs' performance and evidence that the school's selected instructional programs and methodologies were positively affecting ELs' achievement and progress. During focus groups, school-level staff indicated that the process of developing these plans was a useful exercise, as it forced administrators and teachers to reflect and reassess the effectiveness of their program model. As one respondent stated, "The questions they are required to answer [as part of the plan] make administrators reflect upon their practices and how to improve them because they are actually working with data and looking at the goals of their program."

In a large, urban case study district [K], decisions regarding programs offered were made at the school level, but with guidance and oversight from the district. As the district-level EL coordinator explained, "We can take a look at data and see what that program is and if that program is having the impact that it needs to have, and if it's not, why not, and what do we need to do to strengthen and improve? Our eye is constantly on the data."

In one of the rural case study districts [D], administrators and teachers were in the process of determining a program model that would best meet the needs of their EL students. This district had experienced rapid growth in its EL population (78 percent growth since 2002–03) and did not have a long history of serving this population of students. The district's approach to measurement of program effectiveness was to constantly review data and modify instruction accordingly. At the time of the case study visit, the district had begun implementing school-based professional learning communities, whereby educators regularly examined their students' performance and jointly adjusted instruction to better meet student needs. As part of that initiative, the district had adopted several software assessment tools to provide formative assessment data as a means of facilitating this process.

In contrast, other districts struggled to identify strategies for improving their instructional model when the data did not provide evidence of effectiveness or student progress. One rural district [L] with a predominantly American Indian EL population was challenged to ensure that students learned and remained fluent in their heritage language while at the same time providing the instruction necessary to also ensure fluency in English. Although the district had implemented programs and strategies to teach both the heritage language and the English language, a district official cited a lack of evidence that either program was producing the desired results. She remarked, "I don't feel like we've got a very strong program for teaching English," and cited a lack of "good evidence right now that by the time kids

graduate that they are proficient in [the heritage language]." The district received technical assistance concerning the use of data on ELs, but it indicated that technical assistance was not sufficient. Likewise, an official from a large suburban district with a predominantly Spanish-speaking population [J] indicated that "getting to an EL Master Plan that everyone can agree on" remained a significant challenge for the district. In particular, this official noted that district leaders had widely varying perspectives on the effectiveness of the district's bilingual programs and on whether bilingual education should be offered at all.

Chapter Conclusions

Across the country, Title III districts are providing a range of services to meet the diverse needs of ELs. There are some broad commonalities with regard to programmatic offerings: Nearly all districts offer ESL instruction, and 87 percent offer content instruction in which the English instruction is modified to be more accessible for ELs. In addition, more than half of Title III districts offer some type of instruction in students' native language(s) (57 percent), as well as programs specifically for newcomers to the United States (59 percent).

While interviews with Title III officials indicated that states typically did not have formal policies on EL placement, 19 states and the District of Columbia did have policies that influence curriculum and instruction for ELs at the local level. These include policies regarding the language of instruction (restricted in eight states) or policies regarding the amount of ESL instructional time to be allocated for developing English proficiency (required in three states). Decisions regarding the placement of ELs in particular instructional programs are delegated to the district (and in some cases, the school) level. When placing ELs in an instructional program, results on ELP assessments are the most common consideration, although parent wishes also influence the instructional program to which ELs are assigned—or indeed, whether they participate in EL services at all. In 2009–10, 2.7 percent of ELs in Title III districts did not participate in EL services because their parents opted out.

Although districts are providing a diverse set of instructional services for ELs, nearly half the Title III administrators (43 percent) lamented the lack of information on the effectiveness of instructional approaches for ELs. Although recent analyses in two California districts indicated that the average EL attained English proficiency in 5.6 years, nearly half of ELs were estimated to have remained in EL status for seven or more years (Taylor et al. forthcoming). To best meet the needs of these long-term ELs—and other challenging subpopulations of ELs—research on the effectiveness of EL instruction needs to catch up with the demands of the field.

IV. Standards and Assessments

In 2001, Title III of the *Elementary and Secondary Education Act (ESEA)*, as amended by the *No Child Left Behind Act (NCLB)*, changed the accountability landscape for English Learners (ELs). For the first time, federal law required states to develop English language proficiency (ELP) standards, to adopt valid and aligned ELP assessments,[69] and to measure ELs' progress toward and attainment of English proficiency. State ELP standards must define expectations for academic ELP in reading, writing, speaking, and listening in kindergarten through grade 12, and provide the basis for curriculum, instruction, and assessment to support ELs' acquisition of academic English proficiency and attainment of the academic content standards. The degree to which states' ELP standards meet these requirements has critical implications for understanding how and how well Title III programs serve ELs. Likewise, the ELP assessment requirement mandated that states adopt a test that would measure individual growth, as well as the growth of the EL subgroup, and that it explicitly address aspects of language proficiency thought to influence student attainment of academic content knowledge and skills (Winter 2011). The intent of these requirements is to ensure that ELs gain the academic language necessary for success across the content areas (Taylor et al. 2010).

This chapter details the processes states have used to develop and implement ELP standards and assessments, to ensure the alignment or linkages between their ELP standards and content standards, and to ensure the alignment of their state ELP test with their state ELP standards. This information is based solely on states' self-reports and reflects no analysis of the quality of these studies or processes. This chapter also examines local-level awareness, and the use and implementation of state ELP standards and assessments for ELs in a sample of Title III districts.

Key Findings

- **In 2009–10, Title III officials in 45 states and the District of Columbia reported that their state's ELP standards had been linked to or aligned with state content standards in at least one or more core subject.** State officials most frequently reported linkages with the English or language arts content standards (41 states and the District of Columbia) and least frequently reported linkages with the history standards (3 states).
- **As of 2009–10, 48 states and the District of Columbia had completed a process to align the state ELP test with the state ELP standards; the remaining two states indicated plans to do so.** States typically relied on committees of educators, external consultants, and consortium involvement to carry out the alignment process.
- **As of the 2009–10 school year, state officials from about one-third of the states (17) anticipated making changes to their ELP standards in the near future.** The reported reasons for the changes varied across states, but at least seven of the 17 state officials reported that the adoption of the Common Core Standards was the primary reason for the anticipated changes to their ELP standards.

continued next page

69. Title I, Section 1111(b)(7), of the *ESEA* also requires an annual assessment of English proficiency, which can be the same assessment used to satisfy the Title III requirement.

Key Findings (continued)

—**In 2009–10, state Title III officials and officials in Title III districts reported using data from the state ELP assessment to make instructionally related decisions for EL students, their teachers, and schools.** At the state level, officials reported using state ELP test data for accountability purposes (50 states and the District of Columbia), to provide targeted support to districts (28 states), to guide local improvement (23 states and the District of Columbia), and to measure student progress (23 states). At the district level, officials reported using state ELP test data to group students for instruction (85 percent), to detect gaps in the curriculum (68 percent), and to plan professional development (73 percent).

—**Officials and educators in Title III case study districts raised two major concerns associated with testing of ELs: (1) too much time allocated to ELP and content-based testing (mentioned in nine out of 12 districts), and (2) the lack of validity and the appropriateness of testing of ELs in English on state content-based exams (mentioned in seven out of 12 districts).** Respondents expressed concern both about the burden on staff and teachers because of lengthy administration processes, and the amount of testing and the time taken away from classroom instruction. Respondents also questioned the validity and overall usefulness of testing ELs on content tests administered in English, particularly when ELs were receiving instruction in a different language.

Title III's mandates for aligned ELP standards and assessments forced many states to modify their practices; prior to Title III, only 14 states had developed ELP standards, and in each case, the use of the standards had been voluntary, intended primarily to serve as guidance or curriculum aids (Taylor et al. 2010). In addition, although many states had used some form of an English proficiency assessment prior to Title III, these tests had generally been off-the-shelf tests designed for student placement purposes, not for measuring progress toward attaining ELP (Taylor et al.; GAO 2006; Abedi 2007a). It was only by 2006–07 that *all* states had implemented both ELP standards and assessments (Taylor et al.).

Many states decided to band together to form consortia for the development of ELP standards or assessments, an option allowing them to pool resources and share expertise. Many of these consortia received financial support for their endeavors through Enhanced Assessment Grants awarded by the U.S. Department of Education under sections 6111 and 6112 of *ESEA*, which gave priority to projects aimed at improving assessments for ELs and students with disabilities.

As of 2009–10, a total of 28 states and the District of Columbia were participating in one of two consortia of states that developed and shared the same ELP assessment: the World-Class Instructional Design and Assessment (WIDA) Consortium (21 states and the District of Columbia) and the English Language Development Assessment State Collaborative on Assessment and Student Standards (ELDA-SCASS) Consortium (seven states)). Members of the WIDA Consortium also shared the same ELP standards. Another six states participated in the English Language Proficiency Collaboration and Research Consortium (ELPCRC), which was established to facilitate collaboration among states using the commercially developed LAS Links assessment as their state ELP test (See Exhibit 15).

Exhibit 15
Multistate Consortia and Their Member States

Consortium	Member States	Areas of Focus
World-Class Instructional Design and Assessment (WIDA) Consortium	***21 states and the District of Columbia*:** Alabama, Delaware, Georgia, Hawaii, Illinois, Kentucky, Maine, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Wisconsin, and Wyoming	—Development and implementation of a common set of ELP standards and assessments —Professional development —Research on EL instruction and assessment issues
English Language Development Assessment State Collaborative on Assessment and Student Standards (ELDA-SCASS) Consortium	***7 states*:** Arkansas, Iowa, Louisiana, Nebraska, South Carolina, Tennessee, and West Virginia	—Development and implementation of a common ELP assessment (ELDA)
English Language Proficiency Collaboration and Research Consortium (ELPCRC)	***6 states*:** Colorado, Connecticut, Indiana, Maryland, Missouri, and Nevada	—Implementation issues related to a common ELP assessment (LAS Links) —Facilitating quality EL instructional programs —Research to improve EL testing and instruction
English language learner State Collaborative on Assessment and Student Standards (ELL SCASS) Consortium	***18 States:*** Colorado, Connecticut, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Nebraska, Nevada, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Washington, and Wyoming	—Issues related to assessment of ELs' English language proficiency and inclusion of ELs in academic content assessments
Iowa Consortium SEC-ELL	***9 states*:** Florida, Idaho, Iowa, Maine, Minnesota, Ohio, Utah, Virginia, and Wisconsin	—Alignment issues related to EL instruction, assessments, and standards
Evaluating the Validity of English Language Proficiency Assessments (EVEA) Consortium	***5 states*:** Washington, Montana, Indiana, Idaho, and Oregon	—Examining the validity of ELP assessments
States Not Associated With Any Consortia	***5 states*:** Alaska, Arizona, California, Massachusetts, and New York	N/A

Source: Multi-state Consortia websites

Three additional consortia of states have formed to address issues related to standards and assessments for ELs. Whereas the above-listed three consortia have focused on developing or implementing a common ELP assessment, the goals of these three multistate consortia have centered around various aspects of ELP assessment and Title III implementation, such as evaluating the alignment among standards, assessments or teacher instruction to support ELs. As of 2009–10, a total of 27 states were participating in one or more of these three consortia: the English Language Learner State Collaborative on Assessment and Student Standards (ELL SCASS) Consortium (18 states), Iowa Consortium SEC-ELL (nine states), and Evaluating the Validity of English Language Proficiency Assessments (EVEA) Consortium (five states). These three consortia also include numerous WIDA, ELDA-SCASS, and ELPCRC states. Exhibit 15 outlines the membership of each multistate consortium, and a description of

each of the different consortia is provided in Appendix D. Five states were not affiliated with consortia related to ELP standards and assessments, according to the most recent information available.[70]

English Language Proficiency Standards

According to federal law, states' ELP standards must be designed to guide the development of English proficiency for students with a primary language other than English. States must define competence in speaking, listening, reading, and writing in English in kindergarten through grade 12, and must also address comprehension, as exhibited through reading and listening (U.S. Department of Education 2003). The standards must also set clear English proficiency levels that reflect the differences in each student's grade level and English language skills, and each proficiency level must include a corresponding assessment cut score (Taylor et al. 2010).

The *ESEA*, as amended by *NCLB*, further requires that a state's ELP standards be aligned with the achievement of its standards in the content areas. As discussed above, this latter requirement is meant to ensure that states' ELP standards do not merely encourage the development of general or social language skills but include a specific focus on the type and level of language that ELs need to participate in academic settings in which instruction occurs in English.

Alignment of ELP Standards With State Content Standards

Federal Title III policy guidance encourages states to "align" their ELP standards to the achievement of content standards but notes that, at a minimum, states' ELP standards must be "linked" to the state content standards (U.S. Department of Education 2003). While definitions of what constitutes "alignment" and "linkages" vary,[71] generally speaking, "alignment" tends to imply a more direct correspondence between standards while "linkages" indicate more proximal relationships (Assessment and Accountability Comprehensive Center 2009).

In 2009–10, Title III officials in 45 states and the District of Columbia reported that their state's ELP standards had been linked to or aligned with state content standards in at least one or more core subject.

State Title III officials from 45 states and the District of Columbia reported that they had either ensured the alignment of the state ELP standards and state content standards or developed linkages between them, but to varying degrees. Of the five states that had not yet completed an alignment process (Alabama, Delaware, Maine, Tennessee, and Wyoming), two had plans to do so. The remaining three states indicated no immediate plans to ensure greater alignment or create specific linkages between the ELP standards and content standards.

State Title III officials from the majority of states—41 states and the District of Columbia—reported alignment or linkage with the ELA content standards; 29 states and the District of Columbia reported alignment or linkage with mathematics content standards; 24 states and the District of Columbia reported alignment or linkages with science standards; 14 states and the District of Columbia reported linkage or alignment with social studies; and three states reported alignment or linkage with history (see

70. These five states are Alaska, Arizona, California, Massachusetts, and New York.
71. See Cook (2007) for one approach to defining what it means to link or align state ELP and content standards.

Exhibit 16).[72] State Title III officials from 33 states and the District of Columbia reported linkages with two or more of these core content area standards. It should be noted that data were not collected on the quality of these reported linkages.

Exhibit 16
Reported Linkages Between States' ELP Standards and Core Content Standards

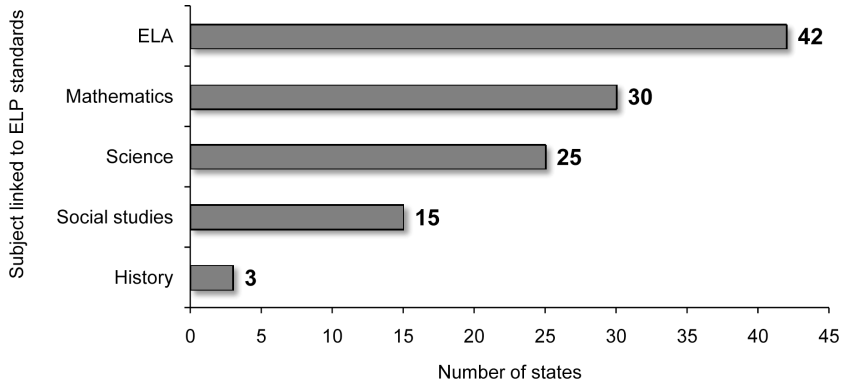


Exhibit reads: State Title III officials from the majority of states (41 and the District of Columbia) reported that the state ELP standards were linked with the state ELA standards.

Note: In two states (Montana and Nevada), the ELA standards were reportedly aligned with ELP standards; however, the mathematics, science and social studies standards were only "loosely aligned" to the ELP standards as reported by state Title III officials.

Source: National Evaluation of Title III Implementation Interviews with State Title III Officials (n = 51).

Development of English Language Proficiency Standards

States typically relied on committees of educators, external consultants, and multistate consortia to carry out the standards alignment process.

In most cases, the alignment process was carried out by committees of educators and experts, both internal and external to the State Education Agency or an external contractor. In other cases, states relied heavily on the multistate consortium they joined to ensure that the ELP and ELA standards aligned. Thirty states reported that educators (e.g., district staff, teachers who specialize in EL instruction, content teachers, and EL specialists) from around the state were involved in the process. Thirteen states and the District of Columbia reported consortium involvement, 10 reported the involvement of an external contractor, and eight reported the involvement of university or other external consultants. A total of 22 states also reported that State Education Agency staff played a role on the alignment committees or had input into the process.

The involvement of these different individuals and organizations was not mutually exclusive; several states involved a combination of these committees, external contractors, and individuals during the alignment process. Only three states, Florida, Minnesota, and South Carolina, reported that State Education Agency staff were primarily responsible for ensuring alignment or making linkages between

72. State officials from two states, New Hampshire and Oklahoma, reported that the state ELP standards were aligned with state content standards but did not report with which specific content standards the ELP standards were aligned.

ELP and core-content standards. Only one state, New York, reported the involvement of all the players listed above.[73]

As of 2009–10 school year, state officials from about one-third of the states (17) anticipated making changes to their ELP standards in the near future.

Although the majority of state officials (33 and the District of Columbia) did not anticipate changing their current (2009–10) ELP standards in the near future, close to one-third (17 states[74]) anticipated potential or definite changes to their ELP standards. The reasons for the changes varied across states, but largely fell into three categories: (1) The state planned to revise or adopt entirely new ELP standards to enhance their quality (five states); (2) the state anticipated altering the ELP standards as part of a process for creating alignment between the ELP standards and state ELP test (two states); or (3) the state was planning to adopt or revise its content standards and might thus need to revise its ELP standards to align or create linkages between them (10 states).

Among the 10 states[75] reporting that changes in the state content standards were driving anticipated revisions to the state ELP standards, officials from seven of those states[76] indicated that they were adopting the new Common Core State Standards (CCSS). It should be noted that these numbers and lists of states reflect states' plans at the time of our interview (fall 2009–winter 2010). Since this time, additional states have decided to adopt CCSS and may currently have plans to change their ELP standards as a result.[77] State officials from three of the 10 states[78] indicated that their states were making significant changes to at least one of their state-developed content-area standards. New York, for example, was in the process of revising and integrating the ELP and ELA standards into one set of standards so that the ELP proficiency levels would be included in the ELA standards. One state Title III official also stated, however, that this new set of standards might again be revised slightly once the Common Core standards were rolled out. Similarly, a state Title III official from another state explained, "When we get the Common Core [State] Standards adopted by the state and [the state] redoes [its state content standards], then we will have to move ahead and look at relinking our English language proficiency standards to the new Common Core [State] Standards."

There does not appear to a relationship between the proportion of ELs in a state and a state's anticipation or reason for making changes to the existing ELP standards. Included in the 17 states that anticipated making changes to their ELP standards in the near future are states with an EL population comprising more than 10 percent of their kindergarten through grade 12 enrollment, as well as those with an EL student population comprising less than 5 percent.

73. These numbers do not include the five states that had not completed an alignment or linkage process at the time of the interview.

74. Two of these 17 indicated that changing their standards was a possibility but were not definite at the time of the interview.

75. Arizona, Florida, Illinois, Indiana, Kentucky, Louisiana, Montana, Nebraska, New York, and Tennessee.

76. Arizona, Florida, Illinois, Indiana, Kentucky, Louisiana, and New York.

77. As of December 2010, a total of 40 states and the District of Columbia had officially adopted the CCSS.

78. Montana, Nebraska, and New York.

Use of English Language Proficiency Standards

In 2009–10, state Title III officials reported using their ELP standards to inform professional development or support (23 states and the District of Columbia), select or develop the state ELP assessment (six states), approve instructional programs or materials (five states) or monitor classroom instruction (five states).

State Title III officials reported using the ELP standards for one or more of the following purposes: to guide the professional development or technical assistance provided to Title III districts (23 states and the District of Columbia), to guide the selection or development of the ELP assessment (six states), to select or approve instructional programs or curriculum (five states) or to monitor the alignment of classroom instruction to the standards (five states). Reports for each of these purposes included states with both higher and lower proportions of kindergarten through grade 12 EL students (more than 10 percent and less than 5 percent, respectively) and states that had experienced growth in their EL populations, ranging from less than 25 percent to more than 100 percent growth (2003–08). Varying uses of the standards may, however, reflect varying State Education Agency roles and authority across the states.

At the local level, our data on use of standards are limited to the 12 case study districts, respondents from which reported using ELP standards to guide district policies and practices in program and curriculum development, textbook selection, and training, and to guide teachers' classroom instruction. For example, administrators in five case study districts mentioned using the ELP standards to help make decisions regarding the selection of district-mandated curricula, and two districts had developed and mandated their own secondary school curricula grounded in the ELP standards. One district Title III official noted that, because of the district-developed curricula specifically designed to address the ELP standards, teachers were more cognizant of the standards and better able to adjust their instruction around the standards to meet the needs of their students. Title III officials from seven of the 12 case study districts also reported that the state ELP standards served as the foundation for planning professional development activities for teachers who specialize in EL instruction and, in districts with higher percentages of ELs, trainings for mainstream teachers, as well.

Data gathered during case study visits provided examples of how districts used the standards to guide classroom instruction. Schools in three case study districts used a team-teaching approach for supporting ELs, in which a content teacher and a teacher who specialized in EL instruction worked side by side. According to district respondents, this instructional model ensured that the ELP standards were addressed in daily lesson plans, and familiarized mainstream teachers with the ELP standards, while at the same time reinforcing an understanding of the standards among teachers who specialize in EL instruction. As one principal explained, "This is where the ELL teachers can have an impact on the other teachers' instruction and how to tie in the standards." As another example, according to district respondents in a large urban district with a historically high EL population [J], the mandated curricula, in which the ELP standards were embedded, ensured that students would receive instruction directly related to the standards. Therefore, as one district-level administrator explained, "[Teachers] can be sure they are following the ELP standards without having to think about [them]."

Respondents from three of the 12 case study districts (two districts with historically high proportions of EL students [H, J] and one district with a rapidly growing EL population [D]) also described using the ELP standards to measure student learning. One district in particular [H] used two different ELP standards-based tools to gauge ELs' level and progress. Teachers in this district and another district [J] located in the same state indicated that they used a matrix that correlated state ELP standards with

their state's ELA content standards. They reportedly found the matrix helpful in making sense of the ELP standards and implementing them in the classroom in a way that would support ELs' English language proficiency and move them toward meeting the ELA standards. In addition, teachers in the district with a rapidly growing population [D] reported using WIDA's "Can-Do Descriptors" to gauge ELs' skill level in the content areas and to get a sense of "what the teachers can expect from the students." According to respondents, measuring ELs against these descriptors helped teachers plan lessons, differentiate instruction, and target strategies to better meet the needs of their students.

State and District Support for English Language Proficiency Standards Implementation

When interviewed and surveyed in 2009–10, Title III officials from all 50 states and the District of Columbia, as well as the majority of surveyed districts (75 percent) reported providing training or guidance on the standards.

State-level support

State Title III officials from all 50 states and the District of Columbia reported providing guidance to districts on the state ELP standards. States typically used one or a combination of the following strategies for supporting districts' implementation of ELP standards:

—Guidance documents or resources posted on the state website

—Annual, formal training sessions

—Ongoing training at various workshops throughout the year

—As-needed or by-request technical assistance and trainings

As described by state Title III officials, the standards support provided to districts addressed topics such as how teachers could implement the ELP standards in the classroom (mentioned by 20 state officials), how the ELP standards were linked to the content standards and to the ELP assessment (mentioned by nine state officials), and how ELP standards were interwoven with instructional programs (mentioned by two state officials). Officials from five states noted how they offered training on understanding ELs' abilities at the different proficiency levels. Chapter 6 of this report provides insight into the way in which state capacity plays a role in the frequency and type of professional development and technical assistance that states are able to provide to districts.

District and school-level support

In addition to state-level guidance, the majority of Title III districts also offered support on the use of the state ELP standards. District survey results show that 75 percent of Title III districts provided teachers with training on the state ELP standards, and in all 12 of the case study districts, Title III officials described professional learning opportunities at the district or school levels related to ELP standards. However, the amount and type of opportunities in which teachers in the case study districts participated varied substantially, from formal district- or school-wide trainings to informal, as-needed, job-embedded support.

In 10 of the 12 case study districts, respondents indicated that the district offered formal training specific to the state ELP standards or incorporated them into other training sessions. Training focused specifically on the standards generally occurred in districts that had newly adopted standards. For example, in one state that just adopted the WIDA standards for the 2009–10 school year, formal

trainings delivered by WIDA representatives were being held for select teachers of ELs (both mainstream teachers and teachers who specialize in EL instruction) in the state's school districts, including the two districts from this state in the case study sample [K, L].

Participation in school-based professional learning opportunities, from peer or professional learning communities to more informal, job-embedded coaching, also raised the awareness among local educators of state ELP standards and strategies for how best to serve ELs, according to respondents. Teachers of ELs across three of the case study districts [F, E, I] participated in school-based, grade-level professional learning communities that met regularly to discuss incorporating the ELP standards into instruction and using data to tailor instruction based on students' needs.

Respondents in the 12 case study districts reported that, in general, teachers who specialize in EL instruction and Title III staff were more aware or familiar with state ELP standards than general education teachers and school and district administrators; however, at least three districts had made concerted efforts to raise ELP standards awareness districtwide and schoolwide.

Despite the guidance and support that states and districts reported offering to instructional staff about state ELP standards, local educators in the case study sites indicated varying degrees of awareness and familiarity with their state's ELP standards. Across all 12 case study districts, teachers who specialize in EL instruction generally reported more awareness and familiarity with the standards than general education teachers and school and district administrators. However, in some districts in which new ELP standards had been adopted for the 2009–10 school year, the level of familiarity across school sites, even among teachers who specialize in EL instruction, was not necessarily consistent. For example, two of the case study districts [K, L] were located in a state that had recently joined the WIDA Consortium, and not all teacher respondents from these districts reported that they had received training on the new standards yet. As one teacher explained, "Every school is a different world and it takes a while for everything from up above to make it down to our level." School and district staff in these districts spoke about developing awareness of the standards as an ongoing process.

In at least three case study districts, respondents reported increased efforts to raise awareness and use of ELP standards and strategies among all school staff, not just those specializing in EL instruction. In one district [F], where about 40 percent of students are ELs, district officials described a concerted effort during the past few years to embed the ELP standards into all the district-led professional development offered to mainstream teachers. Similarly, the deputy superintendent of a rural district with an EL population of near 25 percent and growing [I], explained that, after the district became identified for improvement under Title I, in 2004–05, the district resolved to focus instruction on four to five "essential standards"(taken from ELP and content standards) to increase student achievement. As a result of this initiative, district and school-based staff reported a high level of awareness of the ELP standards and respondents noted that principals monitored teachers' use of these standards in their daily instruction. An urban district with a historically high EL student population (near 30 percent) [J] also had initiatives in place to help ensure that school leaders were aware of the ELP standards. Principals in this district reported participating in monthly sessions on the ELP standards and instruction provided by the district.

By way of historical context, it is interesting to note that data collected in 2006–07 for the *State and Local Implementation of the* No Child Left Behind Act, *Volume IX—Accountability Under* NCLB *Final Report* (Taylor et al. 2010) revealed that principals from one-third of schools nationwide reported needing technical assistance to meet the needs of EL students. About one-quarter of principals from these

schools reported that they did not receive such assistance from any source, and about one-quarter of the principals that did receive it reported that it was not sufficient to meet their needs. Overall, principal respondents from about one-half of the schools that needed technical assistance to improve services for EL students reported not having their needs met (Taylor et al. 2010).

Instructional Alignment With ELP Standards

Officials from 61 percent of the surveyed Title III districts engaged in at least one activity to increase the alignment of English language development instruction with state ELP standards.

Awareness of the standards, of course, does not necessarily translate into instructional practices that are aligned with those standards. To achieve that alignment in EL instructional services, district officials from 61 percent of the surveyed sample reported that their districts engaged in at least one of the following activities: providing teacher training on ELP standards (42 percent), providing teacher training on instructional methods (42 percent), and making changes in texts or curriculum materials (39 percent). In Title III districts with more than 1,000 ELs, the percentages increase to about 55 percent, 55 percent, and 50 percent, respectively (see Exhibit 17).

Exhibit 17
District Activities to Increase the Alignment of English Language Development Instruction With State ELP Standards Since September 2008

	1–150 ELs[a]	151–300 ELs[a]	301–1,000 ELs[a]	More Than 1,000 ELs[a]	All Districts
Provided teacher training on ELP standards	32	42	44	55	42
Provided teacher training on instructional methods	32	41	42	55	42
Made changes in texts or curriculum materials	31	37	41	50	39
Made changes in assessment measures or methods	21	26	28	36	28
Mandated districtwide curricula	19	21	27	38	26
Adopted new instructional or pacing guides	15	23	24	37	24

Exhibit reads: In districts with 1–150 ELs, 32 percent of districts reported providing teacher training on ELP standards since September 2008 to increase alignment of English language development instruction with state ELP standards.

Notes: 1–150 ELs n = 233–237; 151–300 ELs n = 205–207; 301–1,000 ELs n = 374–376; more than 1,000 ELs n = 576–585; all districts n = 1390–1405.

[a] See Appendix A for how these cutpoints were determined.

Source: *Evaluation of State and Local Implementation of Title III,* District Survey, 2009–10.

Districts that had missed annual measurable achievement objectives (AMAOs) for consecutive years or that had large EL populations engaged in a greater number of activities than districts that had not missed AMAOs for consecutive years and that had fewer ELs.

Title III accountability may have triggered some of these alignment activities. As the number of years for which districts missed AMAOs increased, so did the efforts to align EL instruction to ELP standards, based on the six indicators of alignment used by this study. For example, Title III officials from districts

that had not met AMAOs for four consecutive years reported an average of three actions aimed at better aligning English language development instruction with the standards, while those from districts that met AMAOs reported an average of two actions. Similarly, there was a positive correlation between the number of ELs in a district and the number of actions district Title III officials reported taking to align instruction with ELP standards, again based on the six indicators of alignment included in the district survey (see Exhibit 18).

Exhibit 18
Actions Taken to Increase Alignment of English Language Development Instruction With State ELP Standards Since September 2008, by AMAO Status and Number of ELs

	Average Number of Actions Taken (To Increase Alignment Only)
All Districts	**2.0**
By Title III designation	
Not designated as missing AMAOs	1.8
Missed AMAOs for 2 consecutive years	2.1
Missed AMAOs for 4 consecutive years	3.1
By Number of ELs	
1–150 ELs	1.5
151–300 ELs	1.9
301–1,000 ELs	2.1
More than 1,000 ELs	2.7

Exhibit reads: The average number of actions (out of 6) taken by districts to increase alignment of English language development instruction with state ELP standards is 2.0. Districts that reported not being designated as missing AMAOs, on average, implemented 1.8 actions to improve ELP alignment, while those that had missed for four consecutive years on average implemented 3.1 activities.

Notes: All districts n = 1,407; by Title III designation n = 1,318; by number of ELs n = 1,407.

Source: *Evaluation of State and Local Implementation of Title III,* District Survey, 2009–10.

English Proficiency Assessments

As discussed earlier, only a few states had ELP tests prior to Title III, and those tests did not necessarily satisfy the requirements of the law. Title III required that state ELP tests assess ELs in the four domains of reading, writing, speaking, and listening. In addition, the law required that comprehension be reported as a composite of student scores in listening and reading, although it did not have to be tested as a separate domain. Furthermore, with Title III came a greater emphasis on and understanding of the fact that ELs must acquire *academic* language proficiency, not just *conversational* language proficiency. Indeed, Francis and Rivera (2007) assert, "Mastery of academic language is one of the most significant ingredients of academic success. …Proficient use of—and control over—academic language in English is the key to content area learning in our schools" (p. 16).

Also as discussed earlier in this chapter, several states joined consortia to support the development of ELP tests that satisfied these testing requirements. In addition, many commercial test developers and publishers used the requirements of the law to revamp or develop new assessments that were consistent with the Title III accountability mandate (Abedi 2007a). As of 2009–10, state collaboration and consortia involvement had resulted in 21 states and the District of Columbia's sharing the same WIDA ELP standards and Assessing Comprehension and Communication in English State-to-State for English

Language Learners (ACCESS for ELLs) ELP test, as well as another seven states' sharing the same English Language Development Assessment (ELDA) ELP test. An additional five states used some form of the LAS Links ELP test, and two states used an assessment developed through other consortia.[79] Fifteen state officials reported using their own state-developed ELP test. Appendix Exhibit D.6 lists the ELP test(s) each state was using as of the 2009–10 school year, and the year that test was first implemented in the state.

Although this evaluation did not examine the quality of each state's ELP test, a 2007 review of state ELP tests demonstrated that, at the time of the review, all states had adopted tests that assessed students on the four domains of reading, writing, speaking, and listening, per Title III requirements. However, this review also indicated that five states (Arizona, Kansas, New Mexico, New York, and Washington) were implementing ELP tests that did not report a comprehension score (the other 46 states were using some composite of the reading and listening scores to measure comprehension) (Porter and Vega 2007).[80] The reviewers noted that additional work was needed to better ensure the validity and reliability of state ELP tests, stating, "[F]urther efforts must be made to use alignment methods in the test development process to ensure that tests are valid and reliable measures of state English language development standards and state-adopted content standards" (Porter and Vega, p. 176).

State English Language Proficiency Test Alignment With State English Language Proficiency Standards

As of 2009–10, state Title III officials from 48 states and the District of Columbia reported that their states had completed a process for ensuring alignment of the state ELP assessment with the ELP standards; Title III officials from the remaining two states indicated plans to do so.

Title III of the *ESEA*, as amended by *NCLB,* requires states to adopt an ELP test that measures the four domains of reading, speaking, listening, and writing, *and* that aligns with the state's ELP standards. As of 2005–06, 26 states had conducted an independent study on the alignment of ELP standards with the state ELP assessment while 20 states had not (Taylor et al. 2010). Further, officials from 20 states (not all of the same 20 states) reported that they conducted other alignment studies (Taylor et al.) Since that time, there has been a notable increase in the number of states that have completed this process. As of 2009–10, state Title III officials from a total of 48 states and the District of Columbia reported that their states had conducted alignment studies or carried out a process for ensuring the alignment of their adopted ELP assessment with their ELP standards.[81] Officials from the remaining two states, Florida and South Carolina, reported plans to do so.[82]

Over half the state officials (29 states and the District of Columbia) reported the involvement of a multistate consortium in the alignment process, with an additional 10 state officials reporting that they

79. Based on preliminary state reports and reviews of state policy documents conducted as part of the National Evaluation of Title III Implementation State Title III Director Interview Data Collection in 2009–10.

80. Jamal Abedi's review was based on ELP tests being used by states as of August 2007. The data collected for the National Evaluation of Title III Implementation demonstrate that some states have since changed or adopted a new ELP test (see Appendix Exhibit D.3 for each state's ELP test as of the 2009–10 school year).

81. The information presented in this report on states' efforts to ensure alignment between the state ELP standards and ELP assessment is based solely on states' self-reports and reflects no analysis of the quality of these efforts.

82. The state official from Florida reported that activities related to ELP standards and assessment were "on hold" until the Common Core State Standards were finalized, at which time the state would undergo the alignment process. The state official from South Carolina reported that the state was in the process of assessing the alignment of the state ELP assessment with the state ELP standards.

used an outside contractor, and another eight officials reporting that they largely relied on the test developer to ensure alignment. In addition, officials from six states emphasized the role of state education agency staff in the alignment process (as either leading the effort or working in conjunction with the above-mentioned entities), and officials from a different set of six states noted the participation of local practitioners or expert consultants. State officials from the 22 WIDA members (21 states and the District of Columbia) indicated that the WIDA standards and ACCESS for ELLs test was purposely designed to address the WIDA ELP standards. Thus, many states who joined WIDA and adopted the standards and ACCESS for ELLs test did not perceive the need to conduct an additional alignment study. With the exception of the states belonging to consortia, there does not appear to be a relationship between the nature or size of a state's EL population and the process implemented for ensuring alignment.

Participation of English Learners in the State English Language Proficiency Test

According to 2008–09 Consolidated State Performance Reports (CSPRs), almost all ELs, whether or not they were served by Title III, participated in state ELP tests (on average, 94 percent of those served and 93 percent of all ELs).

Section 3113(b)(3)(D) of the *ESEA* requires states to ensure that districts receiving a subgrant under Title III annually assess the English proficiency of all ELs in kindergarten through grade 12. According to CSPRs (U.S. Department of Education 2008–09), only one state, Mississippi, reported that it tested 100 percent of its ELs on the state ELP test in 2008–09. In the remaining 49 states and the District of Columbia, there was little difference between the rates of participation for all ELs and ELs in Title III districts. The average difference was 1 percentage point: On average, 93 percent of all ELs were assessed in 2008–09, while 94 percent of ELs served by Title III were tested. Appendix Exhibit D.7 includes state-by-state data for EL participation rates in 2008–09.

Use of English Language Proficiency Assessment Data

In 2009–10, state Title III officials described using annual state ELP test data for accountability purposes and for informing EL-related policy and practice. The most cited uses of these data were to make AMAO determinations, to guide professional development and technical assistance, and to gauge program effectiveness

Data collected through state-level interviews were used to gain a better understanding of how state officials use annual state ELP test data. State Title III officials from all 50 states and the District of Columbia reported using the ELP test data for accountability purposes, such as making AMAO calculations and submitting federally required reports. State Title III officials from some states also described using these data to guide professional development and technical assistance (28 states), to drive school and district improvement (23 states and the District of Columbia), and to measure ELs' progress (23 states). These findings suggest that close to half of the states have used test data to help administer policies and practices for ELs. There were no clear patterns in the various ways data were used across states with fewer or more ELs or across states that had experienced low or high growth rates of their EL population.

One way state Title III officials reported using ELP test data to guide professional development and technical assistance was to identify patterns or trends in the data that pointed to a professional development or support need in schools and districts. For example, one Title III official reported that, as

a result of test data showing that districts were struggling to meet adequate yearly progress (AYP) in mathematics for the EL subgroup, the State Education Agency would be providing assistance to districts focused on how to use the ELP, mathematics and science standards to improve instruction and the formative assessment process. Similarly, another state Title III official indicated that the ELP test results prompted the state to ensure that mainstream teachers were also trained in strategies for instructing ELs.

According to reports from state Title III officials representing 23 states and the District of Columbia, the state ELP test data, disaggregated at the district level, were also helpful in gauging how effective districts' EL programs were in improving student outcomes. One state Title III official remarked, "So if you have a group of students in a smaller district who are not making any progress on the assessment then perhaps the district might want to look at some other programs, get some other teachers in there, some other types of ESOL programs. It's just a red flag for the districts that they're not doing things as well as they should." Conversely, an official in another state described using state ELP test data to identify districts that were particularly successful in meeting the needs of their ELs in an effort to explore which practices and conditions may be effective in improving EL outcomes.

State Title III officials from 23 states highlighted how they used data to try to gain a sense of how well their state educational systems were serving ELs overall. These state officials described how they analyzed EL subgroup data to assess ELs' performance on state content-area tests and to compare their performance against other student subgroups.

In 2009–10, officials in Title III districts reported using the state ELP test data to group students for instruction (85 percent), detect gaps in the curriculum (68 percent), and plan professional development (73 percent). Districts with larger EL populations were more likely to use data for these purposes.

District survey results demonstrate that districts used ELP test data and additional data sources to group EL students for instruction, to detect gaps in the curriculum, and to plan professional development, but that districts with large EL populations (over 1,000) were more likely to use data for these purposes. For example, whereas officials in 85 percent of the total surveyed districts reported using the state ELP test data to group for instruction, officials from 92 percent of districts with large EL populations (i.e., those that serve more than 1,000 ELs) reported doing so. Likewise, officials from 73 percent of all surveyed districts reported using the state ELP test and 79 percent reported using state academic-content-area tests, to plan professional development; however, these percentages rose to 82 percent and 90 percent, respectively, of surveyed districts with large EL populations (see Exhibit 19).

Exhibit 19
Districts' Use of Testing Data

	Percentage of Districts			Percentage of Districts With More Than 1,000 ELs		
	To Group for Instruction	To Detect Gaps in Curriculum	To Plan Professional Development	To Group for Instruction	To Detect Gaps in Curriculum	To Plan Professional Development
State ELP test	85	68	73	92	72	82
Progress tests (also called interim, benchmark, or diagnostic tests)	77	79	67	84	87	77
State academic-content-area tests	72	82	79	80	87	90
Other districtwide language proficiency assessments	54	51	46	61	53	52

Exhibit reads: While 85 percent of districts reported using state ELP tests to group ELs for instruction, 92 percent of districts with more than 1,000 ELs reported using state ELP tests to group ELs for instruction.

Notes: percentage of districts n = 1,356–1,393; percentage of districts with more than 1,000 ELs n = 555–577.

Source: *Evaluation of State and Local Implementation of Title III*, District Survey, 2009–10.

The survey results also indicated that the vast majority of officials in Title III districts disaggregated student testing data by grade level (95 percent) and by level of ELP (90 percent). In contrast, officials from only 44 percent of surveyed districts reported disaggregating EL test data by native language, although a somewhat larger percentage (54 percent) of districts with more than 1,000 ELs did so (see Appendix Exhibit D.9).

District Assessment Practices and Procedures

Respondents in the 12 case study districts reported relying more heavily on ongoing, formative assessments than on the state ELP test to monitor ELs' progress over the course of the school year and to guide classroom instruction. However, districts varied in the sophistication of their data systems and data analysis procedures.

During case study visits, respondents from at least five of the 12 districts reported that the state ELP tests were insufficient for monitoring students' progress over the course of the school year because of their timing and their purpose as a once-a-year measure of students' achievement. Interview and focus group participants explained that, because the spring state ELP test results were typically not available until fall of the next year, it was difficult to use the data for beginning-of-the-year placement

One District's Approach to Monitoring ELs' Progress

One of the case study districts [H] appeared to have a sophisticated and comprehensive system in place to assess ELs' progress in acquiring English proficiency beyond the state ELP assessment. This large urban district with a large EL population created an English language development assessment portfolio that was used to track each student's progress over the course of his or her tenure as an EL. The portfolio included information on the student such as records of program placement, diagnostic assessment results, history of English language development classes taken, Language Assessment Team referrals, monitoring and intervention information, and reclassification information. Teacher ratings of a student's performance on each of the state ELP standards were also added to the profile every semester.

decisions. By the time the data were released, the students were already placed into programs. In addition, the once-a-year state ELP test did not allow teachers to track students' progress throughout the school year. As a result, district officials and educators reported that they relied more on the ongoing progress monitoring of students to improve instruction and to more accurately gauge how their students were progressing toward meeting the state ELP and content standards.

At least two of the case study districts—those that offered bilingual, or dual-language, programs—also administered assessments in the second language of instruction (in addition to English) to evaluate students' progress toward acquiring proficiency in this second, or native, language. For example, a large urban district serving an EL population of predominantly Spanish and Chinese native language speakers [A] administered Spanish and Chinese reading assessments for such purposes. Another district, which had a majority American Indian EL population [L], administered a native language oral language proficiency test in the spring and fall of each year to measure students' progress in learning the heritage language of instruction.

Despite the respondents' reports of relying on these other assessment data to make instructional decisions, the case study districts varied in the sophistication of their data systems and their analysis of the data to make instructional decisions. Whereas a few districts stood out for the extent to which they synthesized various assessment results and implemented data-driven practices targeting ELs (see textbox "One District's Approach to Monitoring ELs' Progress" for an example), teachers in the majority of the case study districts reported more informal mechanisms for monitoring ELs' proficiency throughout the school year; these included teacher observation, in-class quizzes and teacher-made assessments, or ESL curriculum-based assessments. Maintaining a writing portfolio, listening periodically to students' oral reading, and having students retell what they read, were also mentioned as strategies for assessing ELs on an ongoing basis. As indicated by respondents in all of the case study districts, these more formative assessment practices were more useful at the district, school, and classroom levels than summative tests; they offered features that the state-mandated assessments could not, including the ability to yield instant results.

Case study district respondents raised two major concerns associated with testing ELs: (1) the time allocated to testing and (2) the validity and appropriateness of testing ELs in English on state content-based exams.

Time allocated to testing

The time allocated to testing was a common concern raised across nine of the 12 visited districts. Respondents expressed concern about the burden placed on teachers and staff and the loss of instructional time due to the lengthy amount of time required to administer tests such as the state ELP assessment. Respondents also described the loss of instructional time because of the number of varied state, district, and school-level testing requirements for both ELP and content testing. As one principal remarked, "We are killing our teachers in the process. It's good, but it's a lot. There is so much they need to respond to. I wish we could stop competing with the rest of the world and look at our children." Another elementary principal stated, "I always thought it was teach, teach, teach and then assess. Now it's test, test, test, teach, test some more."

Some teachers also noted that the number of assessments for ELs yielded an overwhelming quantity of data, making it difficult to identify what skills and concepts needed the greatest amount of attention. For example, teachers in one urban district with a large (more than 40 percent) EL population [F] indicated some concern about the amount of testing in the district and the quantity of data they received. These teachers described challenges around interpreting and using the data. According to one teacher who

specialized in EL instruction, the sheer volume of data from the varying tests made it difficult for her to really determine the areas in which she should concentrate her instruction to best support her students. Similarly, an elementary teacher remarked, "Sometimes you spend a lot of time doing assessment and you don't have as much time as you'd like to actually look at the assessment [results]." A teacher who specialized in EL instruction in another district in the same state [G] also questioned the validity of the assessments. She remarked that the content being taught and the assessments were disconnected and that students were being taught and assessed in isolation: "It is very little of what ESL kids need or what they need to be assessed on; one-minute reads [do] not get the kids' vocabulary developed and [don't] assess their comprehension and also [tend] to be out of context with what they are learning."

According to respondents, compounding issues with test administration and staff burden is the "Supplement not Supplant" provision of Title III that typically hinders districts from using Title III money for assessment-related purposes, such as hiring staff specifically to help with test administration. According to Section 3115(g) of Title III of the *ESEA*, in general, the cost of administering ELP assessments may not be paid with Title III funds, which include funds reserved by the state for state-level activities. This is because Title I already requires states to administer an annual ELP assessment to all ELs. Consistent with this statutory provision, state and district Title III funds may not be used to pay for the costs of substitute teachers for testing purposes, test materials, or the costs of scoring state ELP assessments, because these activities also fall under the requirements of Title I. As a result, respondents from the case study districts often reported that existing staff with full-time duties other than test administration (e.g., teachers, EL specialists, instructional coordinators, administrators) were tasked with managing and administering the assessments, leaving them little time to carry out their regular responsibilities. In a large suburban, high-EL-population district [J], central office staff took responsibility for administering the ELP test, which relieved school-level staff of this role. But as a result, students were tested by unfamiliar adults. As one district administrator commented, "The other side of that is that if students don't know you, they don't tend to try as hard or to do as well, or understand the importance of it. … You test better when you're in a comfortable setting."

A Title III official from another district with a medium-sized EL population [D] explained how the district shifted around funding from other sources in order to hire retired teachers who could assist in administering the state ELP test. She explained, "We have so many ESL students to test that if our ESL [students] were just tested with teachers, it would take them out of the classroom for six weeks out of the year. Because there is a limit to not using any of our Title III money for testing, we have to find other resources to hire retired teachers, so that we can be out of the classroom only one week."

Validity of testing ELs in English on content-based exams

Respondents from seven of the 12 case study districts raised the concern that ELs were being tested too early in the content areas, particularly if the content assessments were administered in English. According to respondents, having ELs take content-based assessments before they are proficient does a disservice not only to the students but to teachers. Furthermore, respondents from districts that promote a bilingual education model or transitional model, in which many of the classes students take are taught in their native language, expressed concern about ELs taking state content assessments in English, regardless of their primary language of instruction. As one principal [K] remarked,

> I have students that are taking pre-calculus in Spanish, but when they take the 11th grade [state content] test in English, they do not meet proficiency because it has a lot of writing in English or they get confused by a term so they miss the whole problem. So it's not that they don't know the subject matter it is the degree of their level of understanding of the English language.

Indeed, studies suggest, "ELLs who have received native language instruction in a content area perform better on a native language version of the test in that content area than on an English version, whereas ELLs who have received content-area instruction only in English perform worse on a native language version than they would have on an English test" (Kieffer et al. 2009, p. 1187).

The respondents' concerns are also consistent with the *Recommendations for the Reauthorization of the Elementary and Secondary Education Act,* the Working Group on ELL Policy released in May 2010 (http://ellpolicy.org/wp-content/uploads/ESEAFinal.pdf). One of the working group's recommendations for reauthorization is to "Require states to implement assessment and associated assessment practices that have been demonstrated to yield inferences in validity and reliability for ELLs and non-ELLs" (p. 6).

Assessment Accommodations

In 2009–10, district officials reported using a range of testing accommodations for ELs; the most commonly implemented included testing in small groups or separate rooms (87 percent), providing ELs with extended time (86 percent), and reading the directions or questions aloud in English (82 percent). However, several case study respondents expressed concern that the accommodations in place were insufficient.

Test accommodations are one strategy to address the challenges and concerns about testing ELs before they are proficient in the English language. Definitions of test accommodations vary, but they tend to focus on their function as supports to students to maintain the content validity of the test by allowing students to better demonstrate what they know (Abedi 2004; Kieffer et al. 2009). The results from many large-scale assessments indicate that ELs perform below their native-English-speaking peers in all grades and content areas (Kieffer et al.). However, excluding ELs entirely from participation in standards-based tests does not necessarily result in an improved system. Such exclusion "not only can result in substantial distortion of the percentage of students achieving proficiency but also … can obscure important and systematic differences in student achievement between different demographic groups" (Kieffer et al., 1169). Thus, making test accommodations for ELs is a potentially important mechanism for validly and reliably assessing them in the content areas.

The most commonly used accommodation across the districts in our survey sample was testing students in small groups or separate rooms (87 percent), followed closely by providing students with extended time to complete the test (86 percent) and reading aloud the directions or questions in English (82 percent) (see Exhibit 20).

Exhibit 20
Type of Testing Accommodations Provided, by Number of ELs

	1–150 ELs[a]	151–300 ELs[a]	301–1,000 ELs[a]	More Than 1,000 ELs[a]	All Districts
Testing in small groups or separate rooms	90	88	85	82	87
Extended time	87	87	86	82	86
Directions or questions read aloud in English	82	82	83	82	82
Bilingual glossaries or dictionaries	65	64	66	77	68
Additional breaks offered between sessions	57	66	64	66	63
Directions translated or read in native language	44	53	49	63	52
English glossaries or dictionaries	48	51	45	53	49
Native language test	21	30	26	40	28
Dictation of answers or use of a scribe	23	27	27	27	26
Simplified English test or more visuals	17	23	24	24	22
Side-by-side bilingual version of the test	17	22	24	23	21
Test taker response in native language	14	16	22	22	18

Exhibit reads: Of Title III districts with 1–150 ELs, 90 percent provide testing in small groups or separate rooms to any ELs in the district taking state content-area tests in ELA or mathematics, or both, in 2008–09.

Note: All Districts n = 1386–1401.

[a] See Appendix A for how these cutpoints were determined.

Source: *Evaluation of State and Local Implementation of Title III,* District Survey, 2009–10

Case study findings

When discussing EL assessment practices, respondents from four of the case study districts mentioned accommodations provided to ELs when taking content- or standards-based assessments.[83] The accommodations ranged from providing translation services, to having test questions read aloud in English, to administering benchmark assessments in both the students' native language and English. However, many respondents were concerned that these accommodations were not sufficient.

Respondents from one large, linguistically diverse case study district [F] expressed concern that the testing accommodations used in the district had become more limited than in years past. According to district teachers, the state previously allowed for extended time or for administering the test in the student's native language, and the elimination of these accommodations has been problematic for ELs. As one elementary teacher commented, "You're still not testing them on the math. You're testing them on how well they understand English in order to do the math."

Respondents from a case study district in another state that has experienced considerable growth in its EL population (more than 75 percent from 2002–03 to 2008–09) [E] also reported concern with new state policies that did not allow for portfolio assessments as an alternative measure of performance on state content tests. Principals and teachers reported that end-of-grade and end-of-course content testing requirements were applied to ELs, and while these educators felt that ELs should be included in the

83. Case study interview protocols did not explicitly address the use of testing accommodations for ELs. Therefore, case study data on EL testing accommodations are limited to the four districts in which respondents mentioned testing accommodations in response to other questions about policies and practices for assessing ELs.

state's assessment and accountability program, they commented that the current practice of requiring ELs with low English proficiency to take the tests was perhaps inappropriate. The principals and teachers reported that their state formerly allowed ELs to demonstrate their content-area proficiency through a portfolio assessment, which teachers described as a more accurate measure of ELs' knowledge. The state abandoned the use of the portfolio assessment in 2008.

It is interesting to note that, despite the expressed need for accommodations, the research indicates that there are few accommodations that appear to positively affect ELs' performance on state tests (Abedi 2004; Kieffer et al. 2009). Two accommodations with evidence supporting their positive affect include the use of modified English or customized dictionaries[84] and the modification of test item language to reduce the use of low-frequency vocabulary and complex language structures that are incidental to the content knowledge being assessed (Abedi; Kieffer et al.). District officials in close to half (49 percent) of the surveyed districts reported the use of English dictionaries or glossaries, and officials in close to two-thirds (68 percent) of the districts reported using bilingual dictionaries or glossaries (although our data do not indicate whether these were customized). Only about 22 percent of surveyed district officials indicated that modifications were made to the test items by simplifying the language or providing more visuals.

Chapter Conclusions

The findings presented in this chapter suggest that states and districts have made notable strides toward complying with the Title III regulations around standards and assessment. All states reported having ELP standards and an ELP test in place, and several anticipated refining or changing their standards to strengthen their alignment with the state content standards and ELP test. The number of states choosing to join formal consortia to help ensure that their standards and assessments fully meet the mandates of Title III may serve as another sign of states' growing commitment to serving this important population of students.

Nevertheless, states and districts remain challenged in some aspects of implementation. Only one state satisfied the 100 percent participation rate on the state ELP test in 2008–09. Also, although states and districts reported providing training in the ELP standards, data collected in 2006–07, as well as data collected through case studies in 2009–10, indicated that local educators and general educational staff could use more support in meeting ELs' needs in the classroom. Furthermore, although states and districts reported using data from ELP and content assessments to drive policy and practice, respondents raised concerns about the validity of the data collected on ELs and about whether the amount of time allocated to testing helped to improve instruction for ELs or detracted from it.

84. "Customized dictionaries" are defined as "dictionaries that only include words that appear in the test items."

V. Title III Accountability

Title III, Section 3122(a), requires states to establish accountability systems to monitor state and district performance in supporting English Learners' (ELs') "development and attainment of English proficiency while meeting challenging State academic content and student academic achievement standards." Under these accountability systems, states must define a set of three performance objectives, known as annual measurable achievement objectives (AMAOs)—each of which focuses on a particular EL outcome—and then hold Title III–funded districts accountable for meeting these performance objectives every year. Title III districts that do not meet their AMAOs for either two or four consecutive years are subject to state actions and support outlined in the law.

This chapter explores the ways in which states and districts have implemented Title III accountability provisions, including the ways states have set their AMAO performance objectives, how states and districts are faring with respect to meeting those AMAOs, and the ways states and districts use AMAOs to promote improvement in educational services for ELs.

Key Findings

—**As of the 2009–10 school year, nearly all states (48 and the District of Columbia) have revised their AMAOs since putting them in place, and most states (26) have instituted new AMAOs within the last two years.** States have revised AMAOs as they have implemented new English language proficiency (ELP) assessments, acquired additional years of data, and received more detailed policy guidance. Such changes in states' AMAO targets and definitions complicate analyses of AMAO performance over time.

—**States defined and measured their AMAOs using a variety of approaches, but in 2009–10, most states' AMAOs took the form of a target percentage of ELs who should achieve a specified performance on the state ELP assessment.** The variation in the ways in which states have set their AMAOs hinders comparisons of performance across states, because meeting AMAOs in one state differs from meeting AMAOs in another state.

—**Only 10 states met their state-level AMAOs for the 2008–09 school year, but at the district-level, 55 percent of Title III districts nationwide reported meeting their AMAOs that year.** When surveyed during late 2009 through early 2010, approximately 11 percent of Title III districts reported that they did not know whether they had met their AMAOs in 2008–09. Considering the three AMAOs individually, districts were least likely to report meeting AMAO 3—that is, making adequate yearly progress (AYP) for the EL subgroup under their state's Title I accountability system (64 percent).

—**About one-third of Title III districts, which collectively served about half of the nation's EL population, reported missing their AMAOs for two (22 percent) or four (11 percent) consecutive years, thus being subjected to accountability actions under Title III.** Title III districts that reported missing AMAOs for two or four consecutive years were more likely than other districts to report serving high-EL and high-poverty populations. Moreover, most (71 percent) of the Title III districts that reported missing AMAOs for two or four consecutive years indicated that they were also identified for improvement or corrective action under Title I accountability systems.

continued next page

Key Findings (continued)

—**As of the 2009–10 school year, all states with Title III districts that had missed AMAOs for two consecutive years (46 and the District of Columbia) reported requiring those districts to develop an improvement plan. Of the 24 states and the District of Columbia with Title III districts that had missed AMAOs for four consecutive years, 18 states and the District of Columbia reported that they required or were considering requiring those districts to make instructional changes.** Title III districts that reported missing their AMAOs for two or four consecutive years were more likely than other districts to report developing an improvement plan focused on ELs and receiving technical assistance on improvement planning. Title III districts that reported missing their AMAOs for four consecutive years were more likely than other districts to report making such instructional changes as increasing progress testing of ELs, adopting a new English language development (ELD) curriculum, and adding an instructional specialist to assist teachers of ELs.

The *Elementary and Secondary Education Act (ESEA)*, as amended by the *No Child Left Behind Act of 2001,* introduced multiple provisions designed to focus attention on the performance of ELs and to hold jurisdictions accountable for improving EL achievement. The law's Title I, Part A, provisions require that states, districts and schools make adequate yearly progress (AYP)—by achieving annual performance targets for the percentage of students meeting state grade-level proficiency standards in reading and mathematics[85]—for all students and also for particular subgroups of students, including one subgroup comprising ELs. Title I schools and districts incur specific consequences according to the number of consecutive years they do not make AYP based on the performance of all students and the performance of each student subgroup, and states must provide support to help them improve.

The *ESEA*'s Title III provisions call for states to institute a similarly structured accountability system that directs consequences and support to Title III–funded districts if they repeatedly fail to achieve three annual Title III performance objectives (See Exhibit 21 for an overview of Title III and Title I accountability requirements). These performance objectives, or AMAOs, are designed to track outcomes related to ELs' acquisition of the English language (AMAOs 1 and 2) and—using the same AYP performance measures required under Title I—EL's academic achievement in reading and mathematics (AMAO 3). Specifically, the three AMAOs outlined in Title III, Section 3122(a) are

—AMAO 1—annual increases in the number or percentage of children *making progress* in learning English

—AMAO 2—annual increases in the number or percentage of children *attaining English proficiency*

—AMAO 3—making *adequate yearly progress (AYP)* for limited English proficient children as described in Title I, Section 1111(b)(2)(B), of *ESEA*

AMAOs must be calculated at the state and district levels, and states and districts that receive Title III funds must satisfy all three objectives to meet their AMAOs in a given year. States must determine AMAO performance results annually and report this information to Title III districts, as well

85. AYP determinations also include annual performance targets regarding students' participation in state reading and mathematics content assessments, as well as other academic indicators, such as attendance and graduation rates.

as to the U.S. Department of Education. Title III districts that do not meet their AMAOs must, in turn, notify ELs' parents of their AMAO performance. Title III districts that miss their AMAOs for two or four consecutive years face additional consequences, such as developing an improvement plan; those that do not meet AMAOs for four consecutive years must undergo programmatic, staffing or funding changes.

Exhibit 21
Overview of *ESEA* Title III and Title I Accountability Requirements

	Title III	Title I
Annual performance objectives	Annual Measurable Achievement Objectives (AMAOs)	Adequate Yearly Progress (AYP)
Annual performance objectives indicators	—Making progress in learning English —Attaining English proficiency —Making AYP for the EL subgroup	—Proficiency in reading and mathematics —Participation in reading and mathematics tests —Other academic indicators (e.g., attendance, graduation rate)
Units of accountability	States and districts/consortia	States, districts and schools
Criteria for incurring consequences	Title III districts or consortia of districts that do not meet AMAOs for two or four consecutive years	Title I districts or schools that do not make AYP for two consecutive years (identified for improvement—Year 1), three consecutive years (identified for improvement—Year 2), four consecutive years (corrective action), five consecutive years (restructuring—planning) or six consecutive years (restructuring—implementation)
Parent notification requirements	Districts must notify parents of ELs who are being served by Title III or are eligible for Title III services each year these districts do not meet AMAOs.	States must notify parents of all students if a district becomes identified for improvement or corrective action, and districts must notify parents of all students if a school becomes identified for improvement, corrective action, or restructuring.

Source: The *Elementary and Secondary Education Act*, as amended by the *No Child Left Behind Act*.

Establishing Annual Measurable Achievement Objectives

In the early years of Title III implementation, states had limited data, guidance and infrastructure to direct their AMAO development. While Title III, Section 3122(a), outlines the set of AMAOs that serve as the basis for Title III accountability, states are responsible for putting these three performance objectives into practice by defining how each AMAO will be measured and by setting targets to ensure that increasing numbers or percentages of ELs meet each objective. Establishing measurable performance objectives tied to English proficiency marked a new enterprise for states, which at the outset, lacked the requisite infrastructure to put such objectives into place. Prior to Title III, most states were using English language proficiency (ELP) assessments that were designed not to measure growth in language acquisition but to identify and place ELs into specialized programs (see Chapter 4 of this report for further discussion of state ELP assessments). It took several years—until the 2006–07 school year—for all states to develop and implement ELP standards and assessments that were in line with *ESEA* requirements. Subsequently, it took at least two years of implementation before states had baseline and trend data to guide their AMAO setting (Taylor et al. 2010; Abedi 2007).

As states worked to put their assessment infrastructures in place, they initially set their AMAOs according to the provisions of the law, without detailed guidance from the Department, using a combination of existing data on proficiency levels of ELs, research and guess work about how long it takes ELs to become proficient in academic English (Zehr 2003). One state Title III official recalled,

> Those first two years, basically, we were just picking a number out of the sky, and we set our targets extremely high. I think we said 90 percent of students are going to make this gain on the [ELP assessment], but we really didn't have any data to base it on, so nobody was meeting the standards.

Indeed, even by 2006–07, officials in 19 states indicated that they were delaying imposing consequences on districts for not meeting their AMAOs due to concerns over the validity of their AMAOs (Taylor et al. 2010).

By 2009–10, nearly all states (48 and the District of Columbia[86]) had revised their AMAOs at least once. As a result, states' criteria for meeting AMAOs may not be comparable across years.

In the years following states' initial implementation of AMAOs, these Title III performance objectives increasingly underwent revision as states made advancements to their ELP assessment infrastructure, acquired additional years of ELP assessment data, and gained access to new guidance and research. As of 2009–10, officials in nearly all states (48 and the District of Columbia) reported that they had revised their AMAOs at least once since initially putting them in place, and officials in 17 of those states indicated that they had revised their AMAOs multiple times. The nature of these revisions varied, ranging from small adjustments in AMAO targets to a complete overhaul in the way the state defined and calculated its AMAOs. An important implication of such widespread revisions is that states' criteria for meeting AMAOs may differ from one year to the next; thus, it would be inappropriate to compare AMAO performance results across years.

Most often, state officials reported that their AMAO revisions stemmed from changes in the state ELP assessment or the availability of additional years of ELP assessment data (20 states). For example, one state Title III official described the way her state adopted preliminary AMAOs to fulfill federal directives that AMAOs be put in place but did so with the expectation of revising those AMAOs as soon as sufficient ELP assessment data became available. "We had developed targets in [20]06 and developed them when the test was being rolled out because we were required to have targets," the official explained. "We didn't have two years of results; we just had basically educators coming together saying, 'That sounds good.' So, we had said in our accountability plan for Title III that after two years of data, we were going to revise them. So, we did."

Title III administrators from another seven states indicated that they revised their AMAOs after determining that they were unattainable or methodologically problematic. "Our first set of AMAO targets were very unrealistic," one state official explained. "They reached 100 percent by 2011, and our districts were working themselves into a frenzy. … I think this year, it would've been over 60 percent on proficiency [AMAO 2], and that's just almost impossible." An official from another state described

86. Although not a state, the District of Columbia has a state education agency that administers Title III subgrants to its applicant school districts, which include one large public school district, as well as several public charter school districts. Title III accountability provisions apply to the District of Columbia in the same way that they apply to states: the District of Columbia's state education agency must establish AMAOs and hold itself and its Title III–funded districts accountable for meeting them each year.

revising the state's AMAOs after district officials expressed confusion as to why the AMAOs included ELs who demonstrated English proficiency in the sample for calculating AMAO 2 (attaining proficiency) but excluded them from the sample for calculating AMAO 1 (making progress) when these ELs would need to have made progress in learning English in order to have attained proficiency. Accordingly, the state revised its AMAOs to give districts credit for these students under both AMAOs 1 and 2.

New guidance and feedback from the U.S. Department of Education prompted further revisions to states' AMAOs. In October 2008, the Department released its Notice of Final Interpretations (NOFI),[87] which clarified its interpretation of several key Title III provisions, including those related to AMAOs. To allow states a transition period for aligning their AMAOs with the NOFI's new guidelines, the Department gave states until the time for the AMAO determinations made on the basis of their 2009–10 ELP assessments before requiring full compliance (U.S. Department of Education 2008). Officials from 14 states indicated that guidelines in the NOFI triggered their most recent AMAO revisions while officials from another three states described making revisions in response to direct feedback from the Department that was unrelated to the NOFI.

Title III directors from five states underscored challenges related to the absence of or shifts in federal guidance on AMAO development. During interviews, these officials emphasized that the NOFI's publication, years after states were required to begin implementing their Title III accountability systems, fueled the need for additional AMAO revisions,[88] and such revisions proved difficult to implement after the states had already established their existing accountability systems. One such official noted, "It's a challenge because these are interpretations that come after we've started putting systems into place. So, now we've had to make adjustments to those systems, and when states make adjustments to systems, it takes a couple years to get [them] implemented."

Finally, in discussing challenges associated with limited policy guidance, an official from another state suggested that the newness of the Title III accountability requirements was reflected in the twists and turns that many states faced in developing their accountability systems. She explained,

> There's a huge, clunky creative process that has gone on nationwide, and the folks at U.S. ED have been a part of it, but you know, they couldn't be the leaders because to a certain degree, they didn't know what the states were going to be able to come up with because the assessment wasn't there, nobody had these data systems. So much of it had to be created. So, I think what was interesting, what was challenging was building the plane while you were actually taking off and flying it.

Officials in most states reported that they had established new AMAOs within the last two years (26 states) or were in the process of revising their AMAOs for 2009–10 (9 states).

When interviewed in late 2009 and early 2010, many state Title III directors indicated that, as a result of AMAO revisions, their state's current set of AMAOs (i.e., the AMAOs their state planned to use for the 2009–10 school year) had been established fairly recently. As Exhibit 22 shows, officials from 26 states reported that their state had adopted its current set of AMAOs within the past two years (16 states in 2008–09 and 10 states in 2009–10). Another nine state Title III directors indicated that, at the time of

87. See Appendix E for a summary of the Notice of Final Interpretations (NOFI), prepared by the National Clearinghouse for English Language Acquisition (NCELA).

88. For an example of one way that the *NOFI* prompted changes to states' AMAOs, see the discussion of states' use of time in program in the following section of this chapter.

their interview, their state's AMAOs for the 2009–10 school year—the deadline for compliance with the Department of Education's NOFI—were currently under revision. Officials from only two states reported that their state had maintained the same set of AMAOs since 2003–04, when states were first required to have AMAOs in place.

Exhibit 22
Number of States Reporting the Year in Which They Adopted Their Current Set of AMAOs, 2009–10

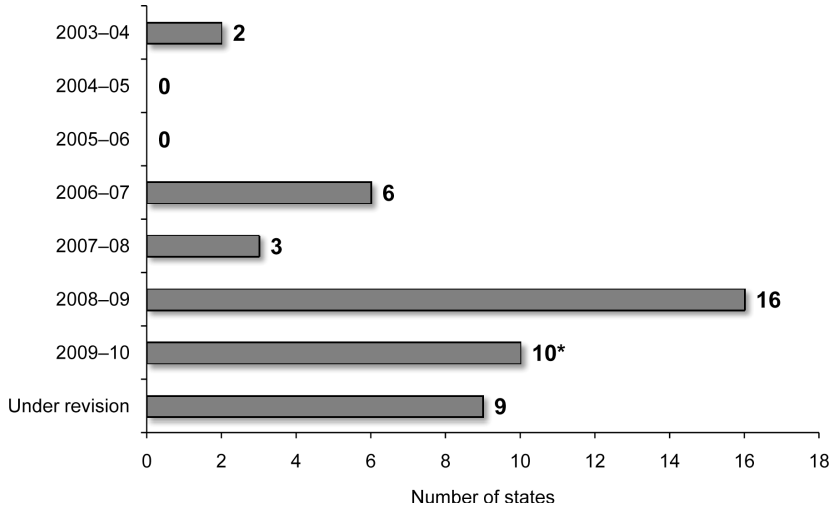


Exhibit reads: Officials from two states reported that their state adopted its current set of AMAOs (i.e., the AMAOs to be used in 2009–10) in 2003–04.

Notes: n = 45 states and the District of Columbia

* Officials from five of these 10 states indicated that the AMAOs they had established for 2009–10 were pending approval from the Department of Education.

Source: *Evaluation of State and Local Implementation of Title III*, State Title III Director Interviews, 2009–10

In 2009–10, officials from nearly all states (48 and the District of Columbia) reported using empirical data about student performance to develop their current set of AMAOs.

Although states' specific analytical approaches varied, state officials typically described using a data-driven process for establishing their most recent set of AMAOs, drawing on available ELP and, in some cases, content assessment data to determine AMAO targets or definitions of "making progress" and "attaining English proficiency." Only two states indicated that student data did not play a strong role in the development of their current AMAOs. "I think we're just now getting our hands around the notion that there [are] data and that [they] might provide useful information for us," an official from one of those states explained, citing the state's lack of historical data as a significant impediment. An official from the other state described AMAO setting as being hampered by the limited availability of relevant guidance and expertise.

Furthermore, among state officials who did report conducting a data-driven process for AMAO development, Title III directors from two states with small EL populations noted that their limited sample size posed challenges for performing empirical analyses to set their AMAOs. An official from

one of these states mentioned that, at one point during its AMAO setting process, the state had only 800 ELs with matching student records to conduct analyses of performance over time. The Title III director explained, "If you look at making meaningful, statistically valid and reliable targets based on 800 kids spread out over 55 districts, you have a variance in those scores anywhere ranging from a ten point spread year to year. So, it's really problematic for us to stand up and legitimately say that we have meaningful targets in place." An official from another state pointed out how the state had too few Title III districts to perform a common analysis for setting AMAO targets by ranking districts according to their performance and then basing AMAO targets on the performance of districts at the 25th and 75th percentile. In some instances, states were able to augment their own data by drawing on EL performance and trend data from other states that shared a common ELP assessment. For example, when Wyoming joined the World Class Instructional Design Assessment (WIDA) Consortium in 2009–10, the state was able to revise its AMAOs by leveraging four years of data from other states' administration of the ACCESS for ELLs assessment.

Other factors that state officials reported taking into consideration when developing their current set of AMAOs included the diversity of districts' EL populations, the requirements put forth in the Department's NOFI and the desire to create AMAOs that were clear and easy for district stakeholders to understand.

Characteristics of States' Annual Measurable Achievement Objectives

In 2009–10, most states'AMAOs 1 and 2 took the form of a target percentage of ELs who should score at a specified performance level on the state ELP assessment. However, the specific targets and performance standards varied across states.

While all states and the District of Columbia base AMAO 1 and 2 determinations on students' ELP assessment results,[89] states' numeric targets and definitions of *progress* and *proficiency* for these AMAOs have varied across states since Title III was enacted. One source of this variation stems from differences in states' ELP assessments; yet, even states that shared a common ELP test employed different approaches for making AMAO determinations (Boyle et al. 2010).

An analysis of states' 2009–10 AMAOs[90] revealed that states' definitions of AMAO 1 most often took the form of target percentage(s) of ELs that needed to demonstrate growth on the state ELP assessment (41 states and the District of Columbia). However, the specific percentage target(s) as well as the amount and measure of growth (e.g., performance level, scale score, raw points, composite score, domain scores) required to meet AMAO 1 varied considerably across states. Moreover, other states devised alternative approaches to calculating AMAO 1: Wisconsin measured AMAO 1 in terms of districts' average growth in EL performance, and at least two states (Maine and Nebraska) had adopted point systems that awarded districts specific point values for each instance of a particular pattern of individual EL performance. For example, Maine's point system for AMAO 1 assigned ELs a specific point value based

89. In one state, New Jersey, criteria other than student ELP assessment results factored into AMAO 2 determinations because the state defined "attaining proficiency under AMAO 2" as exiting EL status, and required EL exit decisions to be based on multiple factors beyond the student's ELP assessment performance, such as a student's class work, teacher recommendations, reading level, and performance on standardized assessments.

90. The analyses of states' 2009–10 AMAOs that are featured in this report are based on states' most recently available AMAO 1 and AMAO 2 information at the time of our data collection. In all, the analyses are based on AMAO 1 information from 45 states and the District of Columbia and AMAO 2 information from 47 states and the District of Columbia. Since the timing of our data collection preceded states' actual 2009–10 AMAO determinations (i.e., the deadline for compliance with the Department's NOFI), it is possible that some of the state AMAO information featured in these analyses did not yet comply with NOFI guidelines.

on their composite score on the state ELP assessment and their number of years receiving services, conferring a greater number of points for ELs who achieved higher composite scores after fewer years in services. A district was considered to have met AMAO 1 if the average point value across all of its ELs increased by a target number from one year to the next.

As with AMAO 1, states most commonly defined AMAO 2 in terms of target percentage(s) of ELs that needed to achieve a minimum performance on the state ELP test (44 states and the District of Columbia), but the percentage target(s) and required proficiency standard differed from state to state.

Finally, several studies have documented differences in the ways states determine AYP under Title I, which serves as the basis for AMAO 3. Such differences stemmed from variation in states' proficiency percentage targets, performance standards for demonstrating grade-level proficiency and other complexities underlying AYP calculations (Taylor et al. 2010).

One challenge states faced in developing valid and reliable AMAOs was the diversity of their districts' EL populations and how to set performance and proficiency objectives in a way that did not over- or under-identify districts due to the nature of their EL population. For example, a district with an EL population consisting largely of newcomer ELs with low levels of English proficiency might struggle to help enough students attain proficiency to meet AMAO 2 but manage to demonstrate significant progress for AMAO 1, while a district with a stable population of ELs who have had access to services for multiple years may have an easier time meeting the attainment indicator under AMAO 2.
One approach states have taken to manage these differences in districts' student populations is to account for specific student characteristics, such as the amount of time students had received EL services, in their AMAO targets or definitions.

In 2009–10, about one-third of states (16) defined AMAOs that explicitly accounted for the amount of time students had received EL services.

In 2009–10, officials from 16 states indicated that they had developed AMAOs that explicitly took into account ELs' *time in program*, or the amount of time students had received instructional services for ELs. Of these, seven states had established different AMAO targets or different AMAO 1 standards for making progress based on cohorts or groups of students who had spent varying amounts of time receiving EL services. For instance, Texas' AMAO 2 for 2009–10 required 12 percent of ELs who had received one to four years of services to attain proficiency and 20 percent of ELs who had received five or more years of services to attain proficiency. Five states had specified a time parameter for attaining proficiency under AMAO 2, for example, by requiring a target percentage of ELs to reach proficiency after receiving services for a particular number of years. Two states employed a weighting system that made ELs count more—or less—toward the AMAO target depending on their time in program. Finally, two additional states calculated individual student progress objectives for AMAO 1 by dividing the amount of ELP growth needed to attain proficiency by the projected number of years needed to reach proficiency.

Officials from four of the 16 states with AMAOs that accounted for ELs' time in program indicated that their state had incorporated this element only recently, often as a result of the Department of Education's 2008 NOFI, which identified time in program as the only student characteristic that could be used to differentiate AMAO progress and proficiency expectations. States could no longer differentiate their AMAOs according to such factors as students' initial English proficiency level, grade level, time in the United States, and formal schooling background. Four state officials voiced concerns over this restriction, arguing it ran counter to empirical research on English language acquisition to expect the same progress and proficiency results from diverse types of ELs.

Two other state officials mentioned that they had considered incorporating time in program into their AMAOs when revising them in response to the NOFI but opted against doing so over methodological concerns. One of the officials cited challenges determining accurate time-in-program information for the high number of ELs transferring in from other states (where they may have previously received EL services), and the other noted difficulties collecting valid and consistent time-in-program information due to variation in districts' locally controlled program offerings.

In 2009–10, 15 states and the District of Columbia used the same criteria for determining students' exit from EL status as their definition of *attaining proficiency* under AMAO 2.

The Department's NOFI also featured a recommendation that states use the same definition for attaining English language proficiency for calculating AMAO 2 as for determining students' exit from EL status. This recommendation stemmed from the Department's concerns that differing definitions of English language proficiency could lead to confusion over which students were eligible for services under Title III, which students were required to take the state's annual ELP assessment, and which students should be included in the EL subgroup for AYP and AMAO determinations (U.S. Department of Education 2008).

An analysis of information collected in 2009–10 on states' EL exit criteria and AMAO 2 policies[91] found that 15 states and the District of Columbia used the same criteria for making EL exit decisions as their definition of "attaining proficiency" under AMAO 2. In the majority of states (28), the minimum ELP assessment score that an EL needed to achieve to qualify as attaining proficiency under AMAO 2 constituted *one* component of the state's criteria for determining that student's exit from EL status; however, districts in those states could also weigh other factors when making EL exit decisions. Four states afforded districts the discretion to choose whether the state's criteria for attaining proficiency under AMAO 2 would factor into EL exit decisions.

In 2009–10, more than half the states (33) reported applying a minimum n-size restriction on Title III districts' AMAO determinations.

In 2009–10, 33 states indicated that they used a minimum n-size restriction—a method commonly used under Title I accountability systems to protect student privacy and to promote the validity and reliability accountability determinations—whereby the state did not report AMAO determinations for Title III districts if the number of ELs fell below a minimum threshold (often referred to as the "minimum n"). Another six states noted that, although they did not apply a minimum n-size restriction for AMAO 1or 2 determinations, they did apply this restriction to AMAO 3 determinations. States' minimum n sizes for Title III ranged from a low of six in Oregon to a high of 50 in West Virginia, but most Title III n sizes were set at either 10 or 30 (seven states each). The majority (23) of states that reported using a minimum n for AMAOs 1 and 2 indicated that they used the same minimum n size for Title III and Title I accountability. However, eight states reported using a different n size for Title III: six of those states reported using a lower n size for Title III than for Title I, while two reported using a higher n size for Title III.[92]

91. Forty-seven states and the District of Columbia were included in this analysis. Sufficient information was not available for the remaining three states to make a determination.

92. The Department of Education's 2008 NOFI afforded states the option of applying a minimum n-size for AMAO determinations but required them to use the same n-size that was approved under the state's Title I accountability system.

Accountability and Title III Consortia

When districts serve too few ELs to qualify for the minimum Title III subgrant of $10,000, Title III allows these districts to form a consortium with other districts within the state in order to apply for Title III funding on the basis their collective number of ELs.

In 2009–10, the majority of states (40) indicated that they issued Title III subgrants to consortia of districts.

In 2009–10, officials from 40 states reported funding consortia of districts under Title III, and officials from another state and the District of Columbia indicated that they had previously issued Title III subgrants to consortia but were not currently doing so due to districts' lack of interest or decreased EL enrollments. In most instances, states left decisions to form consortia to the districts themselves, but officials from several states reported setting additional parameters. For example, one state official indicated that member districts needed to be located in close enough proximity to one another to facilitate collaboration, and Title III administrators from three states explained that their consortia were required to be affiliated with intermediate school districts or regional educational service units. Georgia reported establishing a single, statewide Title III consortium for all districts with small numbers of ELs; in 2008–09, this consortium comprised 80 members. Furthermore, officials from two other states explained that they asked consortium districts to commit to a specified number of years of membership to provide some stability.

In 2009–10, slightly more than half of the states that funded Title III consortia (22 of 40) reported treating them as a single entity for AMAO purposes, holding participant districts collectively accountable for EL outcomes.

The NOFI granted states the flexibility to decide whether to treat consortia of districts as a single entity for Title III accountability purposes or to hold member districts individually accountable, for the performance of only their own ELs. Among the 40 states that reported funding consortia of districts under Title III, 22 officials reported treating districts within a consortium as a single entity for AMAO determinations; 14 reported treating districts within a consortium as separate entities for AMAO determinations; and four reported treating districts within a consortium as a single entity for AMAOs 1 and 2 but as separate entities for AMAO 3.

Seven state Title III officials underscored how accountability requirements were a deterrent for some districts to participate in Title III consortia. They explained that officials from such districts would rather forgo Title III funds than run the risk of having their district associated with a consortium that was failing to meet its AMAOs because fellow consortium members were not pulling their own weight. At least three state Title III directors indicated that district officials' reluctance to subject their district to collective accountability recently prompted a change in their state's policy to begin holding consortia of districts individually accountable.

State and District Accountability Results

Few states (10) reported meeting all three of their state-level AMAOs in 2008–09, but at the district level, slightly more than half of the reporting Title III districts (55 percent) indicated that they had met all three AMAOs.

According to annual state performance reports, only 10 states—Alabama, Delaware, Maine, Mississippi, Nebraska, New Jersey, South Carolina, Tennessee, Texas, and Wisconsin—met all three of their state-level AMAOs for 2008–09 (see Appendix Exhibit E.2).[93] These states constitute a diverse set, and include states with large numbers of ELs (Texas) and states with small numbers of ELs (Maine, Mississippi), states with growing EL populations (South Carolina, Alabama, Nebraska), states with a long history of serving ELs (New Jersey), states that belong to the WIDA Consortium (Alabama, Delaware, Maine, Mississippi, New Jersey, Wisconsin), and states that use other (non-WIDA) ELP standards and assessments (Nebraska, South Carolina, Tennessee, Texas).

Among Title III districts that reported an AMAO status for 2008–09, a slight majority (55 percent) indicated that they had met all three AMAOs in the 2008–09 school year (See Exhibit 23). However, altogether, these districts served less than half the nation's EL population (39 percent), which meant that the majority of ELs were enrolled in districts that did not meet AMAOs in 2008–09. Finally, while most Title III districts (89 percent) were able to report an AMAO status in 2008–09, about 11 percent of Title III district officials indicated that they did not know whether they had met all three AMAOs at the time of survey administration (late 2009 and early 2010).

Exhibit 23
Percentage of Title III Districts That Reported Meeting AMAOs in the Last School Year (2008–09)

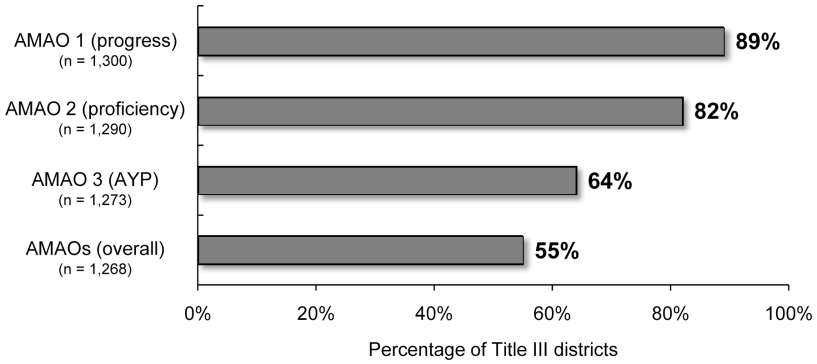


Exhibit reads: Among Title III districts that reported an AMAO status, 89 percent reported meeting AMAO 1 (making progress in learning English) in the 2008–09 school year. Fifty-five percent reported meeting all three AMAOs.

Source: *Evaluation of State and Local Implementation of Title III*, Subgrantee Survey, 2009–10

93. For 2008–09, CSPR reporting only required states to indicate whether they had met all three AMAOs, and did not ask which specific AMAOs the states had missed or met. Some states used the corresponding comment box to indicate which AMAOs they had missed or met, but others did not. As a result, information on which of the three AMAOs the other 40 states and District of Columbia missed in 2008–09 is not available.

Of the three AMAOs, Title III districts were least likely to report meeting AMAO 3 (making AYP for the EL subgroup).

Looking at districts' performance relative to the three individual AMAOs in 2008–09, more than 80 percent of Title III districts reported meeting AMAO 1 (making progress in learning English) and in AMAO 2 (attaining English proficiency) (89 percent and 82 percent, respectively). Fewer Title III districts—though still a majority (64 percent)—reported meeting AMAO 3 by making AYP for the EL subgroup, a performance measure that reflects ELs' participation in state content assessments, demonstration of grade-level proficiency in reading and mathematics and attainment of other academic indicators, such as attendance and graduation rates.

Title III officials in seven states underscored issues related to AMAO 3 as one of the most challenging aspects of Title III implementation. Officials from three states asserted that holding ELs to the same performance standard as English proficient students, particularly in reading and other language-loaded content assessments, was discouraging and unrealistic for districts. One state official explained,

> To compare an English language learner to an English-only student in language and then fault them for that, I feel like it's turned into a catch-22. The whole purpose is to use that funding to help them reach the point where they can be successful with AMAO 3, but I don't think they should be punished if they don't make AMAO 3.

One-third of Title III districts reported missing AMAOs for two or four consecutive years in 2008–09, a status that subjected them to Title III accountability actions. Collectively, these districts served about one-half of the nation's Title III–served EL population.

Among Title III districts that reported knowing their Title III accountability status in 2008–09 (89 percent of Title III districts), 22 percent reported missing AMAOs for two consecutive years,[94] and 11 percent reported missing AMAOs for four consecutive years.[95] In accordance with Title III accountability requirements, such districts were therefore subject to accountability actions and support from their state. Although only one-third of Title III districts reported being designated for improvement[96] under Title III, these districts accounted for approximately 50 percent of the nation's Title III-served ELs (see Appendix Exhibit E.6).

Title III districts that served high-EL or high-poverty populations were especially likely to report missing their AMAOs for two or four consecutive years in 2008–09.

As shown in Exhibit 24, Title III districts with larger numbers of ELs were more likely than districts with smaller EL populations to indicate that they were designated for improvement under Title III after missing AMAOs for two or four consecutive years. About half (51 percent) of Title III districts that served more than 1,000 ELs reported missing AMAOs for either two (30 percent) or four (21 percent)

94. Under Title III, a district is considered to have missed AMAOs for two or four consecutive years if, during each year of a two- or four-year span, the district misses *any* one or more of the three individual AMAOs (i.e., making progress, attaining proficiency, and making AYP for the EL subgroup). The district need not miss the same individual AMAO(s) each year to receive these designations.

95. Title III districts that reported missing AMAOs for four consecutive years are not included in the percentage of Title III districts that reported missing AMAOs for two consecutive years.

96. As a shorthand, this report uses the phrase "designated for improvement under Title III" to refer to Title III districts that have missed AMAOs for two or four consecutive years. However, the law does not contain such a term.

consecutive years, whereas 20 percent of Title III districts that served 150 or fewer ELs reported missing AMAOs for two or four consecutive years (16 percent and 5 percent, respectively) (percentages do not add to total due to rounding).

Exhibit 24
Percentage of Title III Districts Reporting That They Had Missed AMAOs for Two or Four Consecutive Years, by Size of District EL Population and by District Poverty Level, 2008–09

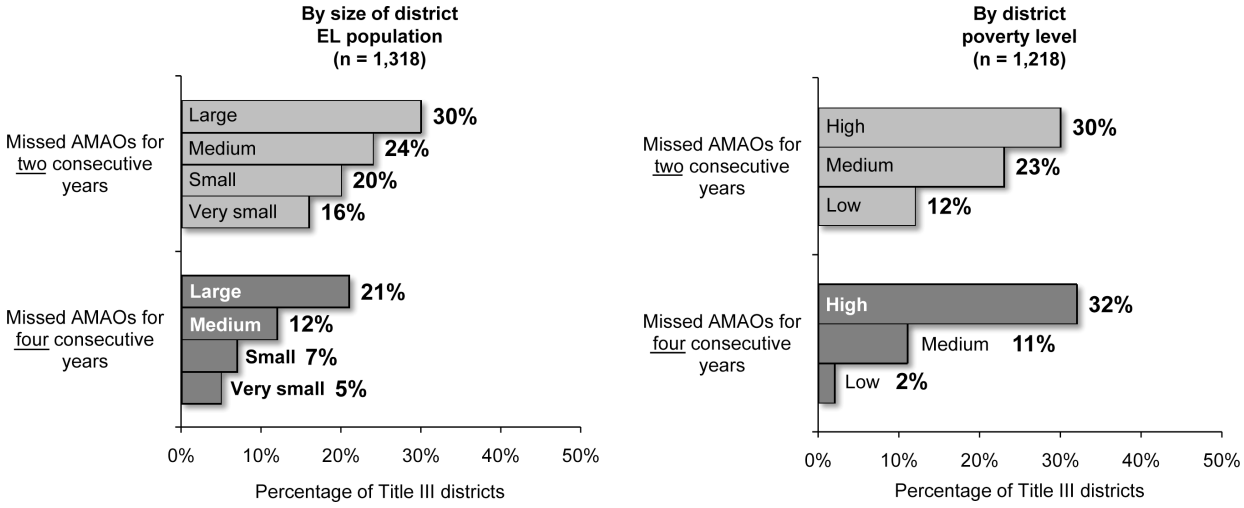


Exhibit reads: Among Title III districts that reported their AMAO designation status for the last school year (2008–09), 30 percent of Title III districts with more than 1,000 ELs reported that they had missed AMAOs for two consecutive years.

Note: The categories for size of district EL population are defined as follows: large is more than 1,000 ELs, medium is 301–1,000 ELs, small is 151–300 ELs, and very small is 1–150 ELs. The categories for district poverty level are defined as follows: high poverty is 76 percent or higher poverty, medium poverty is 26 percent to 75 percent poverty, and low poverty is less than 25 percent poverty. (Poverty is based on the percentage of students eligible for Free or Reduced-Price Lunches).

Source: *Evaluation of State and Local Implementation of Title III*, Subgrantee Survey, 2009–10

Furthermore, the majority of high-poverty Title III districts (62 percent) indicated that they were designated for improvement under Title III after missing AMAOs for two or four consecutive years, compared with only 14 percent of low-poverty Title III districts. Differences by district poverty level were particularly pronounced among districts reporting the most severe Title III accountability designation: 32 percent of high-poverty districts, compared with only 2 percent of low-poverty districts, reported missing AMAOs for four consecutive years.

Finally, while Title III districts of varying locales were equally likely to report missing AMAOs for two consecutive years in 2008–09, urban and rural Title III districts were somewhat more likely than suburban Title III districts to report missing AMAOs for four consecutive years (16 and 12 percent vs. 6 percent, respectively) (see Appendix Exhibit E.7).

Most (71 percent) of the Title III districts that reported missing AMAOs for two or four consecutive years under Title III also reported that they were identified for improvement or corrective action under Title I.

Among the 33 percent of Title III districts that reported missing AMAOs for two or four consecutive years, nearly three-quarters (71 percent) indicated that they were also identified for improvement or corrective action under Title I after not making AYP for two or more consecutive years. Such districts were therefore subject to accountability actions and support under their state's Title III and Title I accountability systems. However, the remaining 29 percent of districts that reported being designated for improvement under Title III accountability indicated that they were *not* already facing district-level accountability actions under Title I. Accordingly, without Title III accountability, those districts would not have encountered the pressure and support associated with district-level[97] *ESEA* accountability consequences that year. Exhibit 25 below illustrates the proportion of all Title III districts that reported being designated at the district level under both Title I and Title III accountability provisions (24 percent), Title I accountability provisions only (16 percent), or Title III accountability provisions only (10 percent).

Even though Title III districts were most likely to report missing AMAO 3—the same AYP indicator that could lead to identification for improvement under Title I—there are several possible explanations for why Title III districts were designated for improvement under Title III but were not identified for improvement under Title I. First, districts can become designated under Title III after missing *any* AMAO or combination of AMAOs for two or four consecutive years; they need not miss the same AMAO(s) each year. Thus, some districts may have become designated under Title III after repeatedly missing AMAOs 1 or 2 but managed to make AYP for the EL subgroup (i.e., meet AMAO 3) often enough to avoid identification for improvement under Title I.

Second, Title III designates districts for accountability actions if they do not make AYP for the EL subgroup (AMAO 3), *regardless of the circumstances,* for two or four consecutive years, but Title I affords states the flexibility to restrict identification for improvement or corrective action to only those districts that repeatedly do not make AYP in the same content area or grade span for two or more consecutive years (Abedi 2007). Thus, for example, a district that did not make AYP for the EL subgroup because of the math proficiency indicator for one year and because of the reading or language arts proficiency indicator the following year would become designated as missing AMAOs for two consecutive years under Title III. However, this same district would not necessarily become identified for improvement under Title I because it did not fail to make AYP for the EL subgroup in the same content area for two years in a row.

Finally, some Title III districts with small EL populations may not have met their state's minimum n size to qualify for Title I accountability designations but may have qualified for Title III accountability designations because of their participation in a Title III district consortium or because of differences in the way their state applied minimum n size restrictions to its Title I and Title III accountability systems.

97. While these districts reported that they were not facing Title I accountability actions at the district level, they may have experienced Title I accountability at the school level. Previous analyses of districts that were designated for improvement under Title III but not Title I in a sample of three states found that a majority of such districts had at least one school identified for improvement under Title I (Boyle et al. 2010).

Exhibit 25
Percentage of Title III Districts That Reported Being Identified for Improvement Under Title I or Designated for Improvement Under Title III or Both

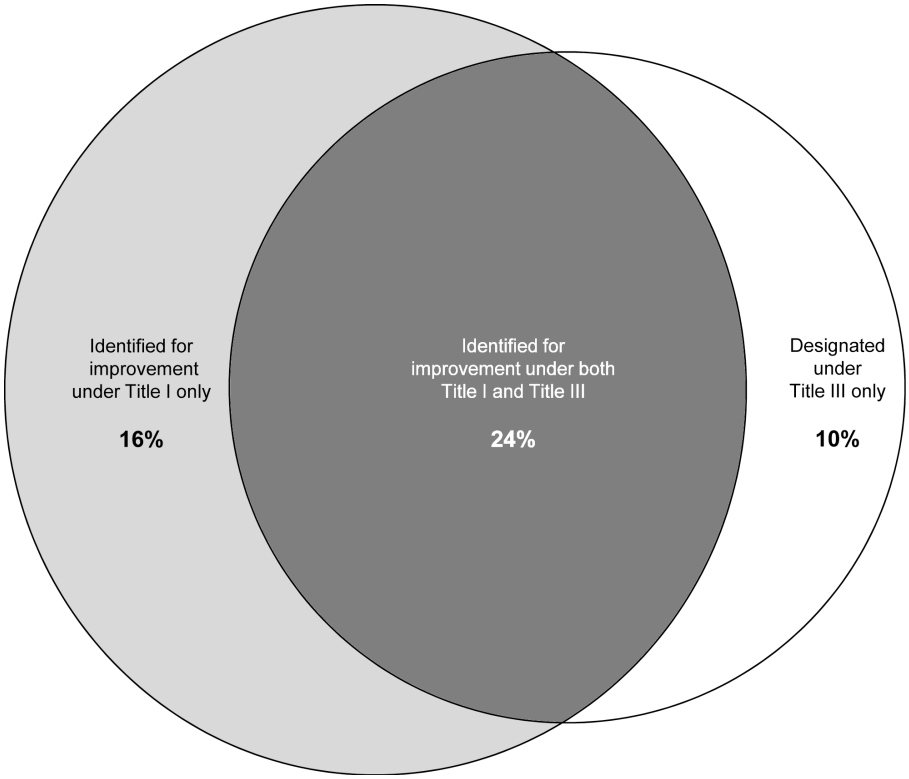


Exhibit reads: Officials from 16 percent of Title III districts reported that their district was identified for improvement under Title I accountability but was not designated as missing AMAOs for two or four consecutive years under Title III accountability.

Notes: Diagram not to scale. The proportion of Title III districts that reported being designated for improvement under Title III totals to 34 percent in this exhibit (24 percent + 10 percent) as opposed to the 33 percent reported earlier in the chapter due to the reduced sample size that could be used for this exhibit. n = 1257.

Source: *Evaluation of State and Local Implementation of Title III*, Subgrantee Survey, 2009–10.

Using Annual Measurable Achievement Objectives to Foster Improvement

Literature on accountability has argued that for a results-based accountability system to function as intended, it must focus attention on goals, enhance the availability of valid information on which to base decisions, increase motivation to strive for goals, and build and focus capacity to improve (Fuhrman 1999; Goertz, Floden and O'Day 1995; O'Day and Bitter 2002). Title III provisions aim to serve these functions by requiring states to institute annual performance objectives, report regularly on school systems' performance in meeting those objectives and impose consequences on jurisdictions that repeatedly miss their objectives.

Stakeholder Awareness and Notification

More than 90 percent of district Title III officials reported having a clear understanding of their AMAO targets for the 2009–10 school year.

District-level Title III officials from most surveyed districts indicated that they clearly understood their AMAO targets for the 2009–10 school year. Specifically, 95 percent of Title III officials reported having a clear understanding of their target(s) for AMAO 1; 94 percent reported having a clear understanding of their target(s) for AMAO 2; and 92 percent indicated that they clearly understood their targets for AMAO 3.

When asked if they could explain their AMAO targets, Title III officials from nearly all of the case study districts (11 of 12) indicated that they were aware of the three AMAOs they needed to meet under Title III accountability while Title III officials from one of the districts, which had consistently met its AMAOs, showed a lack of awareness of their district's Title III accountability objectives. However, in only half (six) of those districts did that awareness extend beyond a limited set of EL-focused district administrators. Respondents from case study districts where there was not widespread understanding of AMAOs tended to describe a culture in which Title I accountability objectives were more salient than those of Title III, particularly at the school-level. An official from one very large, urban district [A] explained,

> Title III is at the district level, and the school is where the rubber meets the road, and schools … are very aware of the data that comes through Title III and its relationship with school accountability. … [But] if you ask a school what is AMAO, they will say, "Are you talking about [Title I] AMOs?" Even the terminology confuses them. We're aware at the district level, certainly. Does that have [an] impact on what we can recognize as strengths and weaknesses at the local level? Yes. Is it as meaningful to schools? No.

In addition, a school-level respondent from a large, urban school district [B] underscored that the complex nature of the state's AMAO targets made it difficult for staff to understand their Title III performance objectives, stating, "We don't know what targets are or what it is that we failed in. … They have a general target, but the problem is that we don't know specifically what the target is for what particular area. They give us a percentage. But within that percentage, there are subgroups [cohorts] that need to be looked at differently."

Respondents from each of the six districts in which there was broad-based understanding of AMAOs described strategies to help build AMAO awareness at the school-level, such as presenting their AMAO targets at informational sessions or providing access to school-level AMAO calculations, in addition to the district-level calculations required under Title III.

Profile of a District With Widespread Awareness of Annual Measurable Achievement Objectives

In one high-EL case study district that had consistently met its AMAOs [I], stakeholders at all levels—district administrators, school principals and classroom teachers—demonstrated a strong degree of awareness of their AMAO performance goals. Officials from this district explained that, while the state only held the district as a whole accountable for its AMAO performance, the district distributed responsibility for meeting AMAOs across all staff by issuing AMAO percentages and determinations for each school, and making sure that schools were aware of the three performance goals that they needed to meet. "You can't play the game and do what you're supposed to do unless you know what those things are," one official stated. Principals from this district reported knowing how the performance of their schools' ELs stood in relation to AMAO targets, and described transmitting this knowledge down to the classroom level by informing teachers of the AMAO goals and how their individual students were faring. "We made it our job to make sure teachers know what those things are, that students know what the [ELP assessment] is, and what they're being held accountable for," one principal noted. Making those AMAO goals has changed the way that we communicate that [ELP] testing to our students. That's made a big shift." To ensure that their schools were meeting AMAO targets, principals and teachers described employing such strategies as incorporating teacher training that addressed ELs' academic language acquisition and directing special attention to ELs who were performing on the cusp of proficiency on the state ELP or content assessments.

Most states (37) reported notifying Title III districts of their 2008–09 AMAO performance during late fall or early winter of the following school year.

Twelve state Title III directors reported that their state had notified Title III districts of their 2008–09 AMAO performance results by September 2009. The majority of state Title III directors (37) indicated that their state education agency had issued or planned to issue[98] Title III districts' 2008–09 AMAO performance results during October or later in the following school year. Among those 37 states, 19 indicated that they would not notify districts of their AMAO results until December 2009 or later (see Exhibit 26). State officials mentioned several factors that delayed their notification of AMAO results to districts, including their need to wait for Title I AYP determinations to be finalized to inform AMAO 3 determinations, their reliance on external scoring companies to provide test results, limitations in state education agency staffing capacity, and bureaucratic procedures (e.g., attaining required signatures). One state official commented on the state education agency's difficulty in concurrently managing Title I AYP and Title III AMAO designations, explaining,

> We've wanted to send out the AMAO results at the same time [as the AYP results], but at this time, the assessment bureau just can't handle all that analysis at the same time, not to mention that we can't give our AMAO results because we need to have, not just progress and proficiency rates, but the academic results altogether. So, even if they already have the academic results ready for publishing … we would have to hold everything up and fold that in to see whether or not districts made it under the AMAOs, and we don't want to hold up the academic results.

98. In cases in which the timing of the state Title III director interview preceded the state's release of 2008–09 AMAO performance results, states reported their anticipated AMAO notification date.

Exhibit 26
Number of States Reporting the Month in Which They Notified Title III Districts About Whether They Had Met AMAOs in 2008–09

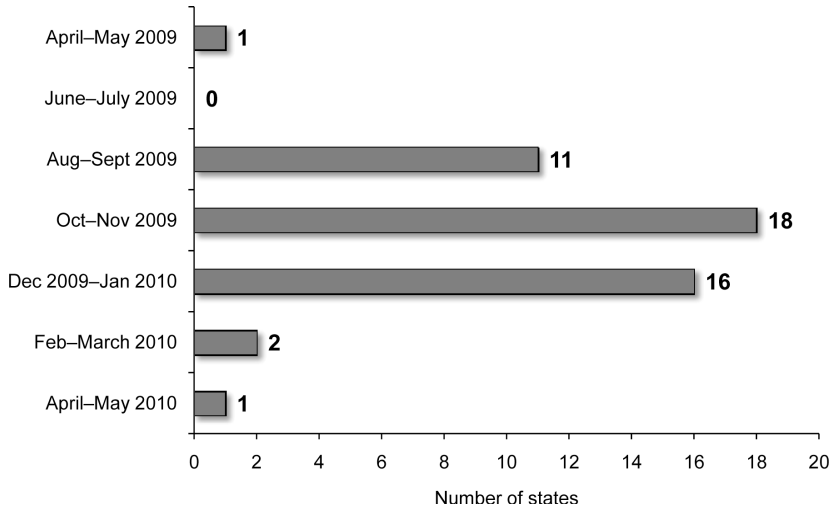


Exhibit reads: One state reported notifying Title III districts of whether they had met AMAOs in 2008–09 in April–May of 2009.

Note: n = 48 states and the District of Columbia

Source: *Evaluation of State and Local Implementation of Title III,* State Interviews, 2009–10.

District officials from two case study districts commented that the lack of timeliness of their AMAO notifications diminished the utility of the information. An official from a very large urban district [A] pointed out that the district's AMAO results were often delayed and thus were perceived as less useful than more accessible sources of information. "We have more real-time data from other sources, so we are more depending on that," she explained. "I'm not saying AMAOs are worthless, but I am saying that they are not as valuable to our school improvement efforts for ELLs as the data that are available through Title I or our own internal systems."

Furthermore, officials from a linguistically diverse suburban district [E] mentioned that the time lag between when their state reported Title I AYP results and when it reported Title III AMAO results diminished the relevance of the AMAO results. As the EL director explained, "When we receive the AYP results, everyone is waiting for that, and then three or four months later when the AMAOs come out, everyone has already processed that. … People don't know what AMAOs are, they don't have the salience of the AYP information." Another official concurred, stating, "There's a real lag about when we get notified on LEP AMAOs. Why they don't come out immediately, I don't know. So, you've already kind of settled into who is in school improvement [under Title I] and all of that, and then they come and say, 'Oh, by the way …,' and then you don't do as much about it."

Most Title III districts that did not meet their AMAOs in 2008–09 (93 percent) reported notifying parents of ELs of the district's AMAO status.

As Exhibit 27 illustrates, the majority of Title III districts that indicated that they had not met their AMAOs in 2008–09 (93 percent) reported that they had notified ELs' parents of the district's AMAO status that year, as required under Title III statute. Moreover, many of the Title III districts that reported

that they had met their AMAOs that year (62 percent) indicated that they too had notified ELs' parents of their AMAO status, even though Title III does not require districts to do so.

Exhibit 27
Percentage of Title III Districts That Reported Notifying Parents of ELs About Whether the District Had Met AMAOs in 2008–09, by District AMAO Status

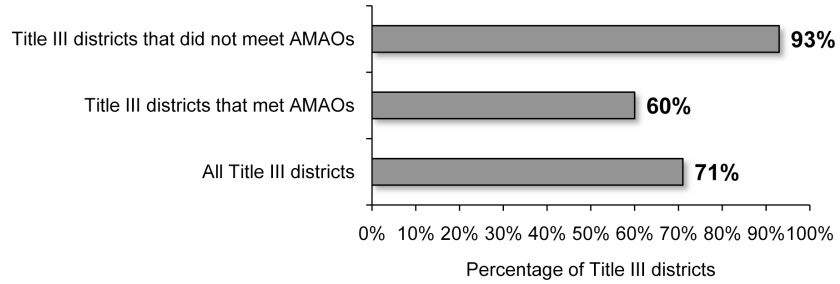


Exhibit reads: Ninety-three percent of the Title III districts that reported that they did not meet AMAOs in 2008–09 indicated that they had notified parents of ELs of the district's AMAO status.

Note: Title III districts that did not meet AMAOs: n = 649, Title III districts that met AMAOs: n = 605, All Title III districts: n = 1254

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

All nine case study districts that had missed their AMAOs described notifying parents via a letter disseminated by the district central office. One very large district with a high-EL population [H] also noted that the district and its school-based parent liaisons would hold information sessions or offer direct assistance for parents who had questions regarding the letters that were sent to them at home. An official from that district explained, "Letters are all translated, but the face-to-face connection is important because you're otherwise assuming a level of literacy in the home."

Officials from two case study districts related concerns over the multiple parent notifications that they were required to provide under Titles I and III. A respondent from a large urban district [K] expressed frustration that the district needed to issue multiple letters to parents explaining failures to make AYP and meet AMAOs, particularly when the failure stemmed from the same indicator: making AYP for the EL subgroup. "I think it would be really nice if Title I and Title III could have joint notifications instead of [having] a parent receive 10 notifications saying the same thing," she stated. An official from a large, linguistically diverse district [F] that did provide joint Title I and Title III accountability notifications questioned the value of Title III notifications, given the high expense involved. "For us to send out one letter, it is about $10,000 for mailing," she explained. "It seems a little ridiculous for us to send something out about this thing that most parents don't have a clue about and don't understand if it's a big deal or not—and to explain that in four languages plus English on one little letter becomes quite expensive."

Accountability Actions and Support

A chief function of Title III accountability systems involves building capacity and stimulating activities to improve EL services among Title III districts that repeatedly miss their annual performance objectives. To this end, states must require any Title III district that misses AMAOs for two consecutive years to develop an improvement plan that will enable the district to meet AMAOs in the future. States must also provide such districts with technical assistance to support the development and implementation of that

plan. Title III calls for states to impose additional actions on Title III districts that miss AMAOs for four consecutive years, such as (1) requiring the district to modify its curriculum, program and method of instruction; or (2) making a determination as to whether the district shall continue to receive Title III funds and requiring the district to replace educational personnel relevant to their AMAO failure.

In 2009–10, officials from all states with Title III districts that had missed AMAOs for two consecutive years (46 states and the District of Columbia) reported requiring those districts to develop improvement plans.

Officials from every state that had designated Title III districts as missing AMAOs for two consecutive years (46 states and the District of Columbia) reported requiring such districts to develop an improvement plan for the instruction of ELs. The nature of these improvement plans varied, ranging from a few questions included in the districts' Title III funding application or Title I district improvement plan to a comprehensive template designed to guide needs assessment and improvement activities. However, Title III improvement plans are only one of several such documents that districts may be required to draft as states might compel districts to write other EL-focused plans for reasons beyond Title III—or even Title I—accountability. For example, New York requires districts to develop a Comprehensive Plan for meeting the needs of ELs under the state's CR Part 154 regulations which specify state policies governing EL services, and Maine requires districts to maintain a *Lau* plan that outlines how the district is providing equal access to ELs in accordance with the *Lau v. Nichols* U.S. Supreme Court decision.

Four states (Montana, Maryland, West Virginia and Wisconsin) indicated that, as of 2009–10, they had never had a Title III district miss AMAOs for two consecutive years, either because the state had begun implementing AMAOs very recently (one state) or because no Title III districts had missed AMAOs for more than one year at a time (three states).

In 2009–10, officials from all states with Title III districts that had missed AMAOs for two or four consecutive years reported offering technical assistance for those districts, typically to support district needs assessment and improvement-planning efforts.

Title III directors from the 46 states and the District of Columbia with Title III districts that had missed AMAOs for two or four consecutive years described providing some type of support to help those districts improve. The focus of this assistance most often involved needs assessment activities, such as data analysis, school walk-throughs or program audits (17 states and the District of Columbia), or improvement plan development activities, such as the provision of improvement plan templates and tools, suggestions for improvement strategies, or plan reviews and critiques (25 states and the District of Columbia). In one state, district representatives convened to collectively review and edit one another's improvement plans. "They get to read some really good plans and some not so good plans, and they can tell [the] difference where [their plan] is in relation to what they are reading with us," the state Title III director explained. Officials from five states indicated that they also provided follow-up support to districts to ensure that the districts were implementing their improvement plans as intended.

Title III administrators in three states indicated that they required all Title III districts that had missed AMAOs for two or four consecutive years to attend a specialized workshop or data retreat that focused on such topics as improvement plan development, analyzing data to determine areas of need, and use of ELP standards and assessments. Typically, these states required a team of individuals from each district—including administrators, program directors, ESL or bilingual teachers and mainstream teachers—to attend. Title III directors from 16 states and the District of Columbia, particularly those

with fewer Title III districts facing accountability actions, described working one on one with district staff. One state Title III director explained, "Any district that's in improvement, I'll sit down with them, and we'll go over their data and try to figure out what's happening where and in which schools and why is that happening and what can we do to make improvement in those areas." Officials from another six states highlighted the fact that regionally based education service centers were available to support Title III districts that had missed AMAOs for two or four consecutive years.

Title III districts that had missed AMAOs for two or four consecutive years were more likely than other Title III districts to report that they had developed an improvement plan and received improvement-planning support.

Although most Title III districts reported having developed a plan to improve services to ELs since September 2008 (72 percent), districts that were designated for improvement under Title III were significantly more likely than other districts to report having developed such a plan. As shown in Exhibit 28 below, 94 percent of Title III districts that reported missing AMAOs for two consecutive years and 97 percent of Title III districts that reported missing AMAOs for four consecutive years indicated that they had developed an improvement plan whereas only 61 percent of nondesignated Title III districts indicated that they had developed such a plan. Moreover, most Title III districts that reported missing AMAOs for two or four consecutive years indicated that they had developed the improvement plan *as a direct response to their AMAO status* (70 and 85 percent, respectively), not for other reasons (see Appendix Exhibit E.13). Title III districts that reported missing AMAOs for two or four consecutive years were also more likely than other Title III districts to indicate that they had received technical assistance on developing an EL-focused improvement plan (70 and 81 percent, compared with 36 percent).

Exhibit 28
Percentage of Title III Districts That Reported Developing an Improvement Plan and Receiving Technical Assistance on Developing an Improvement Plan, by Districts' Title III Designation Status, 2009–10

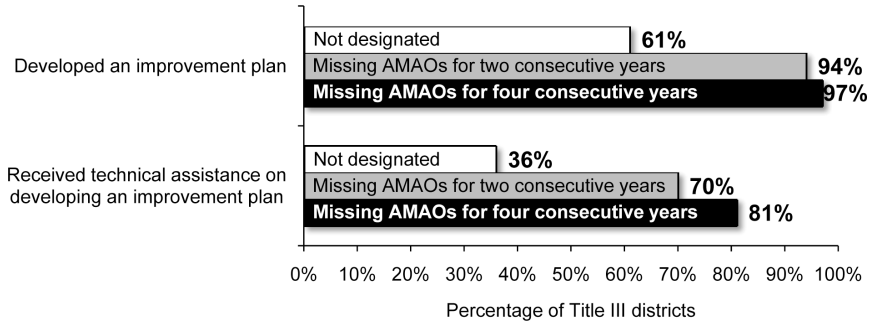


Exhibit reads: Sixty-one percent of Title III districts that reported they were not designated as missing AMAOs for two or four consecutive years indicated that they had developed an improvement plan since September 2008.

Note: Title III districts not designated under Title III: n = 784–793; Title III districts designated as missing AMAOs for two consecutive years: n = 325–326; Title III districts designated as missing AMAOs for four consecutive years: n =188–189.

Source: *Evaluation of State and Local Implementation of Title III*, Subgrantee Survey, 2009–10.

Title III officials from all 10 case study districts that had not met AMAOs for two or more consecutive years reported being required to complete some form of an improvement plan as a result of their AMAO status. Officials from four of those case study districts described taking their state's option to develop an integrated district improvement plan that satisfied multiple improvement planning requirements, including requirements under Title III accountability, Title I accountability or state law. For example, a Title III administrator from one large, urban district explained that her district had folded its Title III improvement plan into an existing district improvement plan that was required under state law. "The [state's improvement plan] is required and monitored by our associate superintendents and by the public education department at the state level. Many people have eyes on that document, so we felt it was the best place to put [the Title III improvement plan] … front and center."

Title III officials from three case study districts described receiving one-on-one support from their state Title III director in developing their improvement plan, and representatives from one of those districts [G] reported receiving special funds from the state as a result of the district's Title III accountability status, to bring in consultants from a local university to work with teachers of ELs.

An official from one small rural case study district [L] underscored the utility of receiving individualized improvement-planning assistance from the state, noting that the attention the state placed on the district's improvement plan marked a positive change from the past, when the district's plan prompted no response from the state. The local Title III director explained,

> All these years the goals [for ELs] were submitted, and that was it—nobody probably looked at them. Now, someone really is looking at the goals [for ELs]. And they're sending [them] back for more clarification and asking us to add more things. It's making us really aware at the district level what is going on at the school sites and what is being reported that is on paper but is not actually happening at the school site. It's an eye opener for me and a learning process. It is a helpful process because the team at the state level has contacted the principals and then at the district level, so locally there's that support to work together—the district team and the site administrators. And there's the district team knowing what the plan is. It gives us what to look for, to see if all these things are happening at the school sites.

Despite the reported prevalence of technical assistance among district survey respondents, six of the ten case study districts that had missed AMAOs for two or more consecutive years reported receiving limited or no state assistance as a result of meeting their AMAOs.

In 2009–10, states with Title III districts that had missed AMAOs for four consecutive years were more likely to report requiring or considering requiring such districts to make programmatic or instructional changes (18 states and the District of Columbia) than requiring personnel changes (seven states and the District of Columbia) or discontinuing Title III funds (six states).

In 2009–10, officials from 24 states and the District of Columbia indicated that at least one Title III district within their state had missed AMAOs for four or more consecutive years, while officials from the remaining 26 states explained that no district had reached that accountability designation yet, in some cases because the state had been holding Title III districts accountable for less than four years.

Officials from 16 of the states with Title III districts that had missed AMAOs for four consecutive years reported requiring such districts to write or revise improvement plans to feature significant changes in their approach to serving ELs. Moreover, officials from 18 states and the District of Columbia indicated

that they required—or would consider requiring in the future on a case by case basis—such districts to modify their curriculum, program, or method of instruction. One state Title III director emphasized that the state assumed a more direct approach with districts that had missed AMAOs for four consecutive years than with districts that had missed AMAOs for two consecutive years. However, the director also emphasized that state officials avoided imposing consequences that would be perceived as overly harsh or severe, explaining

> We don't say, "We would like to do this, and what do you think?" We say, "No, these are the things that we've found, this is what you have to do, and this is the time line." What we avoid doing—and I think correctly so—is to be punitive, threatening, and you know, the Title III law has some things; you could carry a big stick. We don't want to do that too much. … It doesn't make the kind of pedagogical and programmatic and cultural fits that I think [would be appropriate].

Another state Title III official described being hesitant to impose significant accountability consequences on districts that repeatedly missed AMAOs because, unlike Title I of the *ESEA* which provides funding under its Section 1003(g) provisions to support local school improvement activities, Title III does not include an additional funding stream dedicated to supporting district improvement efforts. "Title III gives us no money to do those things," the official remarked, "and certainly at the state level … I have no additional funds. … Title III has similar accountability decisions [to Title I's], and yet when our school districts don't meet AMAOs, we just say, 'Too bad. So sad.' … You can't expect accountability to make any difference if you're not going to give us money."

Overall, fewer state officials indicated that they would consider using the accountability options outlined in Title III to require the replacement of district personnel (seven states and the District of Columbia) or discontinue districts' Title III funds (six states) as consequences of missing AMAOs for four consecutive years. One state official underscored that her state was not considering discontinuation of funding as an accountability action because the pressure of Title III accountability was tied to districts' receipt of Title III funds. "With the continuation of Title III funding to a district [that] is in four-year status, the state would have more leverage toward improvement than if funds were terminated," she explained.

Exhibit 29
Percentage of Title III Districts That Reported Implementing Specific Actions to Improve Services to ELs, by 2009–10 Title III Designation Status

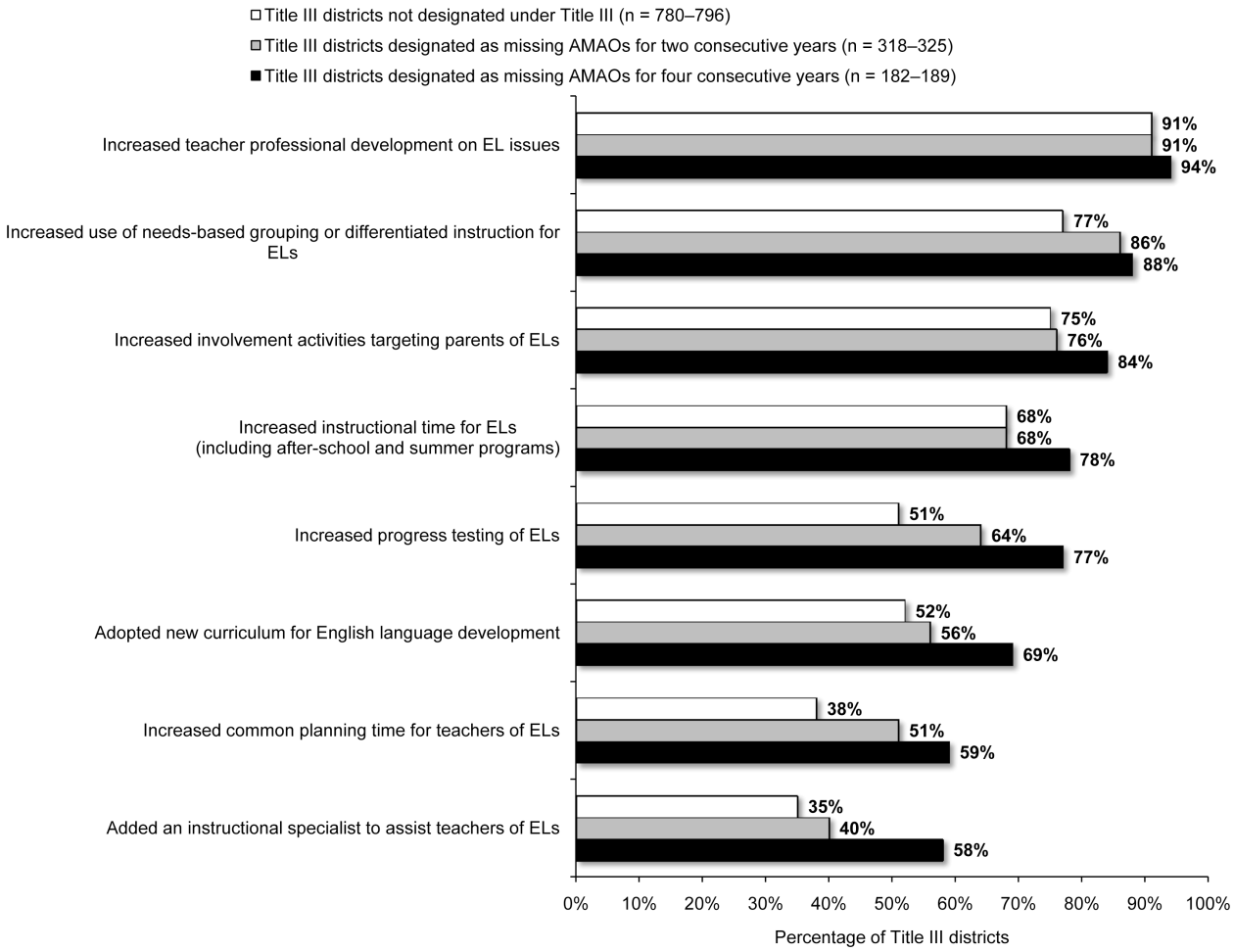


Exhibit reads: Ninety-one percent of Title III districts that reported they were not designated as missing AMAOs for two or four consecutive years indicated that they had increased teacher professional development on EL issues since September 2008.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Title III districts that had missed AMAOs for four consecutive years were more likely than other Title III districts to report taking actions to improve EL services.

When asked whether they had implemented various actions to improve services to ELs since September 2008, Title III districts that reported missing AMAOs for four consecutive years were more likely than nondesignated Title III districts to indicate that they had increased the use of needs-based grouping or differentiated instruction for ELs (88 vs. 77 percent), increased progress testing of ELs (77 vs. 51 percent), adopted a new English language development curriculum (69 vs. 52 percent), increased common planning time for teachers of ELs (59 vs. 38 percent) and added an instructional specialist to assist teachers of ELs (58 vs. 35 percent) (see Exhibit 29). In addition, Title III districts that had missed AMAOs for four consecutive years were more likely than those that missed AMAOs for only two

consecutive years to report having increased instructional time for ELs (78 vs. 68 percent), increased progress testing for ELs (77 vs. 64 percent), adopted a new ELD curriculum (69 vs. 56 percent) and added an instructional specialist to assist EL teachers (58 vs. 40 percent).

Furthermore, Title III districts that reported missing AMAOs for four consecutive years were consistently more likely to report making improvement actions *as a direct response to their AMAO status* than districts that reported missing AMAOs for only two consecutive years (see Appendix Exhibit E.13).

Of the 12 Title III case study districts, three reported implementing changes to their program or method of instruction as a result of repeatedly missing AMAOs. One small suburban school district that had experienced high growth in its EL population [G] described implementing the co-teaching model, which a neighboring district had instituted with considerable success, as a new approach to providing ELs with support in the content classroom. A large urban case study district [K] indicated that it had adopted a new curriculum for secondary ELs who required additional ESL instruction, provided more ELD training to its instructional coaches and placed a greater focus on ensuring that instructional materials included appropriate support for ELs. Finally, a large, linguistically diverse district [B] discussed the fact that, after missing its AMAOs for four consecutive years, the district developed a Title III "corrective action plan," which featured several strategies to improve EL outcomes, including the implementation of a literacy strategy known as Writing Across the Curriculum," the purchase of test prep materials for the state ELP assessment and the provision of various forms of staff training.

Title III districts that had missed AMAOs for four consecutive years were more likely than other districts to report receiving technical assistance related to teacher training, funding, data use, ELD approaches, and program administration.

As shown in Exhibit 30, Title III districts that reported missing AMAOs for four consecutive years were more likely than other Title III districts to indicate that they had received technical assistance on effective training for teachers of ELs (73 percent vs. 55 percent), administering Title III and other EL-related funds (78 percent vs. 61 percent), use of data on ELs (69 percent vs. 53 percent), effective ELD approaches (76 percent vs. 61 percent), and EL program administration (50 percent vs. 36 percent).

Exhibit 30
Percentage of Title III Districts That Reported Receiving Various Types of Technical Assistance Since September 2008, by Districts' 2008–09 Title III Designation Status

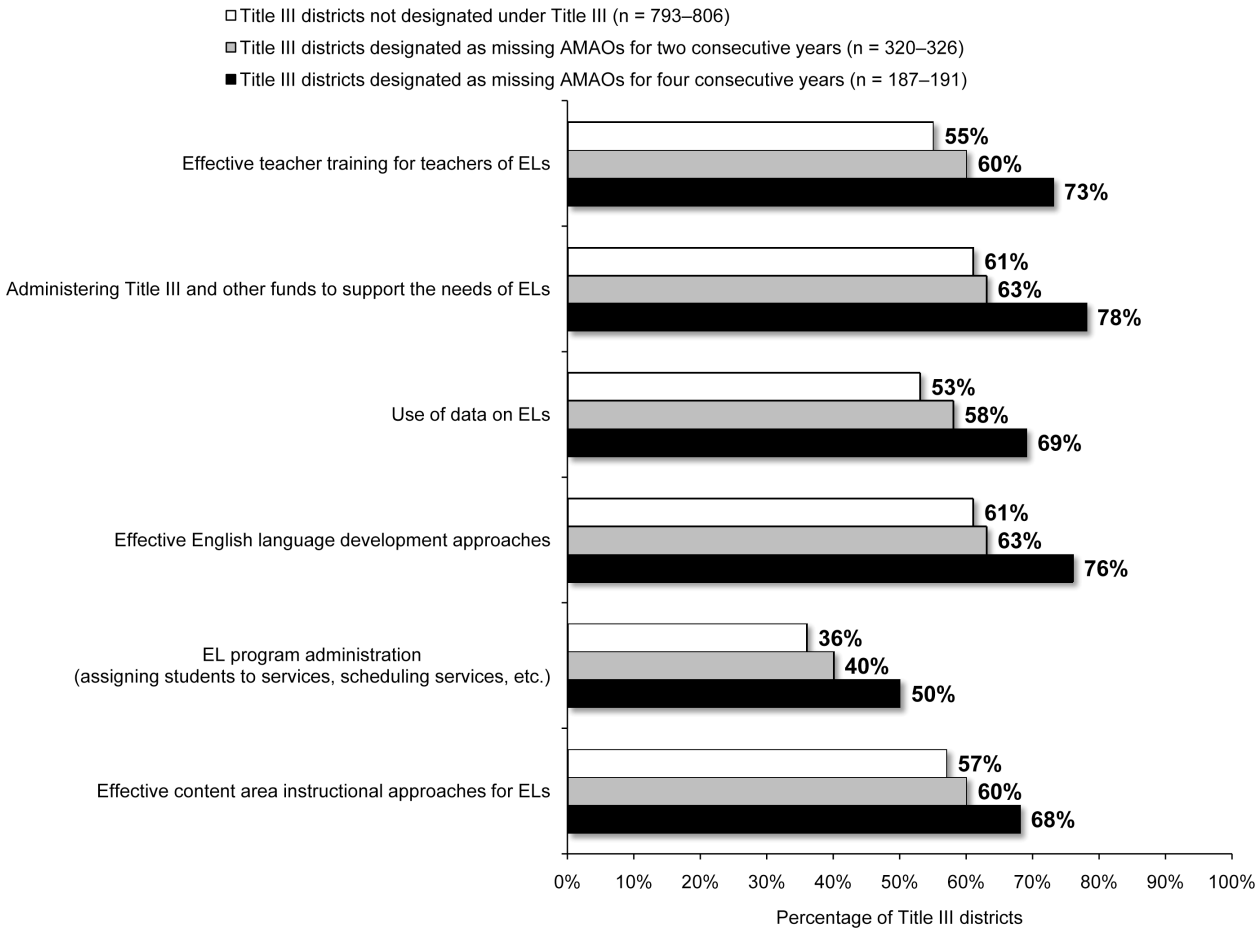


Exhibit reads: Fifty-five percent of districts that reported that they were not designated under Title III in 2008–09 reported receiving technical assistance since September 2008 on effective teacher training for teachers of ELs.

Note: Data related to Title III districts' receipt of additional types of technical assistance, by district Title III designation status, are presented in Appendix Exhibit E.6.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Reported Benefits of Title III Accountability

Officials from seven states mentioned their belief that Title III accountability requirements had helped to raise awareness and focus attention on EL outcomes.

In discussing what they found helpful in implementing Title III provisions, officials from seven states commented that *ESEA* accountability provisions had directed greater attention toward meeting the

needs of ELs.[99] "What's really great is that it has put this population on the map for accountability," one state Title III director noted. "There's no question about that. It's been very salubrious to the districts in our state and also at the school building level that these kids cannot be hidden, they can't be shunted aside, they can't be denied services, and the state and district is held accountable for their progress."

Another state official admitted that, despite her concerns regarding the *ESEA* testing requirements as they applied to ELs, she did see a benefit in Title III and Title I EL accountability requirements. "There was a time ten, fifteen years ago when these kids were just so adorable and cute that you really weren't worried about accelerating them quickly, and [now] the pressure's on, and it's not a bad thing," she explained. "I would like a happy medium with *No Child Left Behind* where some of their requirements were a little more reasonable, but you know overall, yeah, it's had a good effect."

Similarly, a third state official highlighted his perception of Title III as influential in improving services for ELs in his state, but also pointed out that Title III had not garnered the same level of attention as Title I accountability. He stated, "I think the perception of the relevance of ELL has changed, and Title III has changed. So, Title III has been an important initiative although it has been one that has been very quiet in the background compared to Title I. Title I barks, everyone jumps."

Chapter Conclusions

Charged with the unprecedented task of establishing Title III accountability systems to monitor and facilitate progress in improving EL outcomes, states initially faced a paucity of data, research and guidance to develop the AMAOs that serve as the basis of Title III accountability. The advent of new ELP standards and assessment infrastructures, additional years of EL performance data, and more detailed federal guidance prompted many states to revise their AMAOs—in some cases, multiple times—in an effort to set performance targets that were better attuned to empirical evidence and more consistent with federal requirements.

States' Title III performance objectives continued to evolve as of 2009–10, when officials from over half the states indicated that their current AMAOs were either under revision (nine states) or had been implemented for less than two years (26 states). This fluctuation in states' AMAOs implies that Title III districts within those states have not had a consistent set of performance objectives to guide their long-term improvement, and this hinders the comparability of AMAO performance results across years. Such drawbacks point to a tension that policymakers face between the utility of adjusting AMAOs to increase their validity and the utility of promoting a stable set of performance objectives that can motivate and measure improvement over time. Furthermore, variation in the ways different states have defined their three AMAOs precludes comparisons of performance from one state to the next, and states may designate more or fewer Title III districts for accountability actions and support, depending on the rigor of their AMAOs.

In addition to setting valid and reliable performance objectives, a well-functioning accountability system must raise stakeholders' awareness of those objectivess and provide useful feedback on jurisdictions' performance in meeting them. While most district Title III officials reported having a clear understanding of the targets required for meeting AMAOs in 2009–10, experiences from the case study districts suggest that this understanding did not always permeate other district staff or filter down to the school-level. Moreover, most state Title III directors reported being unable to notify Title III districts of

99. This information was not specifically solicited from all states. It was noted in response to an open-ended question.

their AMAO performance results until late fall or early winter of the following school year, and case study respondents indicated that the lack of timeliness of their AMAO results diminished the usefulness of the information they provided.

Another key function of an educational accountability system is to increase underperforming districts' capacity to meet their performance objectives in the future, and state and district reports suggest that Title III accountability systems typically aimed to serve this function by targeting Title III districts that had missed AMAOs for two or four consecutive years with improvement planning requirements and assistance. Title III districts that had missed AMAOs for four consecutive years were also somewhat more likely than other districts to report making specific instructional changes to improve EL services. Nevertheless, it is unclear whether these districts would have taken similar actions in the absence of Title III accountability, particularly since most of these districts were already facing scrutiny to improve student outcomes under their state's Title I accountability system: Although Title III accountability systems did designate an additional set of districts for improvement, nearly three-quarters of the districts that incurred Title III accountability actions were already identified for improvement or corrective action under Title I and potentially faced dual sets of parent notification and accountability requirements. Some states had taken steps to coordinate such requirements—for example, by promoting alignment between Title I and Title III district improvement plans—but state capacity limitations may have constrained other states' ability to forge such connections.

Overall, state Title III officials reported making strides in developing and refining Title III accountability systems to hold jurisdictions accountable for improving EL outcomes, and several credited these systems with focusing stakeholders' attention on meeting ELs' academic and linguistic needs. However, instability in states' AMAO performance objectives and challenges in the dissemination of information related to those goals may have weakened these systems to date, and the salience of Title III accountability in relation to other accountability systems—which create the potential for duplicative or competing requirements—remains uncertain.

VI. State and District Capacity to Implement Title III

State education agencies and school districts shoulder many responsibilities for Title III implementation, including the identification and placement of English Learners (ELs), the adoption and use of English language proficiency (ELP) standards and assessments, development of accountability measures of Title III districts and management of data systems to support decision-making. These tasks require internal capacity on the part of states and districts—with regard to staffing, funding and infrastructure. This chapter focuses on the capacity of states and districts to meet the implementation challenges of Title III.

Key Findings

—**In 2009–10, 30 states had fewer than the equivalent of two full-time staff working on issues related to Title III.** Interviewees in 15 states noted that staff limitations (lack of sufficient staff or lack of staff with needed expertise) are a challenge for Title III implementation.

—**In 2009–10, on average, officials in Title III districts reported spending 45 percent of their Title III funds on instructional staff, and 24 percent on instructional materials, equipment and technology.** Smaller proportions of Title III funds were spent on professional development, parent involvement and instructional support staff.

—**Funding for ELs was a challenge reported by Title III districts, both among survey respondents and case study districts in 2009–10.** Indeed, 71 percent of Title III districts reported funding for ELs to be a moderate or major challenge.

—**In 2009–10, officials in 74 percent of Title III districts reported that all teachers serving ELs were fully certified for their positions.** However, in 73 percent of Title III districts, officials reported that "lack of expertise among mainstream teachers to address the needs of ELs" was a moderate or major challenge.

State and District Infrastructure to Support ELs

State capacity reflects the ability of a state education agency to perform key implementation functions and depends on a broad spectrum of resources, including but not limited to the number of knowledgeable and skilled staff and fiscal resources (Le Floch, Boyle, and Therriault 2008). While human, financial and technological resources represent the core infrastructure of state education agencies and are essential to policy implementation, the implementation of Title III also requires substantive expertise in issues related to ELs. Moreover, successful implementation may be fostered through collaboration within the state education agency, whether between the Title III and Title I staff, or among state officials with expertise in assessment, curriculum or data systems.

Title III implementation depends on the capacity of districts, as well as states. However, the size, growth and diversity of the EL populations of districts vary more than those of states. Indeed, the case study districts in this study included small rural districts with very few ELs to large metropolitan districts in which the EL population was counted in tens of thousands. Even in such varying cases, districts face similar requirements with regard to Title III.

This chapter provides an overview of state and district capacity to implement Title III, and efforts to boost that capacity. The first section reviews the core elements of state and district capacity, including human resources, funding and data infrastructure. The next section outlines ways in which states seek to boost local capacity through technical assistance, both from the perspective of state officials who provide support and the districts that receive such support. Finally, the chapter turns to a discussion of teachers of ELs, who represent the most fundamental capacity to implement Title III. States and districts have responsibilities to ensure that teachers are qualified, fluent and supported, each of which is discussed in turn.

State Personnel Responsible for Title III

In 2009–10, 30 states had fewer than the equivalent of two full-time staff working on issues related to Title III. Interviewees in 15 states noted that state education agency staff limitations (with respect to either expertise or number of staff) were a challenge for Title III implementation.

In 2009–10, state officials reported that their state education agencies had allocated few "full-time equivalent" (FTE) positions to work on Title III. Indeed, in 30 states, fewer than two FTEs were allocated to Title III. These included relatively populous states, such as Michigan, Ohio and Texas. In contrast, six states employed five or more FTEs for Title III, including California, Florida and Illinois. On average, however, states with a greater number of Title III–funded students employed a greater number of Title III staff at the state level: States with more than 100,000 Title III students retained an average of 8.2 FTEs in 2009–10, whereas states with fewer than 20,000 Title III students employed an average of 1.3 FTEs (see Exhibit 31). Note that "one FTE" means the equivalent of one full-time position, not necessarily one staff person. One FTE may be staffed by two people at half-time, for example.

Exhibit 31
Average Number of Full-Time Equivalent Staff Working on Title III in State Education Agencies, by Title III Enrollment, 2009–10

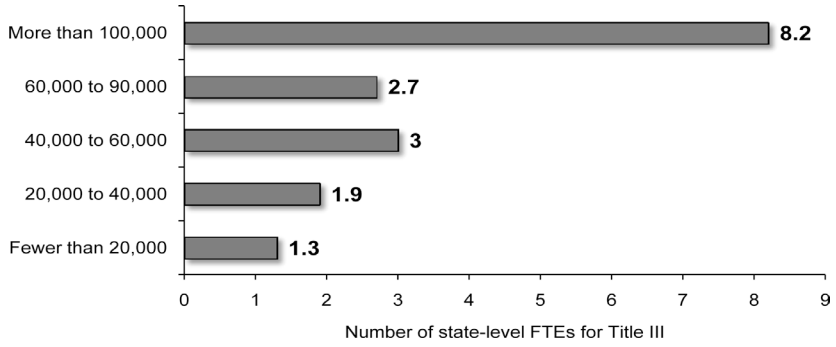


Exhibit reads: States with more than 100,000 Title III–funded students employed an average of 8.2 FTE staff positions in the state education agency to work on issues related to Title III.

Note: n = 50 states and the District of Columbia.

Source: Title III Evaluation Interviews with State Title III Directors, 2009–10; Consolidated State Performance Reports, 2008–09.

To address the needs of ELs and to ensure implementation of Title III requirements, officials in state education agencies may choose to focus EL-related responsibilities in a single office, or to spread responsibilities through the organization. In 2009–10, few state-level staff focused *exclusively* on Title III: For only seven state Title III directors was Title III a full-time responsibility. Twenty-six state Title III directors also worked on other programs related to ELs (such as migrant education or bilingual education), and 10 worked on Title I issues (these categories are not mutually exclusive). Additional responsibilities assumed by Title III staff included teacher quality, parent involvement, and drafting *Race to the Top* applications.

When asked if their state had appropriate resources to implement Title III, officials in 16 states specifically mentioned staff limitations as a challenge, with regard to the number of staff devoted to Title III issues or their lack of expertise in issues related to ELs. One Title III director explained that there were no other state employees with expertise in Title III, and she herself lacked expertise: "I'm not a Title III, I'm not an ELL expert; my background is not in ELL. I struggle with this all the time." In contrast, officials in five states described relatively high levels of expertise across their state education agencies, including collaboration with offices responsible for other federal programs, migrant education, civil rights or assessment. Officials from another three states believed that departmental expertise with regard to ELs was improving.[100]

Officials from 17 states reported close collaboration between Title I and Title III program offices in 2009–10.

One way in which state education agencies leverage internal expertise is to facilitate coordination between the Title I and Title III program staff. Both federal programs have similar substantive activities (standards, assessments, support for low-performing schools and districts), and Title I accountability includes attention to EL performance. In 2009–10, officials from 21 states reported close collaboration between Title I and Title III. In such cases, staff for Title I and Title III often operated out of the same office, coordinated monitoring and consolidated applications, and served on joint school improvement teams. As one state official explained, "Everything is integrated because we are the *NCLB [No Child Left Behind Act]* division; all of our programs are just intertwined. We're not separate offices."

In another 26 states and the District of Columbia, officials reported some coordination (often for program monitoring) but noted limitations. In four states, however, interviewees reported no coordination among federal program offices. In one of those states, the Title I and Title III directors had the same supervisor, but as one Title III director stated, "That does not connote in any way that there's coordination between the two. … As far as trying to coordinate any activities, there is zero."

When Title III and Title I program staff did coordinate, they did so most frequently for the purposes of monitoring (22 states), providing technical assistance (14 states and the District of Columbia) and delivering professional development (8 states and the District of Columbia). Sixteen states coordinated activities related to the development of district improvement plans, whether for districts that were identified for improvement or corrective action under Title I or for Title III districts that did not meet annual measurable achievement objectives (AMAOs)—or both. For example, one state Title III director who served as a lead of a district improvement team commented, "Sitting on a district team allows me to remind them that they really need to analyze the data for the ELL subgroup to inform instructional practices, and then I also remind my other colleagues who sit on other teams that they need to maintain the same focus." Title III officials also reported frequent collaboration with colleagues in other state

100. Other state interviewees did not specifically mention staff expertise in response to this open-ended question.

education agency departments, including standards and assessment (32 states and the District of Columbia), curriculum and instruction (six states), and special education (four states).

District Staff Dedicated to English Learners

Depending on district size, enrollment, and fiscal resources, district leadership may also opt to focus EL responsibilities in a single office, or to share such responsibilities across the organization. Note that in very small districts with few central office administrators, staff are required to assume multiple responsibilities.

In 2009–10, on average, districts with higher EL enrollments had more staff for whom EL issues were a primary responsibility.

Among Title III districts, those with fewer ELs had fewer central office staff with responsibility for EL issues, and those with more ELs had more associated central office staff: Districts that enrolled at least 1,000 ELs employed an average of eight district-level staff to address EL issues, while all other districts employed two or three staff (see Exhibit 32). Across all Title III districts, 61 percent of surveyed Title III administrators reported that "lack of district-level staff expertise on EL issues" was either *not* a challenge or was only a minor challenge; while 39 percent reported that a lack of district-level expertise was a moderate or major challenge. Responsibilities assumed by central office administrators vary by the size and EL composition of the district, but such responsibilities may include management of practices for welcoming, screening, and testing incoming ELs; hiring instructional and support staff who work with ELs; determining instructional practices and curricula for ELs; obtaining, monitoring, and managing state and federal funds for ELs; and providing professional development on topics related to EL instruction.

Among the 12 case study districts, respondents in 10 reported that the central office administrators who worked on EL issues had appropriate training, qualifications and expertise. Title III directors in these 10 districts all reported they had experience as a teacher (most often a teacher who specializes in EL instruction), eight of them spoke a language other than English, five had advanced degrees, and four had lived in another country. One exception was the case study Title III consortium, in which central office staff had little or no background in issues related to ELs. Rather, a special education administrator saw an opportunity to join forces with other smaller districts to leverage professional development opportunities for teachers of ELs—but claimed no special expertise related to this population.

In four of the case study districts, the Title III administrators reported that their offices were perceived to be powerful within the district administration. As the EL director of a very large urban case study district [H] commented, "The EL team is a very powerful team. … Last year I was able to go through and reselect and interview our team. Our team was re-formed in July and I was able to pick the best and the brightest, who work so well collaboratively." In two other districts [F, I], some of the most senior district leaders had progressed through their respective offices for ELs and were in a position to put EL issues at the forefront of district priorities.

Exhibit 32
Average Number of District-Level Staff With Primary Responsibility for EL Issues, by Number of ELs, 2009–10

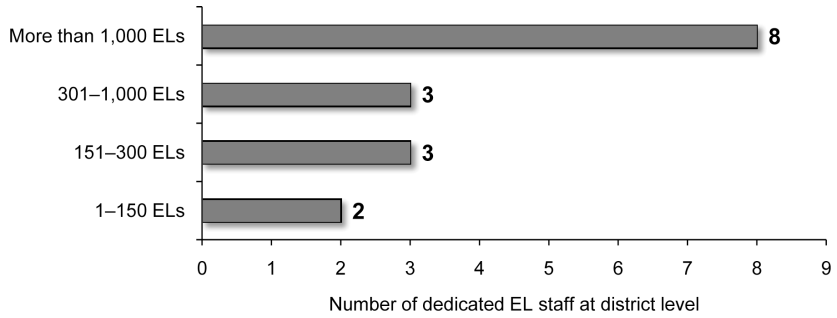


Exhibit reads: Districts that enrolled more than 1,000 ELs have an average of eight staff for whom Title III and EL issues are a primary responsibility.

Note: n = 1,369

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Fiscal Resources to Support ELs

Although Title III funds are disbursed by formula, the 2009 per-pupil funding levels ranged from $457 in Pennsylvania to $86 in Alaska.

Federal Title III funding was $730 million in fiscal year 2009 and was estimated to be $750 million in fiscal year 2010 (U.S. Department of Education 2011). Under Title III of *ESEA,* each state education agency with an approved Title III plan is awarded funds by formula, in proportion to the number of English Learners and of immigrants in the state—but not less than $500,000. In the 2009 fiscal year, three states (South Dakota, Vermont, and Wyoming) received the minimum state allocation. In contrast, California received more than $168 million and Texas more than $98 million. Despite the fact that Title III funds are administered on a formula basis, there was wide disparity in per-pupil funding levels. (Per-pupil funding levels were calculated by dividing the full state allocation by the number of Title III–served students in each state.) For example, while the per-pupil funding level was less than $120 in seven states, it exceeded $300 in four states. (The weighted national mean was $151 in 2009). These disparities are not associated with EL enrollment: Among the states with the highest per-pupil funding levels, Pennsylvania enrolled nearly 28,000 ELs, while Vermont enrolled barely 1,200 (see Exhibit 33).

One factor that helps account for some of these disparities is that Title III funding is based on data from the U.S. Census Bureau's American Community Survey (see Appendix F.3), not reports of EL enrollment from state education agencies. While the ACS collects data on the number of ELs in a consistent way across states, in most states, the ACS count is different from that provided by the state education agency (see National Research Council, 2011, for various methods of comparing ACS counts of ELs to state education agency counts of ELs). Differences in survey data collection across states could account for some of the state-by-state differences in Title III funding. For example, if the ACS count is substantially lower than the state education agency count of ELs, the per-pupil Title III funding will be lower than in states in which the ACS count is closer to the state-reported number of ELs.

Despite the funding provided through Title III,[101] officials in only nine states reported that they believed they had adequate resources to meet the needs of ELs; and another four explained that the funding levels were marginally adequate. Indeed, per-pupil allocations for Title III are lower than those for other federal programs, including Title I, Title II, and Reading First (see Chambers et al. 2009).[102] State administrators from the remaining states and the District of Columbia cited fiscal shortfalls. As one state official commented,

> For Title III and for the requirements of this program, the funding level is much lower than it is for other types of programs. And the fact that it needs to be supplemental to other federal funding as well as state funding makes it pretty difficult to implement. … I believe that we do need more resources to adequately serve the population nationally as well as in our state.[103]

However, state officials' perceptions of the adequacy of funding for ELs were not related to the level of per-pupil Title III funds. Indeed, among the 13 state officials who reported that funding levels were at least marginally adequate, five were below the national median for Title III per-pupil funding ($173 per pupil), and eight were above the national median.

Exhibit 33
Title III Funding, Enrollment and Per-Pupil Allocations, by State, Fiscal Year 2009

State	Title III Funding	Total Title III Enrollment	Title III Funding per Pupil
Alabama	$4,349,324	20,481	$212
Alaska	$1,322,960	15,433	$86
Arizona	$24,900,489	144,865	$172
Arkansas	$3,331,698	27,166	$123
California	$168,456,300	1,460,408	$115
Colorado	$11,214,892	96,994	$116
Connecticut	$5,737,252	29,573	$194
Delaware	$1,168,946	6,531	$179
District of Columbia	$806,780	5,269	$153
Florida	$43,560,011	238,349	$183
Georgia	$16,478,879	68,716	$240
Hawaii	$2,666,218	19,409	$137
Idaho	$1,998,276	16,697	$120
Illinois	$30,906,506	179,092	$173
Indiana	$6,660,567	44,773	$149
Iowa	$2,769,974	18,744	$148

continued next page

101. Other funding sources support the needs of ELs: For example, state education agencies receive state appropriations for ELs and districts may have local funding sources, as well. In addition, federal grants support specific activities related to ELs, such as the development of ELP assessments.

102. For example, in 2004–05, the average allocation of Title III, Part A, funds per poor child was $78, compared with $1,499 for Title I, Part A, funds; $357 for Title II, Part A, funds; $228 for Reading First funds; and $90 for Perkins funds (Chambers et al. 2009).

103. The "Supplement not Supplant" provisions of Title III situate the funds as supplemental in nature to federal, state, and local funds. These provisions preclude recipients' using Title III funds to pay for services that would be necessary for these jurisdictions to provide in the absence of Title III.

Exhibit 33 (continued)
Title III Funding, Enrollment, and Per-Pupil Allocations, by State

State	Title III Funding	Total Title III Enrollment	Title III Funding per Pupil
Kansas	$3,684,318	26,979	$137
Kentucky	$3,765,040	13,481	$279
Louisiana	$2,951,681	11,715	$252
Maine	$724,271	3,885	$186
Maryland	$9,406,499	41,525	$227
Massachusetts	$11,839,113	44,578	$266
Michigan	$10,927,358	47,941	$228
Minnesota	$7,922,699	64,490	$123
Mississippi	$1,573,958	5,636	$279
Missouri	$5,014,363	16,751	$299
Montana	$501,875	2,145	$234
Nebraska	$2,667,560	19,769	$135
Nevada	$8,030,369	77,951	$103
New Hampshire	$785,653	3,520	$223
New Jersey	$18,324,110	52,513	$349
New Mexico	$5,115,590	58,840	$87
New York	$49,792,612	222,493	$224
North Carolina	$14,334,922	104,619	$137
North Dakota	$540,916	3,461	$156
Ohio	$7,937,616	38,059	$209
Oklahoma	$3,943,527	32,588	$121
Oregon	$7,868,147	56,406	$139
Pennsylvania	$12,756,292	27,935	$457
Rhode Island	$1,926,672	9,190	$210
South Carolina	$4,628,599	30,081	$154
South Dakota	$500,000	3,265	$153
Tennessee	$5,998,028	30,691	$195
Texas	$98,711,971	712,320	$139
Utah	$5,322,574	47,160	$113
Vermont	$500,000	1,198	$417
Virginia	$11,448,020	96,890	$118
Washington	$16,488,896	87,714	$188
West Virginia	$677,170	1,718	$394
Wisconsin	$7,091,009	40,939	$173
Wyoming	$500,000	1,773	$282

Exhibit reads: In Fiscal Year 2009, Alabama received $4,349,324 in Title III funds with an enrollment of 20,481 Title III–funded students, resulting in an average of $212 per pupil.

Note: Title III enrollment reflects EL students who received services in a Title III language instruction educational program in kindergarten through 12th grade for this reporting year. The per-pupil funding reflects the number of Title III funded students divided by the full state Title III allocation, including the amount retained by the state education agency.

Source: Fiscal Year 2009–FY 2011 President's Budget State Tables for the U.S. Department of Education, http://www2.ed.gov/about/overview/budget/statetables/index.html (accessed January 3, 2011); Consolidated State Performance Reports, 2008–09.

In 2009–10, officials in Title III districts reported spending 45 percent of their Title III funds on instructional staff, and 24 percent on instructional materials, equipment, and technology.

Smaller proportions of Title III funds were spent on professional development (18 percent), parent involvement (5 percent), and instructional support staff (5 percent) (see Exhibit 34). Case study officials reported using Title III funds for professional development, instructional materials, instructional staff, extended learning time (after school or summer programs), parent involvement or technology. As one district official commented, "The value added is the curriculum and instruction piece, professional development, and parent outreach. Those are the three added pieces in how I am able to use Title III funds to augment support to our schools."

Exhibit 34
Percentage of District Title III Funds Spent on Various Purposes, 2009–10

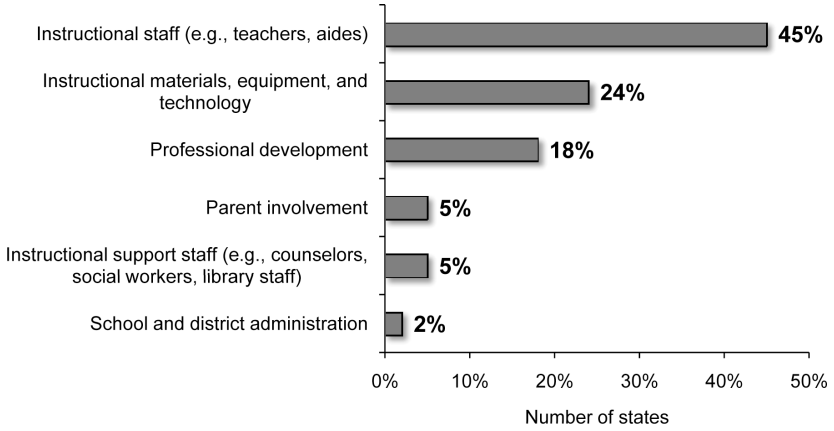


Exhibit reads: Across Title III districts, 45 percent of Title III funds were spent on instructional staff.

Note: n = 1,289

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

In 2009–10, funding for EL services was a challenge reported by 71 percent of Title III districts nationally and by half of the case study districts.

One of the most prominent challenge reported by administrators surveyed in Title III districts was "insufficient funding for EL services," reported to be a moderate or major challenge by 71 percent of districts. Among case study districts, six reported challenges associated with recent budget cuts. (One district reported adequate resources to serve ELs; the other five districts did not specifically mention this challenge in response to an open-ended question.) For example, administrators in one large urban linguistically diverse district [F] explained that in 2008–09, when they were forced to lay off nontenured EL teachers, a 19-year-running minority language Parent Teacher Organization was disbanded and one school opted not to hire bilingual educational assistants despite a rapidly growing EL population. All the case study districts reported leveraging other funding streams to meet the needs of ELs, including federal sources (Title I, Title II, Title IV, the *Individuals with Disabilities Education Act* [*IDEA*] and the *American Recovery and Reinvestment Act* of 2009 [*ARRA*]), state grants for low-performing schools and for ELs, and private grants.

Officials in three case study districts commented that that Title III funds provided a rather small supplement overall. For example, one large suburban case study district [E] had a budget of $25 million for ELs, of which approximately $1.7 million were Title III funds. Title III directors in two case study districts both described Title III funds as "a drop in the bucket," adding that "there is not enough money and [there are] too many strings" associated with Title III. In particular, stakeholders from three case study districts complained that they could not use Title III funds to pay for staff to administer the ELP assessments required under Title III.[104] These tests can be very labor intensive to administer (see Chapter 4), and officials in these districts reported that that test administration pulled teachers out of the classroom for several weeks in a row. Stakeholders in another very large urban district [A] sought some flexibility regarding the use of funds for technology, which was capped at one-third of Title III expenditures. To upgrade several computers at once would have exceeded the cap, but replacing computers one by one was inefficient.

Infrastructure to Support Title III: Data Systems

Data on students' academic growth can provide substantial insight for instructional and policy-related decision-making. To enhance data utility, state systems must include a unique student identifier, data markers that enable disaggregation of ELs from other students and the ability to track ELs over time, including a period after they have exited EL status.

In 2009–10, 40 states and the District of Columbia could disaggregate Title III students from other ELs, 27 states could disaggregate EL achievement data by ELP level, and 16 states and the District of Columbia could track former ELs for more than two years.

In 2009–10, officials from 49 states and the District of Columbia reported that their state data system had unique student identifiers; officials from 32 states reported that these systems had unique teacher identifiers, and 17 states reported they had the capability to link data on teachers and their students, although six of these states opted not to do so. Indeed, officials from only one state reported conducting a systematic analysis of teachers of ELs.

The capacity to disaggregate data by student subgroup is another important feature of state data systems. In 2009–10, all states and the District of Columbia could disaggregate by the subgroups required for adequate yearly progress (AYP) under Title I. In addition, officials from 40 states and the District of Columbia reported having a data system that could disaggregate Title III EL students from all ELs.[105] Officials in 27 states reported that their data systems had the capacity to disaggregate achievement data by ELP level. Officials from seven other states reported that their state data systems had the capacity to do so but that they did not do this. Two additional states reported that they were in the process of designing a data system that had this function.

Although states could disaggregate the EL subgroup, some key data related to ELs were housed in separate data systems—in the past, states often had siloed data in separate systems established for different purposes but are now pushing to merge all information into a single, more user-friendly data

104. The "Supplement not Supplant" provisions of Title III preclude the use of Title III funds for the administration of ELP assessments because administration of these assessments is required under Title I; see Chapter IV of this report for further information.

105. State education agencies are required to report Title III EL enrollment separately from all other ELs in the Consolidated State Performance Reports to the U.S. Department of Education. Not all ELs are enrolled in districts that receive Title III subgrants, most often because enrollment numbers are too low.

warehouse. In 2009–10, officials from 31 states reported that each of their respective states had a single data system containing information on each student. In contrast, 17 states and the District of Columbia had multiple data systems at the state level, with a separate data system for items specific to ELs. (Officials in two states reported they were moving toward a single data system at the time of data collection.) Only one of the states and the District of Columbia were reportedly in the process of moving toward a single data system.

In 2009–10, officials from 36 states reported that their state data system(s) had the ability to link different types of assessment results, for example, the state ELP assessment and mathematics content results. However, two of the 36 states were not using this capability. Moreover, six states reported that they were in the process of designing data system(s) that had this capability.

Under Title III, (Title III, Part A, Section 3121(a)) states are required to ensure that subgrantees track and report the academic performance of students for two years after they exit a Title III program, and all states and the District of Columbia could do so in 2009–10. In addition, 16 states and the District of Columbia reportedly tracked former ELs for *more than* two years after they exited from EL services, whereas officials from 16 additional states reported that their data systems had the capacity to do so, but that the states did not do this. Three other states were in the process of designing a system that could track former ELs for more than two years after they exited services. The remaining 15 states did not do so.

State officials most often reported using EL-related data from the state data system for AMAO calculations and accountability (29 states) and for federal reporting (18 states), with officials from nine states reporting both uses. These data were also reportedly used to make decisions regarding professional development or technical assistance offered by the state (10 states), determine funding (eight states), calculate AYP (five states), provide demographic information (four states), identify needs of the students (three states), and assess programs that were currently being implemented (three states).

State Efforts to Build Local Capacity

Although state education agencies themselves have varying levels of capacity, they have the obligation to provide support and technical assistance to Title III districts. Indeed, states may set aside 5 percent of their Title III allocation for the purposes of supporting districts. The next section discusses technical assistance from the perspective of state officials and then reviews data from district officials on the same topics.

State Technical Assistance to Title III Districts

In 2009–10, all states reported providing some technical assistance to Title III districts, regardless of AMAO status.

All states reported providing some technical assistance to Title III districts, although this assistance varied in terms of frequency, content and mode of delivery. Officials in 18 states reported that they provided support through phone or email, responding to requests as necessary—as one Title III director explained, "Not a day goes by that we are not communicating with our local Title III offices." Another 17 states provided technical assistance through an annual conference for Title III grantees (which might include administrators and teachers); another nine relied on regional organizations (such as the Area Education Agencies in Iowa) to deliver support to districts. Some state officials specified that their regional education service centers had an "ESL point person," while New York has developed a set of intermediary organizations—the Bilingual Technical Assistance Centers—which provided customized

support to local subgrantees. Seven states reported that they provided technical assistance in conjunction with monitoring activities.

With regard to the topics addressed through technical assistance, state officials reported that they provided information on ELP standards and assessments, including appropriate accommodations (10 states); instruction and "best practices" for teaching ELs (nine states); updates about Title III definitions, use of funds, and reporting requirements (eight states); and analysis and use of data (eight states). In addition, five state officials noted that they provided training specifically for new Title III directors at the local level.[106]

Technical Assistance Received by Title III Districts and Schools

To build local capacity to better meet the needs of ELs, educators and administrators in Title III districts received technical assistance from state education agencies, regional assistance centers, developers of ELP standards, and not-for-profit organizations.

The most common topic on which district officials reported receiving technical assistance was EL assessment (71 percent of Title III districts), followed by effective approaches for English language development (63 percent of Title III districts).

District may receive technical assistance from different types of organizations, including state education agencies, regional support agencies, universities, or other experts. In 2009–10, three of the top five topics of such assistance were related to instruction, including approaches for English language development (ELD) (reported by 63 percent of surveyed Title III district administrators), effective training for teachers of ELs (58 percent), and effective content-area instructional approaches (58 percent) (see Exhibit 35). Meanwhile, officials in only 22 percent of Title III districts reported receiving technical assistance on the instruction of recently arrived ELs in secondary schools.

106. Note that the categories in this section are not mutually exclusive and do not sum to 51. Although Hawaii is a single-district entity, it is included in these counts because the state education agency provides support to the local units (complex areas), even though they are not Title III subgrantees.

Exhibit 35
Percentage of Districts Receiving Technical Assistance on EL-Related Issues, 2009–10

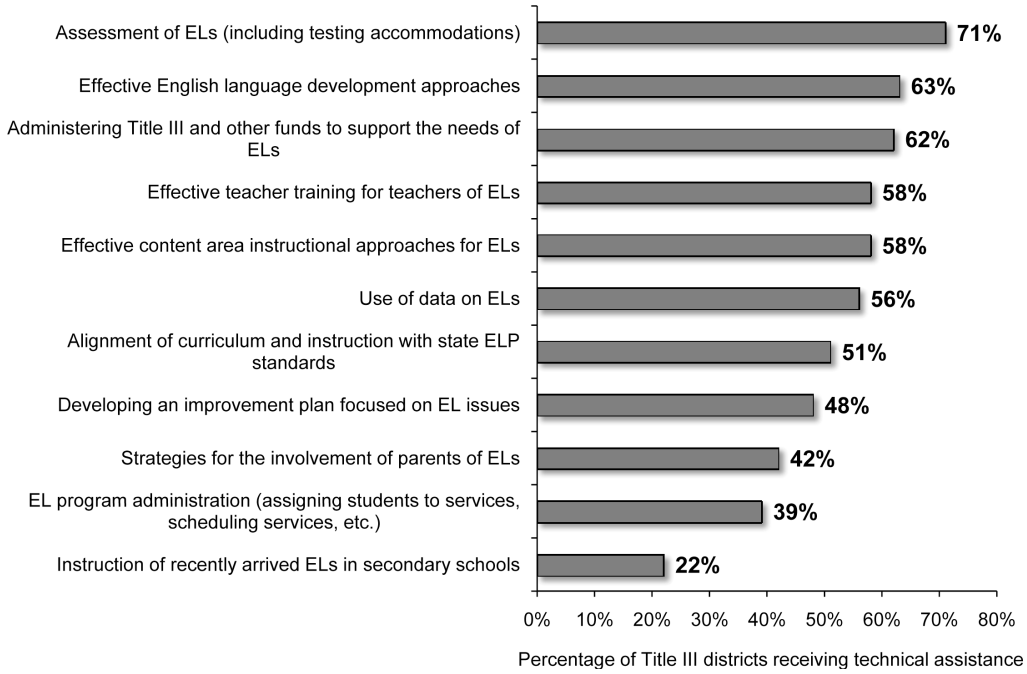


Exhibit reads: Seventy-one percent of Title III districts reported that they received technical assistance focused on the assessment of ELs.

Note: n = 1,388–1,398

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

All but one of the case study districts reported receiving support from outside the district, including from the state education agency, not-for-profit organizations or networks of other Title III administrators. The exception was the Title III consortium, with very few ELs; consortium administrators indicated that they had access to technical assistance but rarely availed themselves of this support. Officials in four case study districts reported receiving technical assistance from the state (but in two of these, administrators mentioned that they would prefer more sustained support from the state education agency). Central office staff in another four districts reported receiving support from external not-for-profit organizations, and two relied on regional assistance centers within the state. In three districts, the Title III directors reported that they benefitted from a network, or "critical friends group" of other Title III administrators. For example, one Title III director from a large suburban district [E] explained that he participated in a roundtable of other Title III administrators from neighboring districts, both rural and urban. He reported that it was helpful to learn from colleagues with similar responsibilities, many of whom had been in their positions for far longer than he had.

Among the 12 case study districts, seven reported that they provided technical assistance to schools through curriculum development, training, translation services, parent outreach, and support for testing of ELs. As one administrator from a very large, linguistically diverse district [A] explained,

> It's almost like an umbrella of people supporting networks of schools. For example, in a group of 25 schools, they have central office [designated specialists], and ELL specialists in their [part of the city]. So the principals are getting a lot of attention and support as

well as the teachers. And we work with almost every office in the [district central office] to make sure the work permeates … every area, high schools, new schools, even charter schools.

State and District Efforts to Support Teachers of English Learners

For more than a decade, studies of the teachers of ELs have pointed to shortcomings with regard to their preparation and ongoing professional development. Data from the 1997 *Schools and Staffing Survey* showed that 30 percent of teachers who had ELs in their classrooms had training for working with these students. Lewis, Parsad, Carey, Bartfai, Farris, and Smerdon (1999) found that most teachers who taught ELs and other culturally diverse students did not feel that they were well enough prepared to meet their students' needs. In 2005, Gándara, Maxwell-Joly, and Driscoll reported on a study of teachers of ELs in California, in which they found that many EL teachers had little or no professional development focused specifically on the needs of ELs. Indeed, among teachers who taught a majority of ELs, 43 percent had only one professional development session focused on the instruction of ELs over the previous five years. A nationally representative survey of teachers in 2006–07 found that, while 66 percent of teachers of ELs[107] had at least one college course in instructional strategies for ELs, only 3 percent of teachers of ELs had a degree in a field related to the instruction of ELs. This same study found that in 2006–07, officials in 7 percent of districts, nationally, reported that instructional strategies for ELs was a major emphasis of professional development in their districts (Birman, et al. 2009).

State Policies Regarding Teachers of English Learners

Ensuring that teachers of ELs—including ESL teachers, bilingual teachers, and mainstream classroom teachers—have the appropriate qualifications and expertise to teach ELs is a central capacity-building role of state education agencies. One of the main mechanisms for carrying out this role is through certification requirements. In addition, under Title III, states are required to ensure that teachers of ELs have attained fluency in English.

In 2009–10, 41 states and the District of Columbia required ESL teachers to have an ESL certification or endorsement.

Overall, in 2009–10, 49 states and the District of Columbia offered an ESL certification or endorsement, and in 41 of these, such certification was required for ESL teachers. In another three states this certification was recommended. In five states, ESL certification was not required, although the states did offer such certification or endorsements. With regard to the type of certification, 45 states required or recommended an ESL or Teachers of English to Speakers of Other Languages (TESOL) certification, and in 20 of these, bilingual certification was also an option.

In states with high concentrations of ELs, mainstream classroom teachers are likely to encounter ELs at some point in their instructional careers. For this reason, some states have opted to incorporate EL-specific training into the certification requirements for all teachers. In 2008–09, five states (Alaska, Arizona, California, Florida, and New York) required all general education, mainstream teachers to complete course work in methods of teaching ELs (National Council on Teacher Quality 2009).

107. In this study, teachers of ELs included those who those who taught at least one of the following types of classes: (1) ESL class, (2) sheltered content class for ELs—regular academic content delivered using basic English, (3) bilingual class, and (4) class taught in student's primary language (other than English).

In 2008–09, 11 states offered incentives to encourage teachers to earn a license in ESL or to obtain an endorsement (Education Week 2010). For example, in Texas, the state provides tuition assistance to train teachers in ESL or bilingual education.

As of the 2009–10 school year, all 50 states and the District of Columbia had established requirements for teachers to demonstrate their English fluency; the majority (36 states and the District of Columbia) require teachers to demonstrate their fluency through university certification or licensure.

According to Title III (Title III, Part A, Section 3116(c)), teachers who teach in programs for EL students funded under Title III of *ESEA* must have fluency, including written and oral communication skills, in English and any other language in which they provide instruction. Data collected from Title III officials in 2006–07 and 2009–10 indicated that all 50 states and the District of Columbia had established English fluency requirements for teachers (Taylor et al. 2010). These requirements ranged from university certification or licensure to passing a specific English language fluency assessment to earning a local assurance. Thirty-six states and the District of Columbia required nonnative English-speaking teachers to demonstrate their English fluency through university certification or licensure. Of these, 23 states also required a specific English language fluency assessment. Two states required only a specific assessment, not the additional university certification or licensure. The remaining 12 states relied solely on assurance from the district that teachers have demonstrated fluency in English.

Fewer states established fluency requirements for languages other than English. Of the 39 that did so, the greatest proportion relied on local assurance or on university certification or licensure, plus an additional assessment. According to state Title III officials, in 2009–10, 12 states had no fluency requirements, 16 states and the District of Columbia relied solely on local assurance; 16 states required that teachers demonstrate their fluency in languages other than English through both university certification or licensure, plus a specific language assessment; three states required primarily a specific language assessment; and three states required primarily university certification or licensure.

In 2009–10, officials in more than half the states (33) reported providing some professional development for mainstream teachers of ELs.

However, in five of these states, professional development for mainstream teachers simply meant they were invited to participate in state-sponsored professional development for teachers of ELs. Officials from five states reported collaboration with universities to offer course work on instructional practices related to ELs, and another five reported efforts to engage mainstream teachers through online course work or television. However, one state official, reported cutting back on such professional development due to budget constraints. He explained that the state had to cancel a day of statewide professional development in EL issues because 11 of the 19 participating districts had scheduled a required furlough day at the same time.

District Capacity: Providing Qualified Teachers for English Learners

Because districts are closer to schools than are state agencies, local officials play a bigger role in supporting teachers and fostering effective instructional practice. Although state departments may establish incentives to recruit teachers for hard-to-staff subjects or schools, districts take responsibility for enticing job applicants, keeping faculty in schools, and ensuring that their skills are current. The following discussion focuses on teacher capacity and district efforts to recruit, retain, and support qualified teachers for ELs.

In 2009–10, officials in 74 percent of Title III districts reported that all teachers serving ELs[108] were fully certified for their positions. However, in 73 percent of Title III districts, officials reported that "lack of expertise among mainstream teachers to address the needs of ELs" was a moderate or major challenge.

Among Title III districts, 74 percent reported that all teachers of ELs were fully certified for their positions, and in only 7 percent of districts were more than 10 percent of teachers of ELs not fully certified for their positions (see Appendix F, Exhibit F.7). According to an index of overall teacher qualifications,[109] Title III districts located in urban areas, those with the highest poverty levels and those with the highest concentration of ELs had the lowest levels of qualified teachers (see Exhibit 36).

Exhibit 36
Index of Teacher Qualifications to Serve ELs, by Urbanicity, Poverty, and EL Concentration, 2009–10

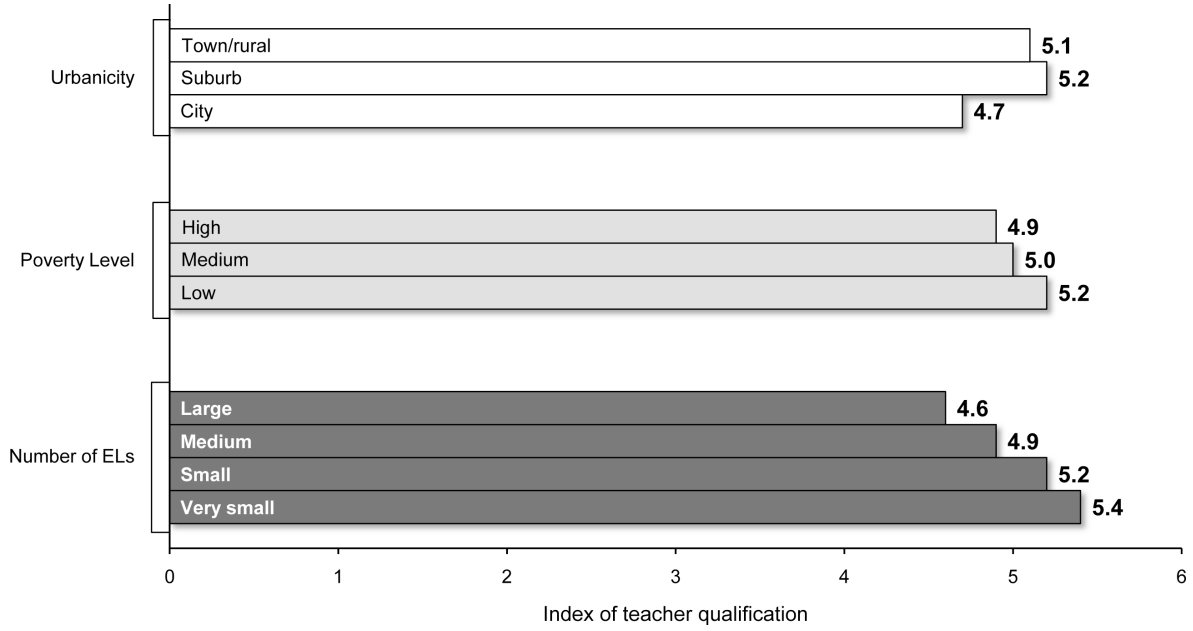


Exhibit reads: The average index of teacher qualification was 5.0 out of a possible 6.0. Districts in towns or rural locations averaged 5.1.

Note: n = 1,334–1,394.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

However, it appears that "full certification" is not equivalent to "adequate expertise" from the perspective of district EL administrators: Among those surveyed, 73 percent reported that "lack of expertise among mainstream teachers to address the needs of ELs" was a moderate or major challenge.

108. The survey questions asked district respondents about "any teachers serving ELs," without specifying whether core content teachers or ELD teachers.

109. The teacher qualification index is a measure of whether districts reported that all, more than 90 percent, or less than 90 percent of their EL teachers (1) were fully certified for their positions, (2) had more than one year of experience teaching ELs, and (3) had demonstrated English-language fluency. The scale ranged from 0–6. The higher the number, the more qualified the teachers were.

Administrators from a very large urban district [H] clarified this distinction between appropriate certification and implementation of instructional practices to support ELs: "It's not that we lack certified teachers," one district official explained, "it's the time involved in deliberate planning and instruction and the collaboration needed. To meet the linguistic demands of ELLs requires a lot more time for planning and pooling of resources." A colleague added, "At the high school, I don't see evidence that teachers are aware or making change to what they do. They might know the name of [strategies to support ELs] but there's not a whole lot going on in changing lesson delivery to accommodate ELs." Overall, among case study districts, interviewed officials had mixed opinions about whether teachers had appropriate skills and expertise to meet the needs of ELs.

In districts in which administrators expressed confidence in the skills of their teaching staff, respondents often attributed the quality of their teaching force to geographic and contextual factors that enabled them to recruit and retain high-caliber teachers. For example, at least one case study district [E] was located near a number of universities that offered teacher education programs and other professional development opportunities for capacity building. Respondents in a consortium of eight small districts [C] cited their proximity to a major metropolitan area as an asset when recruiting teachers. Another very large urban case study district [H] required that all teachers have certification to provide instruction to ELs, and had begun to dismiss teachers who did not have such certification.

Other districts grappled with the inequitable distribution of EL teachers among their own schools. In one case study district, central office staff acknowledged that "Many high poverty secondary schools are staffed with more underprepared or not highly qualified teachers than low poverty, low minority, and higher achieving schools," and one principal noted, "There is no mechanism to ensure the most skilled EL teachers are assigned to schools with the most EL students." Two districts had strategies to counter such imbalances: A medium-size rural district [D] assigned teachers to schools on the basis of the number of ELs and of the ELP levels, whereas a large urban district [F] offered targeted professional learning opportunities to "focus on building the skills of whoever is there to be able to best meet the needs of the students."

Challenges Recruiting and Retaining Qualified Teachers

Although Title III districts reported that most of their teachers of ELs had appropriate qualifications, there were still categories of teachers that they could not easily secure.

In 2009–10, officials in more than half of Title III districts reported difficulty recruiting secondary content-area teachers with training to provide instruction for ELs.

Among the Title III districts for which this was an applicable category,[110] 54 percent reported difficulty recruiting secondary teachers with appropriate training for providing instruction to ELs. Other staff that were a challenge to recruit—in about half of Title III districts—included teachers with native language skills and counselors with training to serve ELs (see Exhibit 37).

110. For each of the categories in this exhibit, some district officials reported that the category was "not applicable." For example, a district might not be currently recruiting counseling staff, so this would not be reported as a challenge.

Exhibit 37
Percentage of Title III Districts Reporting Difficulty Recruiting Different Types of Staff Focused on ELs, 2009–10

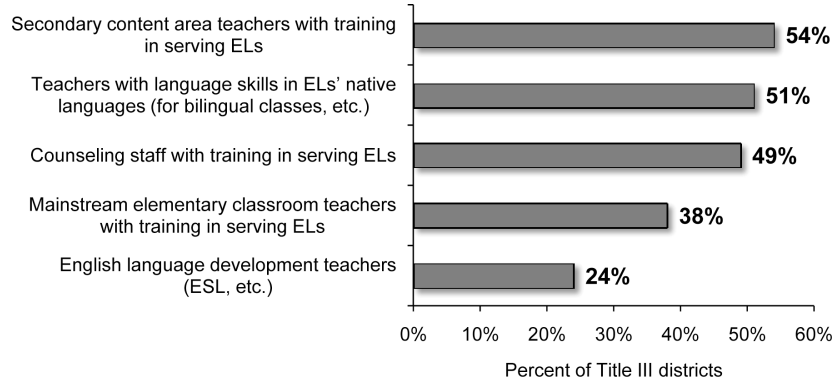


Exhibit reads: In 2009–10, 54 percent of Title III districts (for whom this category is applicable) reported difficulty recruiting secondary content teachers with training in serving ELs.

Note: n = 1,401–1,407.

Districts that responded "not applicable" are not included in this exhibit.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

In five of the twelve case study districts, respondents reported that the recruitment of teachers to serve ELs was a challenge. In four of these five districts the most critical shortage area was certified bilingual teachers, particularly at the secondary level. Notably, this challenge was reported among districts that otherwise did not struggle with recruitment of teachers to serve ELs. For example, administrators in a medium-size suburban district [E] indicated that they had no major recruitment challenges, except with regard to teachers with bilingual certification for their Chinese dual-language program. Similarly, administrators in a large urban district [F] described few challenges regarding recruitment of teachers to serve ELs; however, they reported difficulty finding teachers with *any* certification who had the same ethnic background and native language as those of their diverse EL population (e.g., Somali, Karen).

Administrators in three of these case study districts attributed their recruitment problems—by no means specific to teachers of ELs—in part to their undesirable location, which made their vacancies less attractive to potential candidates. As a result, administrators in one small rural district [L] had shied away from requiring its teachers to hold any sort of ESL, TESOL or bilingual certification, primarily because teacher recruitment of any kind was such a challenge.

Similarly, administrators in a large urban district [B] attributed their district's lack of ESL and bilingual staff to its location, a dearth of staff that had been exacerbated by a recent rise in EL numbers. The district EL director reported advertising for teaching positions but not finding any applicants. As a result, the lack of qualified teachers had left administrators with few alternatives. One elementary school principal in this district explained:

> It is hard to find teachers who have dual certification in general education and bilingual or special education and bilingual. … In my school, we have two teachers who have not met state Spanish course certification. I have to work with them the best as I can. If I let them go, we will have subs who don't speak the language or who don't know how to handle children. I have to take whoever I can get.

Administrators in two case study districts reportedly encountered major challenges in retaining teachers of ELs. Inexperienced teachers in a large suburban district [JJ] were often employed in underperforming schools that had high concentrations of ELs. Officials in this district reported that, after gaining some experience, many of these teachers would transfer out to higher achieving schools; the EL coordinator indicated that this was particularly the case for secondary teachers of classes with EL beginners and early intermediates. In fact, this district was called "the staff development center for other districts" because they trained teachers who then left for higher paying districts. A small rural district [L], which also struggled with retention issues, had a turnover rate of 25 percent, which administrators attributed to their reliance on Teach for America teachers.

District Strategies to Recruit and Retain Qualified Teachers

In response to these challenges, Title III districts across the country were active in devising strategies to recruit, retain, and support teachers with the qualifications and skills to provide instruction for ELs.

In 2009–10, 87 percent of Title III districts reported implementing at least one strategy to recruit and retain highly qualified teachers of ELs.

The most frequently reported strategy to support teachers of ELs was the provision of financial incentives, such as stipends for course work or paid release time to pursue advanced course work (43 percent of Title III districts). In addition, about one-third of Title III districts established partnerships with universities (35 percent), and a third developed teacher induction programs specifically for teachers of ELs (32 percent). Fewer districts (12 percent) reported financial incentives to recruit teachers, such as signing bonuses or housing incentives (see Exhibit 38).

Exhibit 38
Percentage of Title III Districts Using Various Incentives to Recruit and Retain Teachers Who Are Highly Qualified to Provide Instruction to ELs, 2009–10

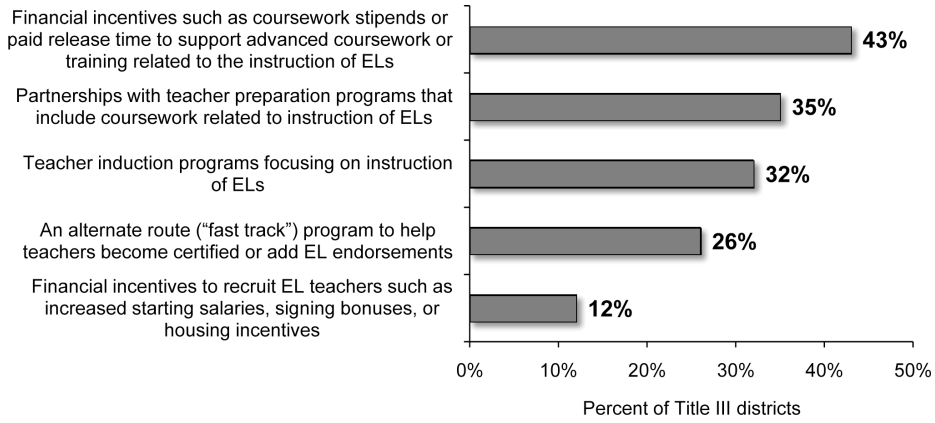


Exhibit reads: Forty-three percent of Title III districts provided financial incentives to support training related to the instruction of ELs.

Note: n = 1,334–1,394.

Categories are not mutually exclusive; respondents could select multiple response options.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

One very large urban district [A] in the case study sample was particularly active in its recruitment efforts to attract teachers with the skills and qualifications required to teach ELs. This district had identified ESL and bilingual education as a critical teacher shortage area. The district EL director emphasized that all teachers need to be prepared to work with ELs since "every teacher will see ELLs in this city." In an effort to meet this goal, the district employed a staff person working 50 percent time to collaborate with local universities on teacher preparation to teach ELs. The district also worked with universities to recruit teachers. There were a number of alternative route programs for college graduates and career changers who do not hold a certification. Financial incentives were awarded to teachers that take on hard-to-staff assignments, and experienced bilingual teachers were eligible to receive housing support grants if they commit to three years of service in a high-need school. The district also operated a loan forgiveness program for teacher shortage areas, which includes ESL and bilingual education. Job fairs were another method used to recruit teachers, communicating to potential candidates the extra benefits this district has to offer. However, despite all these recruitment efforts, the district ELL director admitted, "It's still not enough."

Administrators in two small districts mentioned running alternative route programs, for example, to sponsor paraeducators currently employed by the district. Administrators in three districts indicated that they recruited internationally for teaching positions. Last, in their efforts to attract teachers to the district, officials in two case study districts highlighted supports for newly hired teachers, such as inclusion in a first-year teacher mentoring program and financial incentives, although these were not specific to teachers of ELs.

Respondents in four case study districts explicitly stated that they managed to hold on to their teachers of ELs, attributing their low turnover rates to support, professional development opportunities and differential pay offered to those with certain desirable certifications or endorsements (e.g., TESOL, bilingual). One very large urban case study district [H] enacted many supports for EL teachers, including an induction program for new teachers, opportunities to seek more advanced credentials, and pay increases associated with obtaining National Board Certification. Administrators in this district also reported strong retention rates among paraprofessionals that the district recruited from their own neighborhoods through their career ladder program, moving them through the credentialing to be classroom teachers. Another large case study district offered differential pay for teachers who had obtained a bilingual or TESOL endorsement. Officials in this district reported that one of every four teachers held this credential, and attributed the high retention rate in the district to this financial incentive.

Professional Development

High quality professional development, as defined under *ESEA*, includes activities that

> Are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and are not 1-day or short-term workshops or conferences. … (Title IX, Section 9101(34)).

According to the law, professional development also includes activities that improve and increase teachers' knowledge of the academic subjects they teach and enable teachers to become highly qualified. Professional development further includes activities that advance teachers' understanding of effective instructional strategies and activities that are an integral part of broad schoolwide and districtwide educational improvement plans.

In 2009–10, 91 percent of Title III districts reported that they had increased teacher professional development on EL issues since September 2008.

Only 9 percent of Title III districts did not increase professional development on EL issues. The few Title III districts that did not increase professional development on EL issues tended to be smaller, and to enroll fewer ELs: While the districts that increased professional development enrolled an average of 1,388 ELs, those that did not increase professional development enrolled an average of 379.

In all case study districts, respondents reported that teachers of EL students participated in professional development activities to strengthen their knowledge base and hone skills to better equip them to serve ELs.

Overall, the subsample of teachers who participated in focus groups in case study districts reported involvement in job-embedded types of professional development related to ELs—study groups, coaching, professional learning communities (PLCs), and peer review—more often than traditional workshops. PLCs reportedly met regularly in four of the districts, and respondents in six districts mentioned that teachers received coaching weekly, daily or as needed. In addition, respondents in two districts mentioned traditional, one-time workshops paired with recurring, reform-type applied learning opportunities (e.g., monitoring with feedback, coaching, push-in support) to ensure transfer of acquired knowledge to classroom practice.

School and district administrators in six districts indicated that some of their own teachers emerged as leaders in providing other staff with professional development on instructional methods to teach ELs or by serving as mentors to new teachers. For example in a medium-size suburban district [E], ESL teachers reported offering regular "in-house" training on how content-area teachers could better meet the needs of ELs in their classes. In addition, respondents in two districts specifically mentioned appointing either a lead EL teacher or a small team to provide informal EL professional learning opportunities to all school staff. In a very large urban district [H], this initiative was implemented from the top down, and Title III funds were used to support a lead teacher at each school who could work with departmental teams to ensure that specific strategies were being employed to meet ELs' needs. Opportunities such as these allowed teachers across subject areas to discuss specific ELs' needs and progress, and fostered a shared professional culture.

Teachers in case study districts with very few ELs had fewer professional development opportunities focused on instruction of ELs. In the case study consortium, teachers who specialized in EL instruction described day-long, monthly professional development (funded by Title III) as being an effective mode of professional development. Because of these activities were full-day, regular events, participating teachers had the opportunity to conduct joint lesson planning and collaborate in the mapping of their curriculum to state ELP and content standards and to the state assessment. Unfortunately, respondents in the consortium districts indicated that due, to financial constraints, the professional development stopped during the 2009–10 school year, despite the reported effectiveness of the sessions.

With regard to more formal professional development activities, two of the most commonly mentioned topics were the state ELP standards and the Sheltered Instruction Observation Protocol (SIOP)[111] model. With respect to the latter, respondents interviewed in five of the 12 case study districts mentioned that their district offered training in SIOP, and a sixth planned to roll out SIOP training in 2010–11.

111. See Chapter 3 for a description of the SIOP model.

Recognizing shared responsibility for ELs among all teachers, half the case study districts implemented strategies to develop the skills of all teachers to better support ELs.

The deputy superintendent in a medium-size rural district [I] voiced the need for shared responsibility for ELs among all teachers, which was echoed in other districts as well: "If every teacher in this district can't hold their weight—and there's not a room in this district that doesn't have an EL student in it—then we're in trouble." Working toward this goal, four other case study districts adopted different approaches to build mainstream teacher capacity. These included requirements for all teachers without ESL certification to attend a 48-hour training on instructing ELs and incorporating best practices for teaching ELs into ongoing professional development for content-area teachers. Another district encouraged teachers to enroll in free intensive training institutes through local colleges and universities. Finally, one of the very large urban districts [H] in the case study sample developed and implemented a tool that would enable content-area teachers to incorporate Specifically Designed Academic Instruction in English (SDAIE) strategies into their classroom and to better perceive language demands associated with their lessons.

Chapter Conclusions

The findings in this chapter illustrate wide-ranging reported capacity levels to support ELs, both at the state and district levels. State and district officials are making use of limited resources to support ELs, and are still grappling with notable challenges. However, respondents in states and districts also reported increased awareness of issues related to ELs.

At the state level, officials face serious staffing constraints: The majority of states have fewer than two FTEs working on EL issues, even in some populous states. Federal Title III funding has been relatively low compared to that for other federal programs,[112] particularly considering the requirements for standards, assessment, and accountability that are associated with Title III. As one state official explained,

> These folks [Title III staff] work phenomenal hours, put in exceptional time, are very sensitive to their stakeholders but there's just not enough of them to go around. And our stakeholders are aware of that and are very appreciative of anything and everything they can do but in terms of staffing we do not have enough. In terms of dollars … certainly Title III dollars have helped.

At the district level, Title III dollars helped pay for instructional staff, instructional materials, technology, and professional development—all of which were reportedly appreciated by local administrators. However, nearly three-quarters of district Title III administrators reported that insufficient funding for EL services was a moderate or major challenge, and case study districts provided evidence of painful program cuts.

112. In Fiscal Year 2009, Title III funds totaled $730 million, while Title I, Part A, funds totaled $14.5 billion and Title II, Part A, funds totaled $2.9 billion (U.S. Department of Education 2011).

With regard to teacher capacity, district officials reported that, while most teachers were appropriately certified to provide instruction to ELs, nearly three-quarters of surveyed district officials also reported that a lack of expertise among mainstream teachers was a challenge. Certification requirements may help, but officials in case study districts reported a lack of consistency in infusing EL instructional strategies into mainstream classrooms.

Thus, although respondents at all levels pointed to improvements—increased awareness of the needs of ELs, improved measurement and data systems—organizational capacity to meet the needs of ELs in American schools is uneven and still a work in progress.

VII. Conclusion

This evaluation sought to provide a greater understanding of how Title III provisions are currently being implemented in states and districts across the United States. In particular, the study examined states' and districts' implementation of major components of the law around the identification, placement, and exit of EL students; the instructional strategies, services, and models used to support EL students; the development and use of state ELP standards and assessments; the development and implementation of AMAOs; and states' and districts' capacities to support EL students' English language acquisition and academic achievement. In addition to examining the manner and extent to which states and districts were implementing the Title III provisions, this study explored the "value added" of Title III, or the potential contribution of Title III to the education landscape and context in which EL students are served. The data collected are primarily self-reported data, and the research team did not conduct any qualitative evaluation of the effectiveness or quality of the actions described by interview respondents.

The data that were collected and analyzed raise complex issues and potentially important policy implications as the nation enters into a time of change associated with the anticipated reauthorization of *ESEA*; the adoption of the Common Core State Standards; the recently awarded multistate testing consortia (the SMARTER Balanced Assessment Consortium and the Partnership for the Assessment of Readiness for College and Careers); and the potential awarding of grants for the development of English language proficiency assessments that are aligned with the national Common Core State Standards. The findings from this evaluation suggest that state and district educational systems that have developed around ELs consist of interconnected components and that the above changes in standards and assessments will likely lead to additional related changes to other components of these systems as state and district officials strive to align and coordinate their policies and practices.

State and District Compliance With Title III Provisions

The data collected for this study demonstrate that states and districts are largely complying with the major provisions of the law. In 2009–10, Title III officials in 45 states and the District of Columbia reported that their state's ELP standards had been linked to or aligned with state content standards in at least one or more core subject. Forty-eight states and the District of Columbia had also completed a process to align the state ELP test with the state ELP standards and the remaining two states indicated plans to do so—although information on the quality of these processes lies outside the scope of this report. In addition, on average, over 90 percent of ELs in each state had participated in the state ELP test, according to 2008–09 state reports. Similarly, all states with Title III districts that had missed AMAOs for two consecutive years reported requiring those districts to develop an improvement plan, and 94 percent of those districts reported developing an improvement plan as well as notifying parents of their status.

However, states, and districts remain challenged in some aspects of implementation. For example, although states and districts reported providing training in the ELP standards, survey data collected in 2006–07, as well as data collected through case studies in 2009–10, indicated that local educators and general educational staff could use more support in meeting ELs' needs in the classroom.
Title III requires districts to provide ELs with language instruction educational programs that have demonstrated effectiveness in increasing English proficiency and academic achievement in the core subjects (*ESEA*, Section 3115). However, identifying research-based programming for ELs appears to be a difficult task for many districts. Officials in 46 percent of Title III districts reported that a lack of proven curricula and programs for ELs was a moderate or major challenge. Likewise, interviewees and

focus-group participants from the 12 case study districts reported limited information about the effectiveness of their programs. Furthermore, although states and districts collected and used ELP assessment data to drive policy and practice, respondents raised concerns about the validity of the data collected and about whether the amount of time allocated to testing helped to improve instruction for ELs or detracted from it. Another aspect of implementation that challenged some states was the timeliness of AMAO performance notification to districts: 19 states reported that they would not notify districts of their AMAO results until December or later in the 2009–10 school year.

Variation in State and District Capacity

Despite the widespread compliance with Title III provisions, findings illustrate a wide range of capacities to support ELs, reported both at the state and district levels. The variation in state and district capacities may in part be due to the different "stages" at which states were in doing their work. While some states, like California and Texas, have had a long history of serving ELs, several states have experienced rapid increases in their EL populations in recent years and are still in the process of building state- and district-level expertise, as well as political support and awareness around EL issues. Regardless of their history, findings indicate that state and district officials were confronting challenges associated with lack of capacity as they made use of limited resources to support ELs and grappled with notable challenges around building robust data systems and recruiting and retaining staff with sufficient expertise in EL issues and instruction. At the state level, officials faced serious staffing constraints: The majority of states had fewer than two FTEs working on EL issues, even in some populous states. At the district level, one of the most prominent challenges reported by administrators in Title III districts was "insufficient funding for EL services."

Balancing the Tension Between Consistency and Flexibility

Perhaps the most significant struggle states and districts encounter is the sheer diversity of the students comprising the EL subgroup. States and districts must decide how best to serve an EL population that includes students who speak a variety of languages, have different prior educational experiences, and who require different levels of language and academic support. Moreover, by definition, the EL subgroup is one whose membership is in flux. Students are identified as ELs because of their limited English proficiency, and they are expected to reach proficiency and exit EL status within a period of time. This means that while new students are constantly entering the subgroup, others are moving out. This dynamic subgroup membership has implications for interpretations of subgroup progress and accountability measures, and also underscores the importance of both entry and exit criteria.

States and districts have to balance a commitment to equity and consistency with the desire to respond to the particular needs of individual children. They also have to navigate the tension between establishing a system that provides adequate consistency and transparency and at the same time allows for the complexity of the identification, exit, and accountability process for ELs. For example, a single EL identification or exit criterion is much easier to understand and communicate—and also more likely to be applied consistently. However, a single criterion may oversimplify the notion of proficiency and insufficiently represent a student's performance across domains and contexts. Some states emphasize consistency in their policies while others allow for more local discretion in decision-making, an approach which may be grounded in traditions of local control or in the desire to afford local educators greater flexibility to respond to the varying needs of individual ELs, EL populations, or other contextual influences. The resulting differences across states and across districts within states in how students are identified for and exited from EL status and services has implications for both instruction and accountability. For example, the uneven identification of ELs across the country presumes the uneven

receipt of services, potentially undermining meaningful access to educational programs and activities. (For example, see Title VI of the *Civil Rights Act of 1964*; *Equal Educational Opportunities Act of 1974*). This inconsistency also creates difficulties in making meaningful comparisons in districts' abilities to meet accountability requirements of the EL population under Title III and Title I.

The tension between consistency and flexibility also arises with respect to the development and implementation of states' AMAOs. In the years following states' initial implementation of AMAOs, these Title III performance objectives increasingly underwent revision as states made advancements to their ELP assessment infrastructure, acquired additional years of ELP assessment data, and gained access to new guidance and research. The nature of these revisions varied, ranging from small adjustments in AMAO targets to a complete overhaul in the way the state defined and calculated its AMAOs. The fluctuation in these objectives points to a tension between the utility of adjusting AMAOs to increase their validity and the utility of promoting a stable set of performance objectives that can guide and motivate improvement over time. However, an important implication of such widespread revisions is that states' criteria for meeting AMAOs may differ from one year to the next; thus, it is often inappropriate to compare AMAO performance results across years.

The "Value Added" of Title III

In 2001, when Title III of the *Elementary and Secondary Education Act (ESEA)*, as amended by the *No Child Left Behind Act (NCLB)*, was first enacted, it changed the accountability landscape for EL students. For the first time, federal law required states to develop ELP standards, to adopt valid and aligned ELP assessments, and to measure ELs' progress toward and attainment of English proficiency. For many states, this was a dramatic shift in their approach to serving ELs. Title III provided dedicated formula funds to support EL services, programming, and instruction. It also established an accountability system in which states and districts are held to pre-established annual measurable achievement objectives (AMAOs) focused on ELs' progress toward and attainment of English language proficiency and proficiency in academic content areas. States and districts, particularly those that did not have a long history serving this student population, thus had the impetus to focus attention and resources on EL policies and practices. Title III also raised awareness around EL issues in states and districts, prompting state, district, and school administrators to pay attention to this historically underserved population.

Despite these positive advances, Title III, as intended, is a supplemental program and is largely perceived as such by states, districts, and schools. Title III funding comprises a relatively small proportion of the total federal funding states and districts receive, and the accountability actions, while salient for districts that miss AMAOs for two and four consecutive years, may not hold the same weight as the accountability actions for missing AYP under Title I, as state interview and case study district respondents indicated. Furthermore, it is often difficult to determine whether states and districts are taking particular actions as a direct result of missing AMAOs or whether they would have taken such actions regardless of their Title III AMAO status.

In light of the relatively small, supplementary nature of Title III funding and the limited potency of Title III accountability, Title III—in conjunction with other initiatives to serve ELs—appears to have leveraged notable state and district activities in the areas of standards, assessments, accountability, and data systems over the past decade. In addition, as reported by state and district officials, these new policy activities have focused more attention on the needs of ELs than in prior years. However, in order to adequately serve the nation's growing EL population, further activity and refinement appears to be needed in all these areas as well as in the areas of capacity building, teacher quality, and proven instructional programming.

References

Abedi, J. Spring 2004. Assessment accommodations for English language learners: Implications for policy-based empirical research. *Review of Educational Research* 74 (1): 1–28. American Educational Research Association. http://www.jstor.org/stable/3516059.

———. 2007a. English language proficiency assessment and accountability under *NCLB* Title III: An overview. In ed. J. Abedi, *English language proficiency assessment in the nation: Current status and future practice,* 3–12. Davis, CA: University of California. http://education.ucdavis.edu//sites/education.ucdavis.edu/files/ELP_Report.pdf.

———, ed. 2007b. *English language proficiency assessment in the nation: Current status and future practice.* Davis, CA: University of California.

Assessment and Accountability Comprehensive Center. 2009. *Framework for high-quality English language proficiency standards and assessments: Brief.* San Francisco, CA: WestEd. http://www.aacompcenter.org/pdf/references_framework_brief.pdf

August, D., and T. Shanahan. 2006. *Developing literacy in second-language learners: Report of the National Literacy Panel on Language—Minority Children and Youth.* Mahwah, NJ: Lawrence Erlbaum Associates.

Boyle, A., J. Taylor, S. Hurlburt, and K. Soga. 2010. *Title III accountability: Behind the numbers.* Washington, D.C.: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service.

Capps, R., M. Fix, J. Murray, J. Ost, J. S. Passel, and S. Herwantoro. 2005. *The new demography of America's schools: Immigration and the* No Child Left Behind Act. Washington, D.C.: The Urban Institute. http://www.urban.org/UploadedPDF/311230_new_demography.pdf (accessed July 9, 2009).

Carlson Le Floch, K., A. Boyle, and S. Therriault, S. 2008. *Help wanted: State capacity for school improvement.* AIR Research Brief. Washington, D.C.: American Institutes for Research.

Center for Applied Linguistics. 2000. Summary of data in directory of secondary newcomer programs in the United States. Revised 2000. http://www.cal.org/crede/newcsummary.htm (accessed December 17, 2010).

Center for Equity and Excellence in Education. n.d. http://r3cc.ceee.gwu.edu/standards_assessments/EAC/eac0127.htm (accessed November 21, 2010, from Language Assessment Battery—English website).

Center for School and District Improvement. 2004. *English language learner (ELL) programs at the secondary level in relation to student performance.* Portland, OR: Northwest Regional Educational Laboratory. http://www.eric.ed.gov/PDFS/ED484554.pdf (accessed November 10, 2010).

Chambers, J. G., I. Lam, K. Mahitivanichcha, P. Esra, and L. Shambaugh. 2009. *State and local implementation of the* No Child Left Behind Act: *Targeting and uses of federal education funds.* Washington, D.C.: U.S. Department of Education, Office of Planning, Evaluation and Policy Development. http://www.ed.gov/rschstat/eval/disadv/nclb-targeting/nclb-targeting.pdf (accessed June 30, 2009).

Cook, H.G. 2007. *Some thoughts on English language proficiency to academic content standards alignment.* Madison, WI: Wisconsin Center for Education Research.

Committee on Developing a Research Agenda on the Education of Limited-English Proficient and Bilingual Students. 1998. *Educating language-minority children,* ed. D. August and K. Hakuta. Washington, D.C.: National Academy Press.

Cosentino de Cohen, C., H. Deterding, and B. C. Clewell. 2005. *Who's left behind? Immigrant children in high and low LEP schools.* Washington, D.C.: The Urban Institute. http://www.urban.org/UploadedPDF/411231_whos_left_behind.pdf (accessed July 9, 2009).

Equal Educational Opportunities Act of 1974, P.L. 93-380, 20 USC 39 § 1701 et seq.

Forte, E., L. Kuti, and J. O'Day. Forthcoming. *A review of States' English language proficiency standards, volume I—National evaluation of Title III implementation.* Washington, D.C.: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service.

Francis, D. J., and M. O. Rivera. 2007. Principles underlying English language proficiency tests and academic accountability for ELLs. In ed. J. Abedi, *English language proficiency assessment in the nation: Current status and future practice,* 13–32. Davis, CA: University of California. http://education.ucdavis.edu//sites/education.ucdavis.edu/files/ELP_Report.pdf.

Francis, D.J., M. Rivera, N. Lesaux, M. Kieffer, and H. Rivera. 2006. *Practical guidelines for the education of English language learners: Research-based recommendations for instruction and academic interventions.* (Under cooperative agreement grant S283B050034 for U.S. Department of Education). Portsmouth, NH: RMC Research Corporation, Center on Instruction

Fuhrman, S. H. 1999, January. *The new accountability.* CPRE Policy Brief Series RB-27. Philadelphia: Consortium for Policy Research in Education, University of Pennsylvania. http://www.cpre.org/images/stories/cpre_pdfs/rb27.pdf.

Genesee, F., K. Lindholm-Leary, W. M. Saunders, and D. Christian. 2006. Educating English language learners: A synthesis of research evidence. New York: Cambridge University Press.

Gersten, R., S. K. Baker, T. Shanahan, S. Linan-Thompson, P. Collins, and R. Scarcella. 2007. *Effective literacy and English language instruction for English Learners in the elementary grades: A practice guide.* NCEE 2007-4011. Washington, D.C.: U.S. Department of Education.

Goertz, M. E., R. E. Floden, and J. O'Day. 1995. *Studies of education reform: Systemic reform, volume I: Findings and conclusions.* CPRE Research Report Series No. RR-035A. Consortium for Policy Research in Education. http://www2.ed.gov/PDFDocs/volume1.pdf.

Government Accountability Office. 2006. No Child Left Behind Act: *Assistance from Education could help states better measure progress of students with limited English proficiency.* GAO-06-815. Washington, D.C.: Author. http://www.gao.gov/new.items/d06815.pdf.

Hanson, S., and Filibert, C. 2006. Teaching English Learners the SIOP Way. *Pacific Educator,* Fall 2006, 12–15. http://www.prel.org/products/paced/fall06/siop.pdf (accessed April 13, 2011)

Keaton, P. 2010. *Numbers and types of public elementary and secondary education agencies from the Common Core of Data: School year 2008–09* (NCES 2010-346). National Center of Education Statistics, Institute of Education Sciences, U.S. Department of Education. Washington, DC.

Kieffer, M. J., N. K. Lesaux, M. Rivera, and D. Francis. 2009, September. Accommodations for English language learners taking large-scale assessments: A meta-analysis on effectiveness and validity. *Review of Educational Research* 79 (3): 1168–1201. American Educational Research Association.

Kieffer, M., N. Lesaux, and C. Snow. 2008. Promises and pitfalls: Implications of *No Child Left Behind* for identifying, assessing, and educating English language learners. In ed. G. Sunderman, *Holding* NCLB *accountable: Achieving accountability, equity, and school reform*. Thousand Oaks, CA: Corwin Press.

Kindler, A.L. 2002. *Survey of the states' limited English proficient students and available educational programs and services 2000–2001 summary report*. Washington, DC: U.S. Department of Education, Office of English Language Acquisition.

Lau v. Nichols, 414 U.S. 563 (1974).

LeFloch, K., F. Martinez, J. O'Day, B. Stecher, and J. Taylor. 2007. *Increasing accountability for all students: Early implementation under the* No Child Left Behind Act. Washington, D.C.: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service.

Lewis, L., P. Parsad, N. Carey, N. Bartfai, E. Farris, and B. Smerdon. 1999. Teacher quality: A report on the preparation and qualifications of public school teachers, NCES 1999-080. Washington, D.C.: U.S. Department of Education, National Center for Education Statistics.

Linquanti, R. 1999. *Fostering academic success for English language learners: What do we know?* Section 3, types of instructional program models. San Francisco: WestEd. http://www.wested.org/policy/pubs/fostering/models.htm (accessed Nov. 10, 2010).

———. September 2001. *The redesignation dilemma: Challenges and choices in fostering meaningful accountability for English Learners*. Policy Report 2001-1. Berkeley, CA: The University of California Linguistic Minority Research Institute.

Menken, K. Sept. 10, 2009. Educating long-term English-language learners. *Education Week*. http://www.edweek.org/ew/events/chats/2009/09/10/index.html?altcast_code=d979447b9f.

National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs. 2002a. Survey of the States' limited English proficient students and available educational programs and services: 2000–2001 Summary report. http://www.ncela.gwu.edu/files/rcd/BE021853/Survey_of_the_States.pdf (accessed May 26, 2011).

———. 2002b. What languages do ELLs speak? http://www.ncela.gwu.edu/expert/faq/05toplangs.html (accessed June 12, 2009).

———. 2007. *The growing numbers of limited English proficient students: 1999/96–2005/06*. Washington, D.C.: National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs. http://www.ncela.gwu.edu/files/uploads/4/GrowingLEP_0506.pdf (accessed July 1, 2009).

———. 2008a. Glossary. http://ncela.edstudies.net/expert/glossary.html (accessed July 9, 2009).

———. 2008b. How has the ELL population changed in recent years? http://ncela.edstudies.net/expert/faq/08leps.html (accessed July 9, 2009).

———. 2008c. Title III accountability: Guidance. http://www.ncela.gwu.edu/accountability (accessed April 20, 2011).

National Research Council. 2011. *Allocating federal funds for state programs for English language learners*, Panel to Review Alternative Data Sources for the Limited-English Proficiency Allocation Formula under Title III, Part A, Elementary and Secondary Education Act, Committee on National Statistics and Board on Testing and Assessment, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

O'Day, J., and C. Bitter. 2003. *Evaluation Study of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program of the* Public Schools Accountability Act of 1999: Final Report. Palo Alto, CA: American Institutes for Research.

Porter, S. G., and J. Vega. 2007. Overview of existing English language proficiency tests: Full version of Chapter 7. In ed. J. Abedi, *English language proficiency assessment in the nation: Current status and future practice*, 133–194. Davis, CA: University of California. http://education.ucdavis.edu//sites/education.ucdavis.edu/files/ELP_Report.pdf.

Ragan, A., and N. Lesaux. 2006. Federal, state, and district level English language learner program entry and exit requirements: Effects on the education of language minority learners. *Education Policy Analysis Archives* 14 (20). http://epaa.asu.edu/epaa/v14n20/.

Ramsey, A., and J. O'Day. 2010. *Title III Policy: State of the States*. Washington, D.C.: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service.

Reed, B., and J. Railsback. 2003, May. *Strategies and resources for mainstream teachers of English language learners: Planning and service coordination*. Portland, OR: Northwest Regional Educational Laboratory. http://educationnorthwest.org/webfm_send/459 (accessed Nov. 10, 2010).

Rennie, J. 1993. ESL and bilingual program models. ERIC digest. ERIC Identifier ED362072. Washington, D.C.: ERIC Clearinghouse on Languages and Linguistics. http://www.eric.ed.gov/PDFS/ED362072.pdf (accessed Nov. 10, 2010).

Rumberger, R., and P. Gándara. 2004. Seeking equity in the education of California's English Learners. *Teachers College Record* 106: 2031–2055.

State of California, Commission on Teacher Credentialing, Certification, Assignment and Waivers Division. n.d. Crosscultural, Language, and Academic Development (CLAD) certificate. http://www.sbcss.k12.ca.us/busServe/williams/pdf/cl628c%20CLAD%201-07.pdf (accessed Dec. 17, 2010).

Tanenbaum, C., and L. Anderson. 2010. *Title III Accountability and District Improvement Efforts: A Closer Look*. Washington, D.C.: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service.

Taylor, J., M. Chinen, T. Chan, I. Brodziak de los Reyes, A. Boyle, C. Tanenbaum, M. Petroccia, and K. Carlson Le Floch. Forthcoming. *English Learner student achievement in five states, volume II—National evaluation of Title III implementation.* Washington, D.C.: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service.

Taylor, J., B. Stecher, J. O'Day, S. Naftel, and K. Carlson Le Floch. 2010. *State and local implementation of the* No Child Left Behind Act, *volume IX—Accountability under* NCLB: *Final report.* Washington, D.C.: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service.

U.S. Department of Education. 2007, May. *Assessment and accountability for recently arrived and former limited English proficient (LEP) students: Non-regulatory guidance.* Washington, D.C.: U.S. Department of Education. http://www.ed.gov/policy/elsec/guid/lepguidance.doc (accessed July 9, 2009).

U.S. Department of Education. 2007–08. EDFacts Consolidated State Performance Reports 2007–08.

U.S. Department of Education. 2008–09. EDFacts Consolidated State Performance Reports 2008–09.

U.S. Department of Education, Institute of Education Sciences. 2009, June. Intervention: Sheltered Instruction Observation Protocol (SIOP). Washington, D.C.: U.S. Department of Education. http://ies.ed.gov/ncee/wwc/reports/english_lang/siop/index.asp (accessed April 14, 2011).

U.S. Department of Education, Budget Service. 2011. Fiscal Year 2009–FY 2011 President's Budget State Tables for the U.S. Department of Education. Washington, D.C.: U.S. Department of Education. http://www2.ed.gov/about/overview/budget/statetables/index.html (accessed Jan. 3, 2011).

U.S. Department of Education, Office of English Language Acquisition. 2003. *Part II: Final Non-regulatory guidance on the Title III State Formula Grant Program—Standards, Assessments and Accountability.* Washington, DC: U.S. Department of Education. http://www2.ed.gov/programs/nfdp/NRG1.2.25.03.doc (accessed July 19, 2010).

———. 2005. *Biennial report to Congress on the implementation of the Title III State Formula Grant Program, school years 2002–04.* Washington, D.C.: U.S. Department of Education.

———. 2008a. Notice of final interpretations of Title III of the *Elementary and Secondary Education Act of 1965,* as amended by the *No Child Left Behind Act of 2001.* 73 Fed. Reg. 61,828 (to be codified at 48 C.F.R. p[t. 1).

———. 2008b. *Biennial report to Congress on the implementation of the Title III State Formula Grant Program, school years 2004–06*. Washington, D.C.: U.S. Department of Education.

U.S. Department of Education, National Center for Education Statistics, Common Core of Data. 2008–09. State nonfiscal survey of public elementary/secondary education, version 1a. Washington, D.C.: U.S. Department of Education. http://nces.ed.gov/pubs2010/snf200708/tables.asp (accessed May 23, 2011).

WIDA Consortium. 2009. *Assessing comprehension and communication in English state to state for English language learners.* Madison, WI: Wisconsin Center for Education Research, University of Wisconsin.

———. n.d. Comparing WIDA Model, ACCESS for ELLs, and W-APT™. http://www.wida.us/assessment/comparing.aspx (accessed Nov. 22, 2010).

Winter, P. 2011, Winter. Building on what we know—some next steps in assessing English language proficiency. *AccELLerate!,* 3 (2): 9–11. http://www.ncela.gwu.edu/files/uploads/17/Accellerate_3_2.pdf.

Working Group on ELL Policy. May 2010. Improving educational outcomes for English language learners: Recommendations for the reauthorization of the *Elementary and Secondary Education Act*. http://ellpolicy.org/wp-content/uploads/ESEAFinal.pdf.

Zehr, M. A. Jan. 8, 2009. Screening students proves to be crucial. *Education Week*. http://www.edweek.org/ew/articles/2009/01/08/17screening.h28.html.

———. July 30, 2010. Reviews find ELL programs lacking in four districts. *Education Week*. http://www.edweek.org/ew/articles/2010/07/30/37proficiency.h29.html.

APPENDIX A:
SUPPORTING MATERIALS ON METHODOLOGY

Appendix A. Supporting Materials on Methodology

State Interview Data Collection and Coding Methods

An important component of the state-level data collections was a set of one-hour interviews with state Title III directors from all 50 states and the District of Columbia. The purpose of the state-level interviews was to generate national data on the ways in which states were implementing English language proficiency (ELP) standards, assessing English Learner (EL) students, setting annual measurable achievement objectives (AMAOs), holding districts accountable for AMAOs, monitoring Title III implementation, and providing support to Title III districts. On several topics, these interviews provided state-level longitudinal data to build on the two waves (2004 and 2006) of Title III data collection conducted for the Study of State Implementation of the *No Child Left Behind Act of 2001 (NCLB)* (SSI-*NCLB*) (LeFloch et al. 2007). The key topics covered in the interviews included the following:

—Updated information about ELP standards and assessment development or revision, building on rather than duplicating what was learned in the SSI-*NCLB* study

—State policies and procedures for identifying and placing EL students into programs and services

—State criteria used to set AMAOs and state policies for implementing AMAOs (including policies for minimum subgroup size and criteria used to determine when students can exit from the EL subgroup)

—Implementation of AMAOs, including data systems in place to monitor AMAO data and progress, and technical assistance and support provided to districts

—Accountability and improvement actions for districts failing to meet AMAO targets for two and four consecutive years, including any technical assistance provided by the state

—Ways in which small districts form consortia for Title III purposes and how accountability is established within those consortia

—Extent to which characteristics of the state's EL population play a role in the implementation of state policies

—Ways in which results of ELP assessments and content-area assessments are being considered together and used to guide program policies and practices.

—The interview protocols for state Title III directors and assessment directors were designed to communicate questions in a clear, conversational manner; to generate systematic, quantifiable data across all states; and to allow respondents to provide adequate contextual information on their state's approaches. The interview format allowed for some standardization across questions asked, as well as an opportunity for respondents to elaborate on their responses in order to shed light on the reasons behind them. Furthermore, in cases where the state interviews were used to inform case studies, this interview format allowed us to collect the detail needed to prepare effectively for the case studies.

Data Collection Procedures

Four staff members were responsible for conducting the state-level interviews. These staff participated in a comprehensive one-day training in fall 2009, prior to data collection. This training entailed a thorough,

item-by-item review of the interview protocol to ensure that each staff member understood the question that was being asked and the data that needed to be collected. Following this training, the staff members engaged in weekly meetings to discuss the interviews they had scheduled and conducted, raising any issues that arose during the interviews related to the questions being asked and the interviewees' responses. Prior to each state interview, staff members collected and reviewed extant data available from the state website and other documents, to understand the state context. This review also identified definitive answers to some questions on the interview protocol, allowing the limited interview time to be efficiently allocated.

To ensure the accuracy of data collection, each interview was recorded and transcribed. This allowed the study team to review the transcripts when entering and coding the data. In instances where the transcript was unclear or insufficient information was provided by the interviewee to make a coding decision (see below for our coding process), the interviewer followed up with the state director, asking for clarification.

Approach to Analyses

The analysis of the state interview data included four major steps:

1. Capturing data
2. Coding data
3. Developing categorizations
4. Examining state implementation by characteristics of the state EL population

Capturing Data

The analytic process for the Title III evaluation involved several key tasks. First, closed-ended extant and interview data were entered in Excel spreadsheets, our primary form of data capture for key variables. For the most part, these were Yes/No variables, numbers, dates or checklist items. The same team of four staff entered the data in these Excel forms immediately following each interview. This enabled the study team to identify immediately specific areas for follow-up and, when complete, to easily generate state-by-state tables.

The tools we developed for capturing interview data on state policy implementation had five critical features: (1) a format that was amenable to both quantified and text data; (2) a flexible interface, in which new variables could be inserted or in which data could be updated easily; (3) fields to indicate when data were updated; (4) flags to indicate when data were uncertain and needed to be verified; and (5) mechanisms to facilitate basic counts, tabulations, and charts. Exhibit A.1 provides an example of how state-level interview data were captured for one area of interest.

Exhibit A.1
Sample Data Capture Table for State Interviews

State Name	State ELP Assessment				Other	First Year Current ELP Assessment Was Implemented
	WIDA ACCESS for ELLs	ELDA	LAS Links	State Developed		
Total	**22**	**8**	**6**	**13**	**2**	
Alabama	Yes					2004–05
Alaska				Yes		2005–06
Arizona				Yes		2006–07
Arkansas		Yes				2006–07
California				Yes		2001–02

Coding Data

Although the data capture Excel tables constituted an important first step in terms of organizing and summarizing state-level data, additional coding was necessary to identify all key variables. This next phase of state interview analysis was an iterative process that included reading, reviewing, and filtering data to locate important descriptions associated with each evaluation question.

For example, the prevalence or relevance of certain variables may not have been readily apparent in the first round of data entry but became apparent as study team members delved into specific sections of the interviews. Patterns and trends across states with respect to certain implementation practices or policies emerged in some cases, at which point the coders went back to the transcripts of each state interview to determine the relevance of the data and how they might differ or be similar regarding the nature of their EL populations or other state-level characteristics. As necessary, staff who conducted the interviews followed up with state officials via email or telephone to clarify any ambiguous data and to ensure the accuracy of the coding. Alternatively, in some cases we determined that our initial coding categories did not adequately reflect the actual state implementation, and we revisited and revised the coding categories to more accurately capture and interpret the data on the topic. This second-level coding process included a review of qualitative data gathered through interviews (or, in some cases, from state websites) which were in turn developed into specific coding categories, allowing for the quantification of patterns in state actions.

Developing Categorizations

For some variables, a second form of coding involved collapsing ranges of values into a set of ordinal levels. To explore this, consider the state provision of support to districts that do not meet their AMAOs.

Although each state has developed a somewhat different approach to the process for identifying EL students and exiting them from the EL subgroup, the strategies across all states cover a predictable set of characteristics. For example, state officials need to determine the criteria for identifying EL students and exiting EL students from the subgroup, and the level of district discretion afforded to subgrantees in implementing these criteria or using additional or alternate criteria. We were able to summarize state data on these constructs during the first-level data capture or second-level coding. We were then able to take our coding beyond these initial procedures to generate categorizations (or clusters) of states based on these data.

For example, although we were able to count the number of states that required specific ELP screening and proficiency assessments or allowed districts to use other criteria for identifying or exiting students, it was also useful to code the variables into ordinal categories according to the level of district discretion for identification and exit. For example, with respect to exit, states were coded by whether they had

—Established strict exit criteria at the state level, providing no district discretion in making exit decisions

—Established minimum exit criteria at the state level but allowed district discretion in identifying additional criteria that could be considered in making exit decisions

—Established no firm exit criteria, allowing districts full discretion in making exit decisions.

States were clustered together into different levels of district discretion categories on the basis of the data collected. The states in these categories were then analyzed according to other state-level variables (such as the proportion of EL students in the state), as well as with related items from the district survey.

Examining State Implementation by Characteristics of the State English Learner Population

While the methodology for this study does not allow for analysis of causal relationships, it was useful to examine associations among key variables of interest. We examined associations between relevant state context variables and Title III policies adopted by the state, and associations between state-level policies and state implementation of Title III, as well as patterns observed in the district survey data. One aspect of state context that is particularly important is the demographic makeup of the state. Thus, analyses that grouped states took into account the following contextual variables: proportion of all students in the state and rate of growth of the EL population.

District Survey Methodology

Sampling

The study design and power analyses called for a sample that would generate 1,300 completed survey responses. In order to generate this number, approximately 1,528 subgrantees were sampled. This allowed for errors in the sampling frame (e.g., districts no longer receiving Title III subgrants) and for 15 percent nonresponse.

Title III subgrantees include school districts, consortia of school districts, charter schools, and consortia of charter schools. However, because the study team concluded that it would be difficult for anyone to reliably describe activities of all consortia members, the questionnaire instructions requested that, for consortia, the questionnaire be completed concerning the district or school in each consortium with the largest number of ELs. Thus, while the sampling unit for the study was a Title III subgrantee, the analysis unit for the report was a district or charter school receiving Title III subgrant funds.

Construction of the Sampling Frame

The U.S. Department of Education maintains a list of Title III grantees but does not maintain a complete list of Title III subgrantees within all states. Thus, there was no existing sampling frame for the district survey.

The study thus implemented a complex strategy for assembling the frame. Because there was not time available for Office of Management and Budget (OMB) approval of a survey of the 51 State Education

Agencies (the 50 states plus the District of Columbia), much of the information was collected from publicly available information on the State Education Agency websites and existing lists maintained by the Department of Education. This information was supplemented with selected information requests to a set of fewer than 10 specific state agencies.

Exhibit A.2, below, shows the number of subgrantees that were identified by type.

Exhibit A.2
Number of Subgrantees in Sample, by Type

Type of Subgrantee	Number of Subgrantees
School districts	3,136
Consortia of school districts	339
Charter schools	175
Consortia of charter schools	18
Total	3,688

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

The total number of subgrantees identified for the sampling frame (3,668) was lower than the 4,777 subgrantees reported on the most recent available Consolidated State Performance Reports. From our piloting and communications with states and districts during data collection, we determined that this was almost certainly because many states included all consortium members in their counts rather than counting a consortium as a single subgrantee.

Because of the way it was developed, there were some minor issues with the sampling frame. Because the study used the most recent publicly available information, there were (1) differences in the grant year of subgrantees listed (the majority of lists were for the 2008–09 school year) and (2) two states (Virginia and New Hampshire) in which the list of subgrantees did not include consortia and this information could not be obtained.

Goal of the Sampling

The data on the district survey presented in this report use two units of analysis: (1) the percentage of school districts or charter schools with a given characteristic and (2) the percentage of ELs in districts or schools with the characteristic. The optimal sampling approaches for these two data types differ considerably, so the study needed to adopt a "compromise" strategy to address both types.

The optimal strategy for a study of school districts involves a stratified random sample of districts with equal probabilities of selection. The optimal strategy for a study of students in districts involves a probability-proportional-to-size (PPS) sample in which the probability of a district's selection is directly proportional to the number of ELs in that district. In the first case, the Los Angeles Unified School District (LAUSD), which has by far the greatest number of ELs in the country, would have the same probability of selection as the subgrantee with the fewest ELs. In the second case, LAUSD would be approximately 75 times more likely to be selected than the subgrantee with the fewest ELs. The "compromise" approach that the study adopted was designed to provide accurate estimates for both of these units of analysis.

Sampling Strata

For sampling purposes, five strata of subgrantees were defined on the basis of the number of ELs served by the subgrantee.[113] Exhibit A.3, below, shows the characteristics of subgrantees in the strata.

Exhibit A.3
Characteristics of Subgrantees, by Stratum

Stratum Number	Number of Subgrantees	Range of Number of ELs	Total Number of ELs	Number of Cases in the Sample	Selection Rate
1	100	7,582–256,752	1,989,812	100	100.0%
2	400	1,793–7,538	1,391,623	362	90.5%
3	699	571–1,792	696,777	361	51.6%
4	999	214–570	351,949	360	36.0%
5	1,470	40–213	182,791	345	23.5%
Total	3,668	†	4,612,952	1,528	41.7%

Note: † Not applicable.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

As described above, the goal of the sampling was for subgrantees with more ELs to have higher probabilities of selection. The first stratum represented a certainty stratum in which all cases were selected. Each succeeding stratum contained more cases and had lower selection rates. Subgrantees within a stratum were sampled with equal probability.

The Sample

The final sample contained 1,528 subgrantees. It included 1,361 school districts, 113 consortia of school districts, 47 charter schools, and seven consortia of charter schools. It included subgrantees in all 51 jursidictions (50 states plus the District of Columbia). The sampled subgrantees contained 81.9 percent of all ELs in U.S. Title III subgrantee districts. The distribution of sampled subgrantees by state is shown in Exhibit A.4, below. The primary factor influencing the number of subgrantees in a state was the number of school districts and state-chartered charter schools in the state. A secondary factor was the percentage of ELs out of the total student population. A large number of the subgrantees sampled were in California and Texas, because these states have small school districts and large EL populations. These two states contained 29.0 percent of subgrantees in the population and 36.6 percent of those in the sample.

113. The number of ELs served by a subgrantee in 18 states was not known, although the subgrant allocation or amount was provided. In these cases, the number of ELs was estimated by dividing the total subgrant amount or allocation by the known state allocation per EL (eight states—Arizona, Colorado, Montana, New Jersey, Oregon, Pennsylvania, Rhode Island, and Tennessee) or by $134 (the national median value of subgrant allocations per EL across states) (10 states—Alabama, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, South Carolina, South Dakota, and West Virginia).

Exhibit A.4
Number and Percentage of Subgrantees in the Sample

State	Number of Subgrantees in the Sample	Percent of Subgrantees in the Sample	State	Number of Subgrantees in the Sample	Percent of Subgrantees in the Sample	State	Number of Subgrantees in the Sample	Percent of Subgrantees in the Sample
AK	6	0.4	KY	9	0.6	NY	44	2.9
AL	20	1.3	LA	4	0.3	OH	35	2.3
AR	13	0.9	MA	25	1.6	OK	19	1.2
AZ	59	3.9	MD	10	0.7	OR	30	2.0
CA	358	23.4	ME	3	0.2	PA	37	2.4
CO	19	1.2	MI	30	2.0	RI	3	0.2
CT	25	1.6	MN	33	2.2	SC	14	0.9
DC	3	0.2	MO	25	1.6	SD	2	0.1
DE	6	0.4	MS	8	0.5	TN	15	1.0
FL	25	1.6	MT	5	0.3	TX	202	13.2
GA	35	2.3	NC	36	2.4	UT	16	1.0
HI	1	0.1	ND	2	0.1	VA	19	1.2
IA	1	0.1	NE	11	0.7	VT	4	0.3
ID	14	0.9	NH	1	0.1	WA	51	3.3
IL	69	4.5	NJ	63	4.1	WI	32	2.1
IN	41	2.7	NM	19	1.2	WV	3	0.2
KS	15	1.0	NV	4	0.3	WY	4	0.3

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Instrument and Item Development

The items used in the questionnaire were based on the Comprehensive Study Design, and the online survey was developed using Snap Online, a proprietary survey development software program. The survey was pilot tested in August 2009. Three cognitive interviews were conducted in which reviewers were walked through the survey and asked to "think aloud" as they answered the questions. In addition, item-specific probes were asked to delve further into the reviewer's understanding of specific questions. After changes resulting from the cognitive interviews were implemented in the survey, three additional reviewers were asked to pretest the survey. They were asked to take the online survey, after which we called them and asked them to evaluate the length of the survey, clarity of content, and online maneuverability and accessibility. Responses from these interviews were used in making final changes to the questionnaire.

Data Collection

In fall 2009, the study selected a sample of districts from the universe of school districts receiving Title III subgrants, and compiled contact information for each district. The study received OMB clearance on Oct. 29, 2009, and began data collection for the survey portion of the National Evaluation of Title III Implementation in early November 2009. Respondents were first sent a letter introducing the study and providing preparation instructions for the survey, which included a toll free number should the respondents have any questions about the survey. Allowing time for the letters to reach the districts, emails were then sent through Snap Surveys (the software used to develop and host the online survey),

with links to each district's survey and more explicit instructions on how to access and complete it. The notification letters and emails were sent out in four batches over two weeks (see Exhibit A.5).

Exhibit A.5
Number of Subgrantees in the Sample, by Type

Batch	Notification Letter	Email
1 (n = 138)	11/03/09	11/09/09
2 (n = 469)	11/12/09	11/17/09
3 (n = 492)	11/13/09	11/18/09
4 (n = 429)	11/16/09	11/19/09

Notes: n = 1,528

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Reminder emails were automatically sent from Snap to districts that had not opened or completed their online surveys two weeks after the original emails were sent out. It was discovered that many districts had stringent firewalls or spam and junk email filters that were impeding the delivery of the emails from Snap, so in mid-December, follow-up emails were sent from a different email address to those districts that had not opened their online surveys.

To keep an accurate and up-to-date record of the response rate and contact events throughout the data collection process, information was entered into a receipt control system, including when the districts opened and completed their surveys, and what types of contacts (mail, email, fax, phone call) were made with each district.

The first deadline for survey completion was the end of November 2009, but deadlines were extended until Jan. 15, 2010, before systematic follow-up contact started. By mid-January 2010, the National Evaluation of Title III Implementation survey team had received approximately 60 percent of the completed district surveys from the selected districts.

Beginning on Jan. 19, 2010 the survey team began making follow-up calls or sending faxes to 560 districts that had either (1) opened their surveys online but not completed them or (2) had not opened their surveys online. Most districts were sent additional faxes and emails with the survey access information, and they were told that the deadline for completion of the survey was Feb. 5, 2010. At the end of the first round of calls, the completion rate for the survey had increased to 69.6 percent of the original 1,528 districts (a total of 1,063 completed surveys).

A second round of follow-up calls was made between Jan. 29, 2010, and Feb. 5, 2010. These districts were asked to complete the survey by Feb. 26, 2010. For this round of calls, the survey team decided not to call districts that (1) had been emailed or faxed a link to the survey as a result of the initial call attempts,(2) were speaking with survey staff about completing the survey,(3) had promised to send a blank email for us to respond to (to avoid the survey team's sending an email that the recipient's firewall would reject), and (4) had recently opened their surveys. A week after the end of this second round of calls, 175 more districts had submitted their surveys, bringing up the response rate for the 1,528 districts to 81.0 percent (1,237 total completed surveys).

Beginning on Feb. 17, 2010, the third round of contact attempts was made to more than 200 districts that had not responded to the survey team's previous attempts or had still not opened or completed their survey. Faxes were sent with the original notification letter, the letter with the link and instructions for

their survey, and the Department of Education letter explaining how their participation in this survey was required under the terms of their Title III subgrant. This round of contact attempts was completed by Feb. 25, 2010. Finally, between March 1, 2010, and March 11, 2010, any districts that had been contacted in the first three rounds but had not opened or submitted their surveys were sent an additional fax or an email reminder to complete the survey. The text of the email or fax was the same as the text used for the last round of contact, and these districts also received a copy of the Department of Education letter. This additional contact was made with 64 districts.

The survey was closed on March 23, 2010. In total, 1,403 surveys were completed, bringing the completion rate for eligible districts to 91.8 percent. Fourteen mostly or partially completed surveys in the Snap Survey system were "submitted" by survey staff, as it was deemed that the districts may have accidentally neglected to hit the "submit" button. The final completion rate for the 1,528 eligible districts was 92.7 percent. The 35 districts that had the largest number of ELs all completed their surveys. Only 4.1 percent (62) of the 1,528 sampled districts failed to open the survey. Another 49 districts (3.2 percent) opened the Web survey but never completed it. Exhibit A.6, below, compares the initial sample with the subgrantees that participated in the final data collection.

Exhibit A.6
Number of Subgrantees That Participated in Initial and Final Samples

Type of Subgrantee	Initial Sample	Final Data Collection
School districts	1,361	1,279
Consortia of school districts	113	101
Charter schools	47	34
Consortia of charter schools	7	3

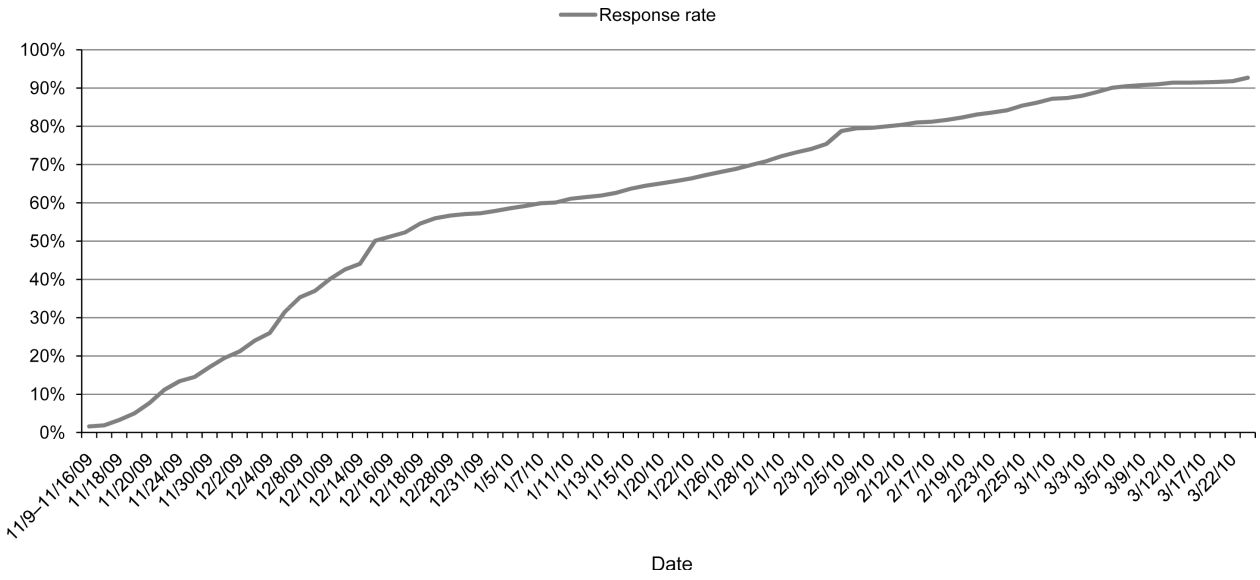
Notes: n = 1,528

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Throughout the data collection process, a number of districts were asked to provide data that were missing from their completed surveys, and most were responsive to the requests. For example, on preliminary analysis of the data, it was found that approximately 50 districts had neglected to answer Question 1 ("During the 2009–2010 school year, please indicate a. the total number of students in the school district and b. the total number of ELs in the district"). Emails were sent to these districts asking for this missing data, and most promptly replied with the information. If districts did not respond, the EL count from the sampling frame or CCD was used.

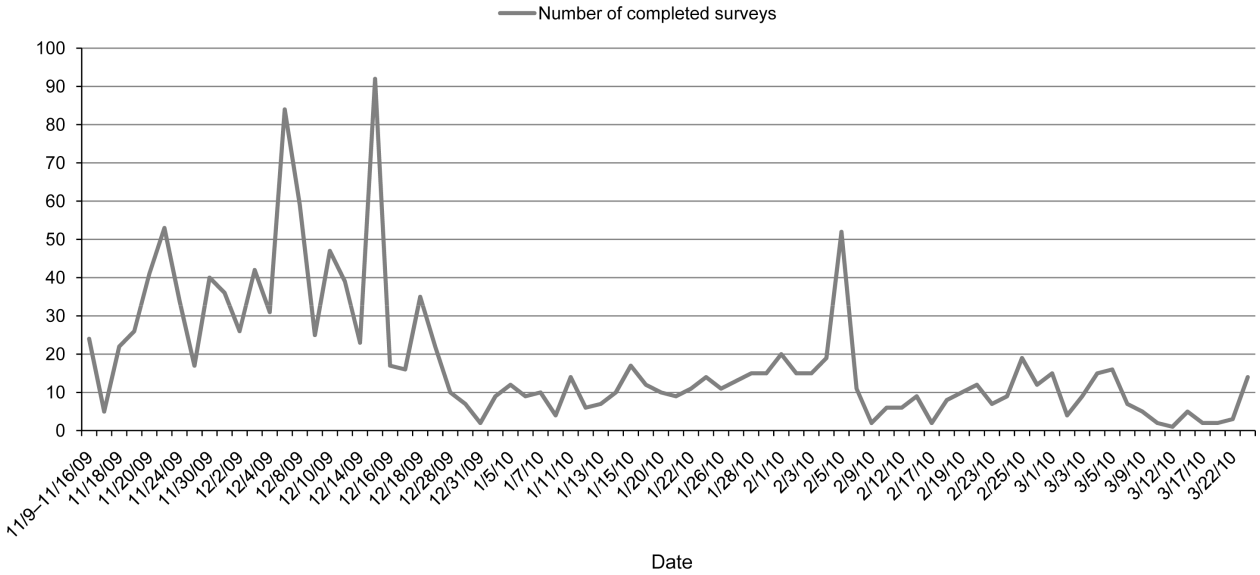
The figures below illustrate how the data collection proceeded throughout the four-month period. While the response rate in Exhibit A.7 reflects the increase in completion percentage rates, Exhibit A.8 indicates the number of surveys that were completed on any particular day.

Exhibit A.7
Response Percentage Rate



Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit A.8
Daily Number of Completed Surveys



Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Data Analysis

The data analyses of district survey data involved a set of five sequenced steps, each of which influenced implementation of later steps: (1) calculation of data analysis weights, (2) unweighted univariate analyses to examine item responses, (3) creation of computed and composite variables, (4) weighted univariate

analyses of survey and computed variables, and (5) weighted bivariate analyses of survey and computed variables.

Analysis Weights

The first step in conducting analyses of data from the district survey was to calculate analysis weights. There were two ways in which results were reported: (1) as "percentages of Title III districts" and (2) as "percentages of ELs served by Title III subgrantees." Two different analytic weights for each case were needed for these presentations.

For presentations using "percentages of Title III districts," the weight was based on (1) the probability of selection of the subgrantee and (2) a nonresponse adjustment, which was applied according to the response rate within the sampling stratum:

> W1 = (1/selection probability) * (number of cases in stratum/number of responding cases)

For presentations using "percentages of ELs served by Title III districts," the weight was based on (1) the selection probability (number of ELs in districts in the stratum or number of ELs in selected districts), (2) a nonresponse adjustment based on numbers of ELs in responding and nonresponding districts within a stratum, and (3) the number of ELs served by that district:

> W2 = (1/selection probability) * (number of ELs in stratum/number of ELs in responding cases) * (number of ELs in district)

Unweighted Univariate Analyses

An important second step in the analysis was to examine unweighted univariate distributions of variables, to see how respondents reacted to questionnaire items. By examining distributions, means, missing data, and so forth, the analysts assessed (1) whether respondents misinterpreted specific items, (2) whether items showed sufficient differences among respondents to be useful in further analyses, and (3) whether items should be recoded (e.g., low-frequency responses combined, out-of-range responses deleted) for subsequent analysis and presentation.

Computed and Composite Variables

The third step in data analyses involved the creation of computed and composite variables. Although most individual items on the questionnaire were themselves indicator variables, there were a number of variables that were computed from questionnaire responses. These included (1) recodes of questionnaire variables to create analytic subgroups of districts (e.g., the number of ELs served by the district was recoded to create five analytic subgroups), (2) combinations of questionnaire items to create new variables and analytic subgroups (e.g., responses on questionnaire items relating to Title III and Title I accountability status were combined into a single variable), and (3) combinations of questionnaire items to create composite variables (e.g., a count of the number of factors used by districts to identify ELs).

Weighted Univariate Analyses

The fourth analytic step involved development of national estimates of subgrantee implementation of Title III, using weighted univariate analyses (frequencies, means, etc.) of questionnaire and computed variables. As described in the weighting section above, this could involve two separate results: (1) percentage of districts with a characteristic and (2) percentage of ELs in districts with the

characteristic. In general, to facilitate comprehension, the report presents the percentage of districts with a characteristic, except for a few cases in which the percentage of ELs in districts with the characteristic or both results are presented. These latter cases were chosen because the finding related to the number of students or there was a significant difference between the two results.

Weighted Bivariate Analyses

To describe the extent to which Title III implementation varied systematically by characteristics of districts, bivariate analyses (comparisons of means, cross-tabulations, etc.) were conducted using a number of the questionnaire and computed variables, as well as selected data from the Department of Education's CCD. The analyses also examined other categorizations of districts, including

—Number of ELs served by the district

—Language concentration of ELs in the district

—Spanish concentration of ELs in the district

—Growth in the size of the EL population

—Number of years of ELs in U.S. schools

—Percentage of ELs with interrupted schooling

—Percentage of ELs new to the district

—Percentage of students eligible for free or reduced-price lunches

—Urbanicity of the district

—Title III and Title I accountability status of the district

—Title III accountability status of the district

The specification of cut points for the categorizations that were used were determined on the basis of prior literature (e.g., Zehler et al. 2004) or to meet the goal of producing categories with equally distributed weighted percentages for key variables. This latter consideration helped to preserve statistical power to the extent possible (i.e., holding other factors constant, subgroups of equal size are able to detect smaller differences than subgroups of unequal size) (see Exhibit A.9).

Exhibit A.9
Categories for Analytic Comparisons

Variable	Percent of Districts in Each Category (*SE*) (Unweighted)	Percent of Districts in Each Category (*SE*) (Weighted)
Number of EL students in the district (n = 1,417)		
1–150	17.0 (1.00)	28.9 (1.18)
151–300	14.7 (0.94)	21.3 (1.27)
301–1,000	26.7 (1.18)	27.3 (1.00)
More than 1,000	41.5 (1.31)	22.6 (0.59)
Home language concentration (n=1,298)		
None > 50%	12.4 (0.92)	14.9 (1.16)
One = 51–90%	40.8 (1.36)	39.2 (1.52)
One>90%	46.8 (1.39)	46.0 (1.55)
Spanish home language concentration (n = 1,298)		
Spanish< 50%	21.1 (1.13)	25.1 (1.39)
Spanish = 51–90%	34.4 (1.32)	31.5 (1.42)
Spanish>90%	44.5 (1.38)	43.4 (1.54)
Growth in district EL population (n = 1,392)		
Stable or decrease	33.6 (1.27)	31.7 (1.39)
Increased 5–25%	33.8 (1.27)	33.4 (1.42)
Increased >25%	32.5 (1.26)	34.9 (1.44)
Length of time by EL students in U.S. schools (n = 1,284)		
3 years or less < 10%	39.6 (1.37)	38.1 (1.51)
3 years or less = 10–25%	31.2 (1.29)	29.1 (1.40)
3 years or less > 25%	29.3 (1.27)	32.8 (1.49)
Percentage of EL students with interrupted schooling (n = 1,328)		
0–5%	61.6 (1.34)	64.6 (1.44)
6–10%	21.7 (1.13)	20.3 (1.22)
> 10%	16.7 (1.02)	15.1 (1.05)
Percentage of EL students new to district (n = 1,394)		
0–10%	61.4 (1.30)	60.5 (1.47)
11–25%	32.7 (1.26)	32.8 (1.41)
> 25%	5.9 (0.63)	6.8 (0.79)
Designated for improvement under Title I and Title III (n = 1,417)		
Under both	27.5 (1.19)	20.9 (1.08)
Under Title III	7.7 (0.71)	8.4 (0.84)
Under Title I	14.7 (0.94)	14.3 (1.04)
Under neither	38.7 (1.30)	43.7 (1.48)
Don't know	11.3 (0.84)	12.6 (1.02)
Missed Title III AMAOs (n = 1,417)		
<2 consecutive years	56.5 (1.32)	61.3 (1.42)
2–3 consecutive years	23.1 (1.12)	20.3 (1.15)
> 3 consecutive years	13.5 (0.91)	10.1 (0.78)
Don't know	7.0 (0.68)	8.3 (0.86)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

All comparisons between these categorical groups that are discussed in the text have been tested for statistical significance, using a significance level of 0.05. The significance level reflects the probability that a difference between groups as large as the one observed could arise simply due to sampling variation, if there were no true difference between groups in the population. When more than two groups were compared, comparisons were conducted separately for each pair of groups. The estimates presented in this report were generated using SPSS. Standard errors and statistical comparisons were calculated using WesVar to adjust for the complex sampling design.

Case Study Data Collection, Coding, and Analysis

A fourth component of the evaluation was a series of 12 district case studies nested in five states. The purpose of these qualitative data collections was to enrich our understanding of quantitative analyses of district survey data and to consider the ways in which state policy (from state interviews) and district context interact to influence Title III implementation. The case studies thus provided critical insight into the ways in which the Title III provisions are interpreted and acted on within states, districts, and schools.

Data Sources

The district served as the primary unit of analysis for the case studies, as the district is the unit of accountability under Title III. A purposive sample of 12 districts within five states was selected for these case study visits. The five states in which the selected districts were located were California, New York, Minnesota, New Mexico, and North Carolina. This sample allowed for variation on the following selection criteria:

—Types and sizes of EL student populations

—Approaches to and stage of implementation of Title III provisions

—Approaches to curriculum, assessment and instruction for EL students

—Overlap with state sample for student achievement analysis

—Regional location

Two to three districts were selected in each state for a total of 12 districts (two in smaller states and three in the larger states of California and New York). Decisions about which districts to visit were based on state recommendations, a review of extant data, and the desired variation across the full sample. In particular, we sought out districts that varied with regard to size, urbanicity, size of EL population, growth of EL population, and diversity of languages spoken.

Visits to case study districts yielded the following data sources:

—Individual interviews with multiple district officials: director of curriculum and instruction, EL coordinator (or Title III Coordinator) or assessment director

—Focus groups with school staff: school principals, resource staff, teachers of ELs, parent liaisons, and parents of EL students.

—Review of relevant documents, as appropriate

Approach to Analysis

Data collected during case study visits were captured, coded, and analyzed, using the procedures outlined below. In the first phase, data were collected from the above-mentioned data sources during case study visits, and summary documents were written up immediately following each visit. These summary documents were written so that consistent data were reported across the sample. The summary document for each visited district reported on the following areas of interest:

—District's accountability status for Title I and Title III

—State context

—District overview

—District improvement context (district vision, instructional priorities, and policies)

—Identification of, placement in and exit from EL status

—General approach to supporting ELs

—State standards

—Assessments for ELs

—Title III accountability

—Funding for ELs, including Title III

—Teacher quality

—Professional development for teachers

—Technical assistance regarding ELs

—Parent outreach and involvement

—Conclusion and emerging themes

In the next phase—after all visits were completed—data were coded using NVivo8 software according to the key constructs of the study, and codes across districts were compared. All qualitative team members were trained in using the NVivo software and in how to apply codes to the case study data. Finally, the qualitative research team conducted cross-case comparisons of case study districts to identify emerging themes and patterns, and incorporated findings from other components of the study to provide further points of analysis and illumination. In addition, two of the state interview team members also served on the qualitative team, thereby enhancing the team's ability to triangulate and make connections across the data collected for these two study components. Throughout the analysis process, the qualitative research team engaged in weekly meetings to identify emerging themes, ensure consistency in coding, and refine procedures as needed. For example, these discussions focused on evidence that supported and refuted the themes and patterns from case study visits already conducted (or a subset of cases), and the themes and patterns that emerged from those discussions were recorded in meeting notes and additional variables for analysis were identified, as appropriate. The progressive development of these themes was carefully charted, noting when new data refuted or supported them.

The protocols for the case study interviews and focus groups, along with some of the procedures for analysis, were piloted by edCount and AIR in six districts prior to beginning the case study visits. Protocols and procedures were then refined on the basis of the experiences of the pilot.

Data Capture

All case study interviews and focus groups were conducted with one interviewer and one notetaker to ensure quality. Interviews and focus groups were also recorded to back up notetaking and to allow for comprehensive and accurate summaries of each. Following case study visits, notes from interviews and focus groups were cleaned in such a way that they were easy for an outside reader to follow (i.e., free from abbreviations and partial sentences; pronouns, proper nouns, and acronyms explained). Notetakers passed their notes to the interviewer for review, to ensure quality and readability. All notes were tracked and collected in a central location for analysis.

As discussed above, at the close of each visit, site visit teams were required to write a comprehensive summary of the visit, allowing them to capture the data that had been collected. The intent of the questions asked during the case study visits was to provide a common framework for all site visit summaries, while enabling the research team the opportunity to highlight important emergent themes in a flexible framework. Questions focused on topics such as

—Knowledge and use of state ELP standards

—District assessment practices for EL students and use of assessment results

—AMAO status, accountability measures associated with that status and communication with stakeholders

—Capacity of staff at district and school levels to address EL instructional needs

—District infrastructure to support EL students

—Perceived influence of state policies and practices regarding EL students

—Role of parents of EL students

In addition to the short narrative summary, each site visit team entered data on core constructs into a "data capture form" (an Excel workbook) that was housed on a shared electronic workspace. This template was structured by the constructs that are most central to the conceptual framework (a column for each construct and dimension, as necessary), and prompted the research teams to summarize data for each case study (i.e., one row per district). The emergent table was useful for identifying preliminary themes and patterns and any followup needed while data collection was ongoing. The intent was to stimulate the analytic process, leveraging the insights that were generated while the data were still "fresh," yet without becoming overly burdensome or cumbersome. The qualitative research tea generated a draft data capture form following the pilots of the case study protocols, which was then refined.

Throughout the period of case study data collection and analysis, the qualitative team met weekly to engage in an ongoing dialogue of themes and patterns that emerged from the case study visits. Immediately following each case study visit, visitors shared the highlights from their summary documents with the team during these weekly meetings.

Coding Data

At the conclusion of the data collection period, analysts developed a master list of common codes, organized by topic and construct and grounded in the themes and patterns identified during weekly meetings of site visitors. Using the master list of common codes, the notes from interviews and focus groups for each case study visit were coded using the NVivo8 software package.

During the coding process, the qualitative research team continued to meet and engage in an ongoing, collaborative process of identifying emerging themes and patterns and adding new codes to the master list, as appropriate. Using the finalized master list of codes, each analyst was assigned a set of data captures to code, with a subset of those being double-coded to ensure reliability across coders.

At the conclusion of the coding process, all coded data were merged into a single unit that was queried for analysis.

Cross-Case Analyses

In the next phase of the analysis process, researchers identified themes, developed categorizations, and compared findings across cases. The individual districts were the primary unit of comparison, but the team also took into account variation by respondent level (district administrators, school administrators, and teachers). Analyses also considered districts nested within each of the five states, as well as comparisons across the 12 districts in the sample.

A cross-case matrix was developed for each primary area of interest (identification and exit procedures and policies, placement and instruction, standards and assessments, accountability, and district capacity). These matrices were used to quantify and organize some of the patterns that emerged from the initial queries and categorizations on the basis of the qualitative data. For example, in an initial query of codes related to "use of EL assessment data," we noted considerable variation in the extent to which (and ways in which) district officials and school staff used state and local EL assessment data. By creating a cross-district matrix, we were able gauge relationships among respondents' familiarity with and use of assessment data (see Exhibit A.10).

Exhibit A.10
Sample Case-Ordered Analytic Table—Use of EL Assessment Data

Districts	Assessments Administered in District	How Data Are Used	Points to Highlight, Including Issues, Challenges, Supporting Quotes
State A			
District 1	*[Analysts would enter descriptive text here, including quotes from respondents]*		
District 2			
District 3			
State B			
District 4			
District 5			
State C			

Throughout this process of creating cross-case matrices, the qualitative team continued to participate in weekly meetings and engage in ongoing dialogue to determine the extent to which cross-site analyses of codes were producing identifiable themes and associations (and the ways in which those associations might be related to district variables such as size and location).

Using Case Study Data in Conjunction With Other Evaluation Components

As patterns and themes emerged across cases, we compared them with findings from other components of the study, including the state interviews, and the district survey. Because districts are nested within states, and, because Title III is implemented through the states, understanding the state policy, demographics, and organizational context was important for interpreting the data gathered at the district level. State interviews in the five states in which the districts were located were of primary importance for this contextualization. In addition, however, the broader set of state interviews helped place the districts in a more national context and provided some guidance to the research team about the limits of generalizing from the individual cases to a broader set of districts.

Conversely, the case study data can illuminate patterns observed in the district survey. The case studies in this evaluation, by their nature, were designed to provide a greater depth of data, whereas the district survey was designed to provide reliable national estimates of district practices on a broad range of topics. Thus, we were able to complement and enrich the results of the district survey with deeper and more open-ended data from a multiplicity of respondents and data sources queried for the case studies.

See the separate document "Appendix G—Data Collection Instruments" for copies of all state, district, and survey protocols used in the study.

APPENDIX B:
SUPPORTING MATERIALS ON IDENTIFICATION AND EXIT OF ENGLISH LEARNERS

Appendix B. Supporting Materials on Identification and Exit of English Learners

Exhibit B.1
Percentage of Students Who Were Classified as ELs and Average Percentage of EL Enrollment in Title III Districts

	Percentage of Students in Districts (*SE*) (Weighted by Student Weight) (n = 1,417)	Average Percentage of Enrollment (*SE*) (Weighted by District Weight) (n = 1,417)
Students classified as ELs	24.1 (0.90)	14.2 (0.44)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.2
Percentage of Title III Districts That Reported an Increase in EL Enrollment

	Percentage of Districts (*SE*) (n = 1,392)
Increase of EL enrollment by more than 25 percent	34.9 (1.44)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.3
Percentage of ELs in Title III Districts, by Location of Birth and Number of Years Attending a U.S. School

Location of Birth and Number of Years Attending U.S. School	Percentage of ELs in Districts (*SE*) (Weighted by Student Weight) (n = 1,282–1,284)
Not born in U.S. and attended more than 3 years at a U.S. school	15.1 (0.54)
Not born in U.S. and attended 2 or 3 years at a U.S. school	10.8 (0.52)
Not born in U.S. and attended 1 year at a U.S. school	7.7 (0.51)
Born in the U.S.	66.3 (1.31)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.4
Percentage of ELs in Title III Districts, by Native Language

Native Language	Percentage of ELs in Districts (*SE*) (Weighted by Student Weight) (n = 1,297–1,298)
Spanish	80.5 (1.39)
Asian Pacific languages (Chinese languages, Hmong, Hindi, etc.)	10.0 (0.90)
Other languages (Arabic, Haitian Creole, African languages, etc.)	5.5 (0.54)
Other European languages (French, Russian, Greek, etc.)	3.2 (0.25)
Native American languages	0.8 (0.15)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.5
Percentage of Title III Districts, by Spanish Concentration in District

Spanish Concentration in District	Percentage of Districts (*SE*) (n = 1,298)
Spanish greater than 90 percent of ELs	43.4 (1.54)
Spanish between 51 and 90 percent of ELs	31.5 (1.42)
No language group greater than 50 percent	14.9 (1.16)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.6
Average Percentage of EL Enrollment and Average Number of ELs in a District, by Poverty Level and Urbanicity

	Average Percentage of EL Enrollment in a District (*SE*)	Average Number of ELs in a District (*SE*)
By Poverty Level (n=1,305)		
Low poverty	7.1 (0.75)	628.7 (66.30)
Medium poverty	13.2 (0.43)	1,434.5 (124.66)
High poverty	37.5 (1.93)	1,972.2 (293.10)
By Urbanicity (n=1,355)		
City	17.6 (1.05)	3,004.7 (415.72)
Suburb	10.8 (0.56)	1,309.7 (112.99)
Town/Rural	14.8 (0.75)	440.1 (23.11)

Note: The categories for district poverty level are defined as follows: high poverty is 76 percent or higher of students eligible for Free or Reduced-Price Lunches, medium poverty is 26 percent to 75 percent students eligible for Free or Reduced-Price Lunches, and low poverty is less than 25 percent students eligible for Free or Reduced-Price Lunches.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.7
Home Language Survey for Indiana, 2009–10

Indiana Department of Education
Office of English Language Learning and Migrant Education
www.doe.state.in.us/englishlanguagelearning

HOME LANGUAGE SURVEY

School District _____

Student's Name _____ Date _____

Date of Birth _____ Grade _____ School Year _____

To be completed by parents upon student enrollment to determine student's status as language minority.

1. What is the native language of the student? _____

2. What is the predominant language of the student? _____

3. What language is most often spoken by the student at home? _____

The purpose of this form is to identify students in need of English language development services. Based on the results of this survey, students will be tested for their level of English proficiency and provided services as needed. If a language other than English is indicated for any of the questions, the student is considered to be a language minority student. Once this determination has been made, the following must occur:

- English proficiency assessment, upon enrollment and annually thereafter, to assess level (1-5) of English proficiency and measure growth annually.

Note: Efforts should be made to translate this form into the predominant language of the parent.

Source: http://www.doe.state.in.us/lmmp/pdf/homelanguagesurvey.pdf, accessed February 2, 2010

Exhibit B.8
Home Language Survey for New York, 2009–10

The University of the State of New York • The State Education Department • Office of Bilingual Education
Albany, New York 12234

Home Language Questionnaire (HLQ)

Dear Parent or Guardian:

In order to provide your child with the best possible education, we need to determine how well he or she understands, speaks, reads and writes English. Your assistance in answering these questions is greatly appreciated.

Thank You

TO BE COMPLETED BY SCHOOL PERSONNEL

Please print or type clearly

DISTRICT

SCHOOL GRADE

STUDENT NAME

DATE OF BIRTH
Month: Day: Year:

STUDENT IDENTIFICATION NUMBER

COUNTRY OF BIRTH / ANCESTRY

NUMBER OF YEARS ENROLLED IN SCHOOL OUTSIDE THE U.S.

NAME/POSITION OF SCHOOL PERSONNEL COMPLETING THIS SECTION

DETERMINATION: ❑ Possible LEP ❑ English Proficient

(✔ boxes that apply)

1. What language(s) is spoken in the student's home or residence? ❑ **English** ❑ **Other** _____ *specify*
2. What language(s) are spoken most of the time to the student, in the home or residence? ❑ **English** ❑ **Other** _____ *specify*
3. What language(s) does the student understand? ❑ **English** ❑ **Other** _____ *specify*
4. What language(s) does the student speak? ❑ **English** ❑ **Other** _____ *specify*
5. What language(s) does the student read? ❑ **English** ❑ **Other** _____ *specify* ❑ **Does Not Read**
6. What language(s) does the student write? ❑ **English** ❑ **Other** _____ *specify* ❑ **Does Not Write**
7. In your opinion, how well does the student understand, speak, read and write English?

	Very well	*Only a little*	*Not at all*
Understands English	❑	❑	❑
Speaks English	❑	❑	❑
Reads English	❑	❑	❑
Writes English	❑	❑	❑

_____ Month: Day: Year: _____
Signature of Parent/Guardian/Other *Date*

HLQ (2/00) 99-337 PM

Source: http://www.p12.nysed.gov/biling/bilinged/pub/HLQenglish.pdf, accessed February 24, 2010

Exhibit B.9
Percentage of Title III Districts, by Types of Identification Criteria Used

Type of Identification Criteria	Percentage of Districts (*SE*) (n = 1,305–1,386)
English proficiency assessments (including both state-mandated and district-selected)	97.7 (0.45)
Home language survey	93.2 (0.76)
Parental input/choice	51.5 (1.52)
Teacher judgment	34.8 (1.49)
State academic content assessments or other standardized achievement tests in English	30.6 (1.45)
Native language proficiency tests or standardized achievement tests in native language	25.4 (1.26)
Years in the United States	20.4 (1.26)
Progress tests (also called interim, benchmark, or diagnostic tests)	20.3 (1.28)
Class grades	18.1 (1.25)
Years in the EL service program	18.1 (1.22)
Grade level	8.0 (0.84)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.10
Percentage of Title III Districts, by Frequency of Reviewing Individual Student's Readiness to Exit from EL Status

Frequency of Reviewing Exit Criteria	Percentage of Districts (*SE*) (n = 1,398)
Less than once a year	1.8 (0.40)
Once a year	54.8 (1.50)
Twice a year	23.9 (1.24)
More than twice a year	19.5 (1.22)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.11
Percentage of Title III Districts, by Types of Exit Criteria Used

Type of Exit Criteria	Percentage of Districts (*SE*) (n = 1,293–1,387)
State ELP test	94.2 (0.74)
State academic content area tests	68.5 (1.44)
State ELP test AND state academic content area tests	64.3 (1.48)
Other English proficiency assessments (not state ELP test), including writing samples	60.0 (1.51)
Parental input/choice	59.9 (1.50)
Teacher judgment	58.9 (1.51)
Class grades	56.8 (1.52)
Progress tests (also called interim, benchmark, or diagnostic tests)	51.2 (1.52)
Other standardized achievement tests in English (not state academic content test)	42.6 (1.53)
Years in the EL service program	21.2 (1.27)
Grade level	16.1 (1.10)
Years in the United States	14.0 (1.09)
Home language survey	13.5 (1.10)
Native language proficiency tests or standardized achievement tests in native language	9.1 (0.87)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.12
Percentage of Title III Districts in States That Require ELP Test Scores as Sole Exit Criterion, by Types of Additional Exit Criteria Used

Type of Exit Criteria	Percentage of Districts in States That Require ELP Test Scores as Sole Exit Criterion (*SE*) (n = 310–326)
State ELP test	96.2 (1.32)
Parental input/choice	36.1 (3.03)
State academic content area tests	28.2 (2.88)
Progress tests (also called interim, benchmark, or diagnostic tests)	26.6 (2.84)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.13
Percentage of Title III Districts That Maintained a Districtwide Database That Includes Academic Outcomes of Former ELs

	Percentage of Districts (*SE*) (n = 1,400)
Maintained districtwide database that includes academic outcomes of former ELs	72.8 (1.37)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit B.14
Percentage of Title III Districts, by Services Available to Former ELs and by Grade Level

Services Available to Former ELs	**Percentage of Districts (*SE*)**	
	Elementary (n = 1,345–1,367)	**Secondary** (n = 1,272–1,304)
Regular monitoring of academic performance by district/school	97.3 (0.49)	95.1 (0.70)
Tutoring services	77.9 (1.28)	79.5 (1.29)
Academic counselor or support teacher	65.2 (1.44)	78.2 (1.30)
Peer counselor or English proficient "buddy"	30.9 (1.43)	30.2 (1.46)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

APPENDIX C: SUPPORTING MATERIALS ON INSTRUCTIONAL PROGRAMMING AND PLACEMENT

Appendix C: Supporting Materials on Instructional Programming and Placement

Exhibit C.1
Percentage of Title III Districts, by Type of EL Services Provided

Type of EL Services	Percentage of Districts (*SE*) (n = 1,389–1,407)
English language development for ELs (e.g., English as a Second Language instruction) within or outside the regular classroom	98.1 (0.46)
Instruction in content areas using English but specially designed for ELs (e.g., sheltered instruction, SIOP)	87.0 (1.08)
Program models using native language: Instruction in content areas (mathematics, science, social studies) involving significant (at least 25 percent) use of native language	44.0 (1.47)
Program models using native language: Instruction in the language arts of the native language	44.0 (1.46)
Program models using native language: Two-way immersion programs involving both ELs and native English speakers	28.8 (1.33)
Special instruction for newcomers to U.S. schools	56.8 (1.49)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit C.2
Percentage of ELs at the Elementary Level Participating in EL Services, by Number of ELs

EL Services	Percentage of Districts, by Number of ELs in District				
	1–150 ELs (*SE*) (n = 231–237)	151–300 ELs (*SE*) (n = 200–206)	301–1,000 ELs (*SE*) (n = 361–367)	More Than 1,000 ELs (*SE*) (n = 562–573)	All Districts (*SE*) (n = 1,356–1,381)
English language development for ELs (e.g., English as a Second Language instruction) within or outside the regular classroom	95.1 (1.40)	95.4 (1.62)	97.3 (0.89)	98.5 (0.52)	96.5 (0.60)
Instruction in the language arts of the native language	20.1 (2.68)	41.2 (3.58)	38.2 (2.64)	58.8 (2.18)	38.2 (1.43)
Instruction in content areas (math, science, social studies) involving significant (at least 25%) use of the native language	22.0 (2.76)	51.5 (3.60)	37.6 (2.63)	57.8 (2.19)	38.4 (1.44)
Instruction in content areas using English but specially designed for ELs (e.g., sheltered instruction, SIOP)	64.0 (3.21)	83.6 (2.65)	86.5 (1.86)	92.2 (1.19)	80.7 (1.25)
Two-way immersion programs involving both ELs and native English speakers	22.7 (2.81)	24.5 (3.11)	21.4 (2.19)	42.6 (2.18)	27.2 (1.31)
Special instruction for newcomers to U.S. schools	41.5 (3.30)	45.8 (3.63)	53.1 (2.70)	61.9 (2.18)	50.2 (1.51)

Exhibit reads: 95.1 percent of districts with 150 or fewer ELs reported using English language development for ELs within or outside the classroom at the elementary level.

Notes: These percentages are based on the following survey question: Approximately what percentage of ELs in the district participate in each of the following types of EL services at the elementary level?

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit C.3
Percentage of ELs at the Secondary Level Participating in EL Services, by Number of ELs

EL Services	Percentage of Districts, by Number of ELs in District				
	1–150 ELs (*SE*) (n = 226–237)	151–300 ELs (*SE*) (n = 194–207)	301–1,000 ELs (*SE*) (n = 352–367)	More Than 1,000 ELs (*SE*) (n = 537–571)	All Districts (*SE*) (n = 1,309–1,381)
English language development for ELs (e.g., English as a second language instruction) within or outside the regular classroom	92.2 (1.08)	95.0 (1.60)	96.0 (1.00)	96.7 (0.85)	94.8 (0.71)
Instruction in the language arts of the native language	18.7 (2.64)	27.5 (3.33)	28.6 (2.51)	37.4 (2.20)	27.4 (1.35)
Instruction in content areas (math, science, social studies) involving significant (at least 25%) use of the native language	20.8 (2.76)	28.7 (3.37)	26.7 (2.44)	40.6 (2.22)	28.5 (1.36)
Instruction in content areas using English but specially designed for ELs (e.g., sheltered instruction, SIOP)	68.2 (3.14)	76.7 (3.08)	87.9 (1.78)	94.5 (1.08)	81.3 (1.26)
Two-way immersion programs involving both ELs and native English speakers	18.9 (2.66)	19.9 (2.98)	14.0 (1.89)	17.8 (1.72)	17.5 (1.19)
Special instruction for newcomers to U.S. schools	39.3 (3.30)	46.1 (3.71)	55.5 (2.72)	64.7 (2.21)	50.8 (1.53)

Exhibit reads: In districts with 150 or fewer ELs, 92.1 percent reported using English language development for ELs within or outside the regular classroom at the secondary level.

Notes: These percentages are based on the following survey question: Approximately what percentage of ELs in the district participate in each of the following types of EL services at the secondary level?

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit C.4
Percentage of Title III Districts Providing EL Services That Use ESL Instruction and Content Instruction, by ELs Served and by Grade Level

	Percentage of Districts (*SE*)	
	Elementary (n = 1,333–1,381)	**Secondary** (n = 1,326–1,370)
Provided to at least one EL in district		
English language development for ELs (e.g., English as a Second Language instruction) within or outside the regular classroom	96.5 (0.60)	94.8 (0.71)
Instruction in content areas using English but specially designed for ELs (e.g., sheltered instruction, SIOP)	80.7 (1.25)	81.3 (1.26)
Provided to *all* ELs in district		
English language development for ELs (e.g., English as a second language instruction) within or outside the regular classroom	48.6 (1.51)	39.4 (1.51)
Instruction in content areas using English but specially designed for ELs (e.g., sheltered instruction, SIOP)	19.9 (1.22)	18.2 (1.20)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit C.5
Percentage of Title III Districts Providing EL Services That Use Native Language, by Grade Level

Grade Level	Percent of Districts Providing Services That Use Native Language Instruction (*SE*)
All grades	57.2 (1.49)
Elementary	51.0 (1.51)
Secondary	42.1 (1.52)

Note: All grades: n = 1,398; elementary: n = 1,365; secondary n = 1,315

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit C.6
Percentage of Title III Districts, by Type of Native-Language Instruction and by Grade Level

	Percentage of Districts (SE)	
	Elementary (n = 1,356–1,364)	**Secondary** (n = 1,309–1,316)
Provided to majority of ELs in district		
Native language instruction	16.8 (1.13)	11.7 (1.04)
Provided to *all* ELs in district		
Content area instruction involving significant (at least 25 percent) use of native language	1.7 (0.39)	1.4 (0.36)
Native language arts	1.9 (0.42)	1.1 (0.34)
Two-way immersion programs	3.9 (0.63)	3.5 (0.62)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit C.7
Percentage of Districts Providing EL Services That Use Native Language, by Number of ELs, Spanish Language Concentration, and Grade Level

	Percentage of Districts Providing EL Services That Use Native Language	
	Elementary (*SE*)	**Secondary (*SE*)**
All Districts	50.9 (1.51)	42.1 (1.52)
By Number of ELs		
1–150 ELs	36.7 (3.22)	32.7 (3.19)
151–300 ELs	55.4 (3.60)	45.8 (3.69)
301–1,000 ELs	49.8 (2.71)	43.1 (2.73)
More than 1,000 ELs	66.4 (2.10)	49.7 (2.27)
By Spanish Language Concentration		
Spanish less than 50% of ELs	35.8 (3.18)	31.6 (3.15)
Spanish between 51 and 90% of ELs	48.2 (2.73)	38.9 (2.70)
Spanish greater than 90% of ELs	59.4 (2.33)	48.7 (2.42)

Exhibit Reads: 36.7 percent of districts with 1–150 ELs provided EL services using native language at the elementary level, and 32.7 percent of districts with 1–150 ELs provided EL services using native language at the secondary level.

Note: For the elementary level, all districts: n = 1,365; by number of ELs: n = 1,365; and by Spanish language concentration: n = 1,258. For the secondary level, all districts: n = 1,315; by number of ELs: n = 1,315; and by Spanish language concentration: n = 1,211.

Source: Evaluation of State and Local Implementation of Title III, Subgrantee Survey, 2009–10.

Exhibit C.8
Percentage of Title III Districts, by Factors Considered in Placing Students in EL Services

Factors Considered in Placement	Percentage of Districts (*SE*) (n = 1,332–1,392)
English proficiency assessments (including both state-mandated and district-selected)	98.0 (0.47)
Parental input/choice	73.5 (1.37)
Teacher judgment	65.0 (1.46)
Progress tests (also called interim, benchmark, or diagnostic tests)	57.7 (1.50)
State academic content area tests	47.9 (1.53)
Class grades	46.2 (1.54)
Home language survey	41.8 (1.52)
Years in the EL service program	38.8 (1.48)
Other standardized achievement tests in English	36.4 (1.48)
Grade level	31.8 (1.38)
Years in the U.S.	30.6 (1.38)
Native language proficiency tests or standardized achievement tests in native language	30.0 (1.32)

Note: The weight of these factors may vary when districts make placement decisions, but the exhibit does not consider this difference.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit C.9
Percentage of ELs in Title III Districts That Did Not Participate in EL Services Because of Parental Choice

	Percentage of ELs in Districts (*SE*) (Weighted by Student Weight) (n = 1,364)
Not participating in EL services due to parental choice	2.7 (0.28)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit C.10
Percentage of Title III Districts That Reported Lack of Proven Curricula and Programs as a Moderate or Major Challenge

Issue	Percentage of Districts That Reported Issue as a Moderate or Major Challenge (*SE*) (n = 1,407)
Lack of proven curricula and programs	43.1 (1.47)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

APPENDIX D:
SUPPORTING MATERIALS ON STANDARDS AND ASSESSMENTS

Appendix D. Supporting Materials on Standards and Assessments

Description of Multistate Consortia

The following are the original four multistate consortia:

The World-Class Instructional Design and Assessment Consortium

Established in early 2003 as a collaborative of just three states—Wisconsin (the consortium lead), Delaware, and Arkansas—the WIDA Consortium grew quickly, and by October of that year, included an additional five states and the District of Columbia. Practitioners from these eight states collaborated with WIDA experts to develop the WIDA ELP (English language proficiency) standards (first released in February 2004 and updated in 2007), which were grounded in the state academic content standards from each member state. These standards became the basis for a system of aligned ELP assessments, including an annual ELP progress assessment, the ACCESS for ELLs (completed in spring 2004), as well as two placement assessments, the WIDA ACCESS Placement Test (W-APT) (completed in 2005 and updated in 2006) and the WIDA Measure of Developing English Language (MODEL) (completed in 2007–08). WIDA differs from other consortia in that its member states tend to adopt the WIDA ELP standards and ACCESS for ELLs assessment as a set. This approach helps states fulfill the Title III requirement that state ELP standards and assessments be aligned, as experts from WIDA's partnering organizations[114] conduct analyses to ensure this alignment. WIDA experts also provide support to the consortium's member states in analyzing the WIDA ELP standards' alignment with individual states' content standards, as also required under Title III. Due in part to its approach to standards and assessment alignment, WIDA's membership has grown steadily since 2003 and, as of 2009–10, includes 21 states and the District of Columbia (http://www.wida.us/index.aspx).[115]

The State Collaboratives on Assessment and Student Standards Limited English Proficient Consortium

The State Collaborative on Assessment and Student Standards (SCASS) English Language Learner (ELL SCASS) (formerly known as the Limited English Proficient (LEP SCASS)) consortium constituted the largest of the original four consortia in the Department of Education's FY 2002 Enhanced Assessment Grant competition, representing a total of 16 states.[116] Similar to the WIDA Consortium, the ELL SCASS consortium began its ELP assessment development work by establishing a core set of ELP standards that were grounded in the state ELP standards that existed among its members at that time (AIR, 2005). These standards served as the basis for the consortium's English Language Development Assessment (ELDA) and also guided the development of its member states' own ELP standards. However, rather than adopting the consortium ELP standards directly, as many of the WIDA states did,

114. WIDA also includes key partnerships with the Center for Applied Linguistics (CAL), the School for International Training (SIT), the University of Illinois at Urbana-Champaign, the Wisconsin Center for Education Research (WCER), and Meritech, Inc.

115. As of 2009–10, WIDA states included Alabama, Delaware, the District of Columbia, Georgia, Hawaii, Illinois, Kentucky, Maine, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Wisconsin, and Wyoming.

116. Key partnerships for the LEP-SCASS consortium include the Council of Chief State School Officers (CCSSO), the American Institutes for Research (AIR), the Center for Studies in Assessment Validity and Evaluation (C-SAVE) at the University of Maryland, and Measurement, Inc.

ELL SCASS states tended to view the ELDA standards (and the consortium itself) as a resource for developing their own state ELP standards.[117] The ELDA assessment was released in 2005 and first implemented by four states in the spring of that year (Abedi 2007). By 2006–07, seven[118] states were administering ELDA as their annual ELP assessment, and each of those states continued to use ELDA as of 2009–10.[119]

In 2006–07, the Council of Chief State School Officers (CCSSO) formed a new consortium, the ***English Language Development Assessment State Collaboratives on Assessment and Student Standards*** (***ELDA SCASS***), composed of the subset of ELL SCASS states that chose to implement ELDA as their annual ELP assessment. While ELL SCASS states continued to collaborate on broader ELL and Title III issues, the collaboration among the ELDA SCASS states included a focus on ensuring and documenting ELDA's technical quality, developing new ELDA test items, and creating tools and resources to facilitate implementation of ELDA.

The English Proficiency for All Students Consortium

The English Proficiency for All Students (EPAS) Consortium began as a collaboration among four states—Pennsylvania (the consortium lead), Maryland, Michigan, and Tennessee[120]—with the goal of assisting one another in "assessing and providing results for all ELL learners" (U.S. Department of Education, 2009). Later joined by a fifth member, Florida, the EPAS consortium did not share other consortia's focus on ELP standards development (Taylor et al. 2010), but it did create a set of proficiency benchmarks that were determined to align with the three sets of state ELP standards (Florida's, Pennsylvania's, and Michigan's) that were in place among its members at that time (Abedi 2007; Rossell 2005). The EPAS consortium instead focused on developing the Comprehensive English Language Learning Assessment (CELLA), which was released in 2005 and first administered by Tennessee in 2005–06 and by Florida in 2006–07 (Taylor et al. 2010). The EPAS Consortium no longer exists, but Florida continued to administer the CELLA as late as the 2009–10 school year. Tennessee replaced the CELLA with the ELDA assessment in 2006–07 after an alignment study indicated that the CELLA was not aligned with the state's English as a Second Language (ESL) curriculum.[121]

The Mountain West Assessment Consortium

The Mountain West Assessment Consortium (MWAC) was established by a set of eight states—Utah (the consortium lead), Montana, Idaho, New Mexico, Colorado, Oregon, Wyoming, and North Dakota—which were all located in the mountain west and northern plains regions of the United States and shared somewhat similar EL populations (e.g., composed of both Spanish speakers and speakers of American Indian languages, as well as a mixture of both immigrant students and American-born ELs). MWAC aimed to develop an ELP assessment that would not only satisfy *ESEA* requirements for identifying and assessing ELs but serve as a tool for shaping EL learning and instruction. This

117. Based on state reports from the *National Evaluation of Title III Implementation* state Title III director interviews, conducted in 2009–10, and the *Study of State Implementation of No Child Left Behind* state Title III director interviews, conducted in 2006–07.

118. In addition to these seven states, Ohio uses an abbreviated version of ELDA, known as the Ohio Test of English Language Acquisition (OTELA).

119. Based on state reports and reviews of state policy documents conducted as part of the *National Evaluation of Title III Implementation* State Title III director interview data collection in 2009–10.

120. Key partners for the EPAS Consortium included the Educational Testing Service (ETS) and Accountability Works.

121. Based on information included in a Tennessee State Board of Education meeting document dated November 2, 2007, available at http://state.tn.us/sbe/Nov07/VE_ESL_CurrStds.pdf.

consortium designed its ELP assessment to be aligned with Colorado's state ELP standards, which served as a foundation for the MWAC English language development (ELD) standards. Items for the Mountain West ELP Assessment were developed by educators and specialists from the consortium's member states, and final forms of the assessment were created in 2004–05, but the consortium's grant ended, and the consortium dissolved before the test was fully operational. Several former Mountain West states—including Montana, Utah, Idaho, and Michigan—did, however, incorporate test items from the Mountain West Assessment into their own state-developed ELP assessments (Abedi 2007; Northwest Regional Educational Laboratory 2006; Taylor et al. 2010).

Exhibit D.1 shows the membership of each of the original four multistate consortia as of 2002–03 and 2009–10.

Exhibit D.1
Membership of Original Four Multistate Consortia for the Development of ELP Standards or Assessments

	World-Class Instructional Design and Assessment (WIDA) Consortium (ACCESS for ELLs)	ELL SCASS (formerly LEP SCASS) and ELDA SCASS (ELDA)	English Proficiency for All Students (EPAS) Consortium (CELLA)	Mountain West Assessment Consortium (Mountain West Assessment)
State membership during initial FY 2002 Enhanced Assessment Grant Competition (awarded in February 2003)	*3 states:* Wisconsin (lead), Arkansas, and Delaware	*16 states:* Nevada (lead), Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, South Carolina, Texas, and West Virginia	*4 states:* Pennsylvania (lead), Maryland, Michigan, and Tennessee	*8 states:* Utah (lead), Montana, Idaho, New Mexico, Colorado, Oregon, Wyoming, and North Dakota
Most recent state membership information available	*21 states and DC (as of 2009–10):* Alabama, Delaware, the District of Columbia, Georgia, Hawaii, Illinois, Kentucky, Maine, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Wisconsin, and Wyoming	**ELL SCASS** *25 states (as of 2007–08):* Alaska, Kentucky, South Carolina, Arkansas, Louisiana, South Dakota, California, Maine, Tennessee, Connecticut, Maryland, Utah, Delaware, Michigan, West Virginia, Florida, Nebraska, Wisconsin, Idaho, Nevada, Wyoming, Indiana, Ohio, Iowa, and Pennsylvania **ELDA SCASS:** *7 states (as of 2007–08):* Arkansas, Iowa, Louisiana, Nebraska, South Carolina, Tennessee, and West Virginia	N/A	N/A
States using consortium-developed ELP assessment as of 2009–10	*21 states and DC:* Alabama, Delaware, the District of Columbia, Georgia, Hawaii, Illinois, Kentucky, Maine, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Wisconsin, and Wyoming	*7 states:* Arkansas, Iowa, Louisiana, Nebraska, South Carolina, Tennessee and West Virginia **Note:** Ohio uses a modified version of the ELDA known as the Ohio Test of English Language Acquisition (OTELA)	*1 state:* Florida	None, but test items have been incorporated (to varying degrees) in ELP assessments used by 4 states: Idaho, Michigan, Montana, and Utah

Source: Based on press release issued by U.S. Department of Education in February 2003, available at http://www.ed.gov/news/pressreleases/2003/02/02122003a.html; on information gathered from consortia-sponsored websites, available at http://www.wida.us/index.aspx, http://www.ccsso.org/projects/SCASS/Projects/Assessment_for_English_Language_Learners/, and http://www.ccsso.org/projects/scass/Projects/English_Language_Development_Assessment/; and on state reports and reviews of state policy documents conducted as part of the *National Evaluation of Title III Implementation* State Title III Director Interview Data Collection in 2009–10.

Since 2007, at least three additional consortia of states have formed to address ELP assessment issues (see Exhibit D.2). While the focus of the original four consortia lay primarily in developing new ELP assessments, the goals of these more recent multistate consortia have centered on various aspects of ELP assessment and Title III implementation, such as evaluating the alignment among standards, assessments, and/or teacher instruction to support ELs. These additional consortia are

The English Language Proficiency Collaboration and Research Consortium

The English Language Proficiency Collaboration and Research Consortium (ELPCRC) was established in October 2007 by six states—Colorado, Connecticut, Hawaii,[122] Indiana, Maryland, and Nevada—that had adopted the commercially developed LAS Links test (published by CTB/McGraw-Hill) as their annual Title III ELP assessment.[123] Later joined by Missouri, these states chose to come together for the purposes of sharing ideas and information, promoting consistency and quality among their diverse array of Language Instruction Educational Programs (LIEPs), and developing research to improve ELL instruction and assessment (http://www.elpcrc.org/). In 2009–10, officials from two ELPCRC states reported collaborating with other consortium members on such issues as setting and revising Title III annual measurable achievement objectives (AMAOs) and examining the alignment between ELP and content standards.[124]

The Iowa Consortium

The Iowa Consortium (SEC-ELL), Iowa and nine other states,[125] received funding through the FY 2006 Enhanced Assessment Grant competition to support the consortium's efforts to establish instruments and tools for applying a Surveys of Enacted Curriculum (SEC) analytic model (an approach that has been used to examine alignment among standards, assessments, and instruction in the content areas) to help states evaluate the alignment among standards, assessments, and instructional practices targeting ELs. This project grew out of a need identified by members of the ELL-SCASS consortium for additional tools and resources to improve EL assessment practices (CCSSO 2009).

The Evaluating the Validity of English Language Proficiency Assessments Consortium

In 2009, five states joined together to form the Evaluating the Validity of English Language Proficiency Assessments (EVEA) Consortium. These states—Washington (consortium lead), Montana, Indiana, Idaho, and Oregon—implemented their own independently developed ELP standards and assessments.[126] With financial assistance from a federal Enhanced Assessment Grant awarded in the FY 2008 competition, this consortium aims to design and then implement a model for examining the validity of state ELP assessments, as well as the alignment between state ELP assessments and state ELP standards (U.S. Department of Education 2009).

122. Hawaii joined the WIDA Consortium in July 2009, adopting the ACCESS for ELLs assessment to replace the LAS Links. The state appears to no longer be affiliated with the ELPCRC.

123. Colorado uses the Colorado English Language Assessment (CELA), a version of the LAS Links assessment that has been modified to better align with the state's ELP standards.

124. Based on state reports from the *National Evaluation of Title III Implementation* state Title III director interviews, conducted in 2009–10.

125. According to Iowa's project abstract for the FY 2006 Enhanced Assessment Grant competition, the Iowa Consortium SEC-ELL includes Florida, Idaho, Iowa, Maine, Minnesota, Ohio, Utah, Virginia, Wisconsin, and an additional state "to be named." Key partners for the consortium include the Council of Chief State School Officers (CCSSO); Wisconsin Center for Education Research (WCER); edCount, LLC; and WestEd, Inc.

126. Key partners for the EVEA Consortium include edCount, LLC; the National Center for the Improvement of Educational Assessment (NCIEA); the Department of Education at the University of California Los Angeles; Synergy Enterprises, Incorporated (SEI); and the Pacific Institute for Research and Evaluation (PIRE).

Exhibit D.2
Membership of Three Additional Multistate Consortia With Focus on State ELP Standards or Assessments, 2009–10

	English Language Proficiency Collaboration and Research Consortium (ELPCRC)	Iowa Consortium (SEC–ELL)	Evaluating the Validity of English Language Proficiency Assessments (EVEA) Consortium
Most recent state membership information available	Colorado, Connecticut, Indiana, Maryland, Missouri, and Nevada	Florida, Idaho, Iowa, Maine, Minnesota, Ohio, Utah, Virginia, and Wisconsin	Washington, Montana, Indiana, Idaho, and Oregon

Source: Based on consortium website, available at http://www.elpcrc.org.; FY 2006 Enhanced Assessment Grant Award abstract, available at http://www.ed.gov/programs/eag/awards06.html#ia.; and an edCount press release, available at http://www.edcount.com/news/edCount_EAG_Award.pdf, and FY 2008 Enhanced Assessment Grant Award abstract, available at http://www.ed.gov/programs/eag/awards08.html#wa.

State and District Support for English Language Proficiency Standards Implementation

Exhibit D.3
Percentage of Title III Districts That Provided Training on and Engaged in Activities To Increase Alignment of English Language Development Instruction With State ELP Standards

	Percentage of Districts (*SE*)
Provided training on state ELP standards (n = 1,397)	74.9 (1.32)
Engaged in activities to increase alignment of ELD instruction with state ELP standards (n = 1,407)	61.3 (1.47)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit D.4
Percentage of Title III Districts That Provided Activities to Increase Alignment of English Language Development Instruction With State ELP Standards Since September 2008, by Number of ELs

	Percentage of Districts That Provided Activities to Increase Alignment of English Language Development Instruction With State ELP Standards				
	1–150 ELs (*SE*) (n = 233–237)	**151–300 ELs (*SE*)** (n = 205–207)	**301–1,000 ELs (*SE*)** (n = 374–376)	**More Than 1,000 ELs (*SE*)** (n = 576–585)	**All Districts (*SE*)** (n = 1,390–1,405)
Provided teachers training on ELP standards	31.8 (3.08)	41.7 (3.55)	44.1 (2.64)	54.7 (2.19)	42.4 (1.46)
Provided teachers training on instructional methods	32.0 (3.08)	40.5 (3.53)	42.3 (2.62)	55.1 (2.18)	41.9 (1.45)
Made changes in texts or curriculum materials	31.4 (3.08)	36.8 (3.48)	40.8 (2.61)	49.6 (2.19)	39.2 (1.45)
Made changes in assessment measures or methods	21.3 (2.70)	26.3 (3.14)	28.1 (2.38)	36.1 (2.12)	27.6 (1.30)
Mandated district-wide curricula	18.7 (2.59)	21.4 (2.94)	26.9 (2.33)	38.1 (2.13)	25.9 (1.26)
Adopted new instructional or pacing guides	14.9 (2.33)	23.0 (3.01)	23.9 (2.24)	36.7 (2.07)	24.0 (1.21)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit D.5
Average Number of Actions Taken to Increase Alignment of English Language Development Instruction With State ELP Standards Since September 2008, by AMAO Status and Number of ELs

	Average Number of Actions Taken (To Increase Alignment Only) (*SE*)
All Districts (n = 1,407)	2.0 (0.06)
By Title III Designation (n = 1,318)	
Not designated as missing AMAOs	1.8 (0.08)
Missed AMAOs for 2 consecutive years	2.1 (0.13)
Missed AMAOs for 4 consecutive years	3.1 (0.18)
By Numbers of ELs (n = 1,407)	
1–150 ELs	1.5 (0.12)
151–300 ELs	1.9 (0.15)
301–1,000 ELs	2.1 (0.11)
More than 1,000 ELs	2.7 (0.10)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

State ELP Tests, 2009–10

Exhibit D.6
State ELP Assessments in 2009–10 and First Year Current ELP Assessment Implemented

State Name	State ELP Assessment					
	WIDA ACCESS for ELLs	ELDA	LAS Links	State Developed	Other	First Year Current ELP Assessment Was Implemented
Total	**22**	**8**	**6**	**13**	**2**	
Alabama	Yes					2004–05
Alaska				Yes		2005–06 [a]
Arizona				Yes		2006–07
Arkansas		Yes				2006–07
California				Yes		2001–02
Colorado			Yes [b]			2006–07 [a]
Connecticut			Yes			2005–06
Delaware	Yes					2005–06
District of Columbia	Yes					2005–06
Florida					Yes-CELLA	2006–07
Georgia	Yes					2005–06 [a]
Hawaii	Yes					2009–10
Idaho				Yes		2006–07 [a]
Illinois	Yes					2005–06
Indiana			Yes			2005–06
Iowa		Yes [a]				2006
Kansas				Yes		2004–05
Kentucky	Yes					2006–07
Louisiana		Yes				2004–05
Maine	Yes					2005–06
Maryland			Yes			2005–06
Massachusetts				Yes		2008–09
Michigan				Yes		2005–06
Minnesota				Yes		TEAE [c] (2001–02), MN SOLOM [d] (2002–03), observation matrix (2003–04)
Mississippi	Yes					2003–04 [a]
Missouri			Yes			2008–09
Montana					Yes–MontCAS ELP [e]	2005
Nebraska		Yes				2004–05
Nevada			Yes			2004–05
New Hampshire	Yes					2005–06

continued next page

Exhibit D.6 (continued)
State ELP Assessment in 2009–10 and First Year Current ELP Assessment Implemented

State Name	State ELP Assessment					
	WIDA ACCESS for ELLs	ELDA	LAS Links	State Developed	Other	First Year Current ELP Assessment Was Implemented
New Jersey	Yes					2005–06 [a]
New Mexico	Yes					2009–10
New York				Yes		2002–03
North Carolina	Yes					2008–09
North Dakota	Yes					2006–07
Ohio		Yes [a]				2005–06 [a]
Oklahoma	Yes					2005–06 [a]
Oregon				Yes		2006–07 [a]
Pennsylvania	Yes					2006–07
Rhode Island	Yes					2005–06
South Carolina		Yes				2004–05
South Dakota	Yes					2005–06 [a]
Tennessee		Yes				2006–07
Texas				Yes		2007–08
Utah				Yes		2006–07
Vermont	Yes					2006–07[a]
Virginia	Yes					2008–09
Washington				Yes		2006–07 [a]
West Virginia		Yes				2004–05
Wisconsin	Yes					2005–06
Wyoming	Yes					2009–10

Exhibit reads: Twenty-one states and the District of Columbia used the WIDA ACCESS for ELLs as their State ELP Assessment in 2009–10.

Notes: [a] Based on SSI study data, pending confirmation from state for this study.

[b] State uses a modified version of this assessment.

[c] Test of Emerging Academic English

[d] Minnesota Student Oral Language Observation Matrix

[e] Developed by Measured Progress, former Mountain West Assessment Consortium

Source: *Evaluation of State and Local Implementation of Title III,* State Interview Data, 2009–10.

State-by-State EL Participation Rates in State ELP Test, 2008–09

Exhibit D.7
Percentage of 2008–09 ELs Participating in ELP Assessment, by All ELs and Title III–Served ELs

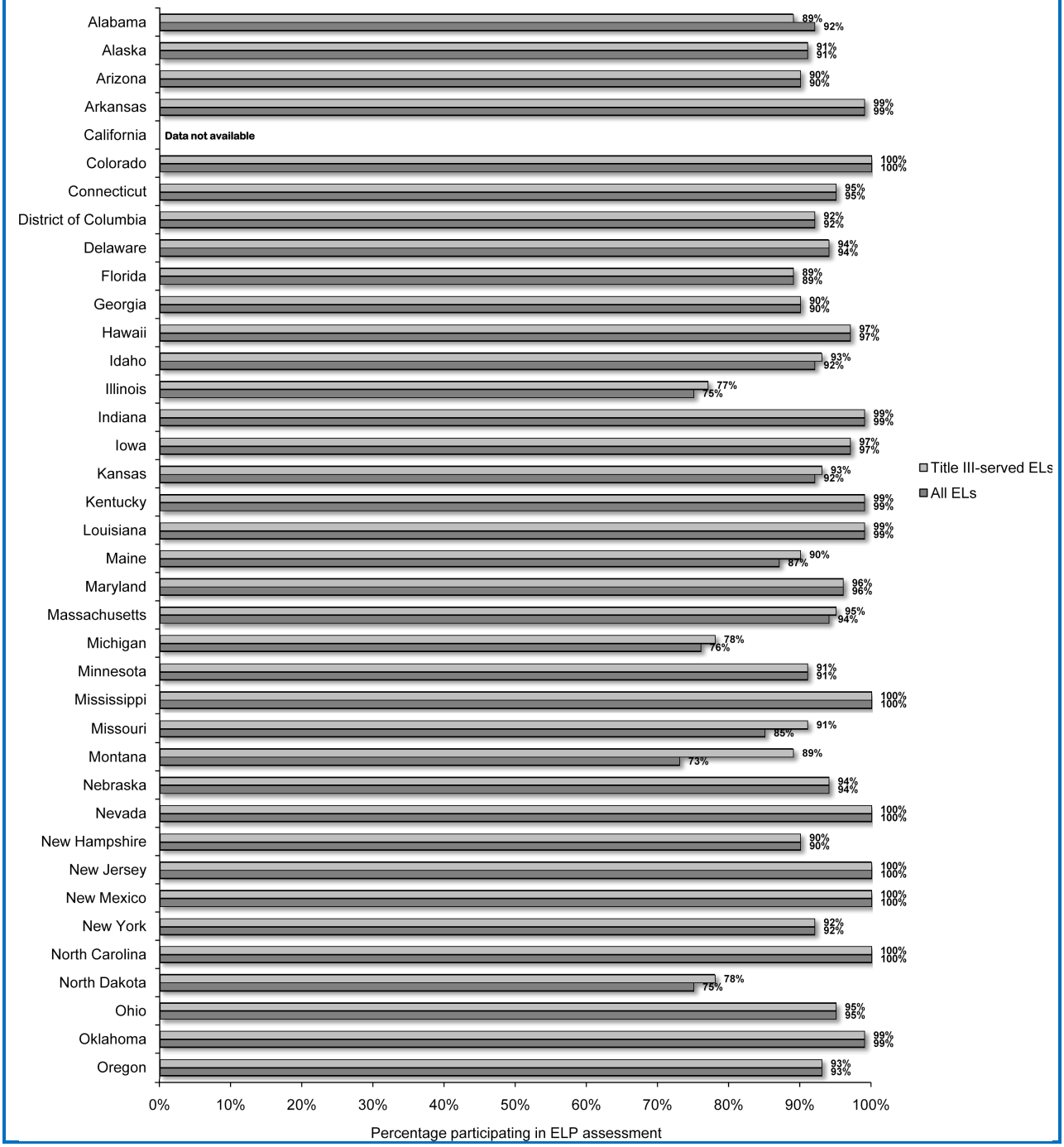


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Exhibit D.7 (continued)
Percentage of 2008–09 ELs Participating in ELP Assessment, by All ELs and Title III–Served ELs

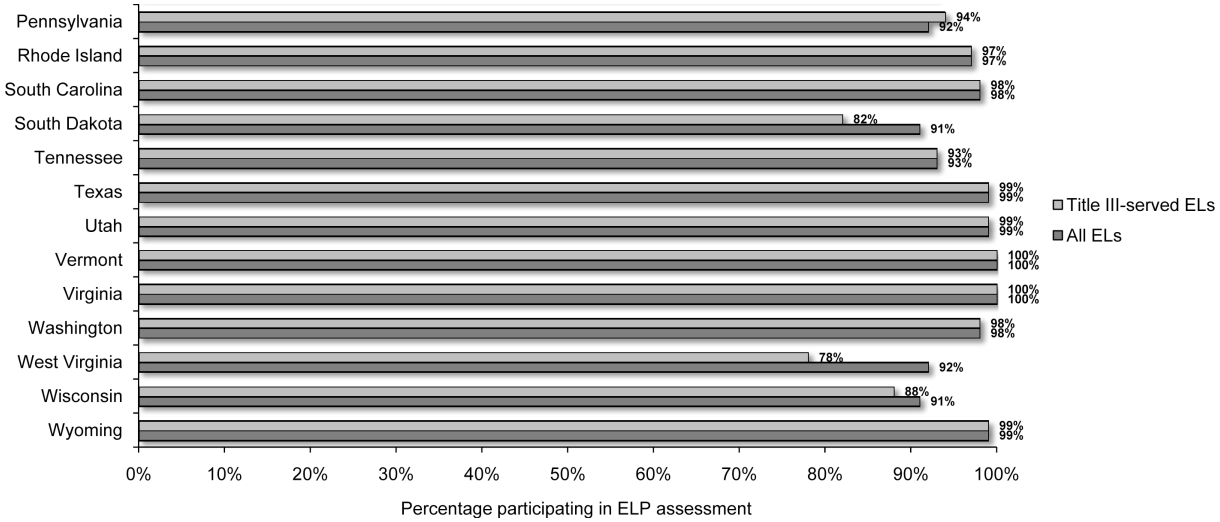

Exhibit reads: In Alabama, 89 percent of Title III–served ELs participated in the state ELP assessment in 2008–09.

Source: Consolidated State Performance Reports, 2008–09.

District Use of Student Testing Data, by Number of ELs

Exhibit D.8
Percentage of Title III Districts and of Title III Districts With More Than 1,000 ELs, by Districts' Use of Testing Data

Assessment	Percentage of Districts (*SE*) (n = 1,356–1,393)			Percentage of Districts With More Than 1,000 ELs (*SE*) (n = 555–577)		
	To Group for Instruction	To Detect Gaps in Curriculum	To Plan Professional Development	To Group for Instruction	To Detect Gaps in Curriculum	To Plan Professional Development
State ELP test	84.7 (1.13)	68.2 (1.42)	72.6 (1.38)	92.2 (1.16)	72.1 (2.02)	82.2 (1.70)
State academic content area tests	72.2 (1.38)	81.9 (1.21)	79.2 (1.27)	80.4 (1.85)	87.3 (1.54)	89.5 (1.36)
Other district-wide language proficiency assessments	54.1 (1.51)	50.6 (1.52)	46.4 (1.51)	61.0 (2.18)	54.4 (2.24)	51.7 (2.24)
Progress tests (also called interim, benchmark, or diagnostic tests)	77.1 (1.31)	79.3 (1.27)	66.6 (1.44)	84.2 (1.63)	86.6 (1.53)	77.2 (1.86)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit D.9
District Use of Student Testing Data, by Number of ELs

	1–150 ELs (*SE*)	151–300 ELs (*SE*)	301–1,000 ELs (*SE*)	More Than 1,000 ELs (*SE*)	All Districts (*SE*)
By grade	92.6 (1.69)	94.1 (1.70)	97.7 (0.84)	96.7 (0.87)	95.2 (0.68)
By level of English language proficiency (e.g., beginning, developing)	87.0 (2.23)	88.7 (2.34)	89.8 (1.63)	94.7 (1.01)	89.8 (0.95)
By years in EL services	63.4 (3.21)	58.1 (3.55)	67.1 (2.49)	76.6 (1.88)	66.3 (1.44)
By type of EL services or program	46.2 (3.31)	57.2 (3.57)	54.8 (2.64)	70.5 (2.03)	56.4 (1.49)
By native language	39.5 (3.24)	41.5 (3.55)	42.3 (2.62)	53.9 (2.19)	43.9 (1.48)

Exhibit reads: Of Title III districts with 1–150 ELs, 92.5 percent examined student testing data for ELs broken down by grade.

Note: n = 1,396–1,406.

Source: *Evaluation of State and Local Implementation of Title III,* District Survey, 2009–10.

Exhibit D.10
Percentage of Title III Districts, by Type of Testing Accommodations Provided and by Number of ELs

Testing Accommodations	1–150 ELs (*SE*) (n = 234–237)	151–300 ELs (*SE*) (n = 203–207)	301–1,000 ELs (*SE*) (n = 374–377)	More Than 1,000 ELs (*SE*) (n = 574–580)	All Districts (*SE*) (n = 1,386–1,401)
Testing in small groups or separate rooms	90.1 (1.97)	88.1 (2.27)	85.2 (1.87)	82.0 (1.67)	86.5 (0.98)
Extended time	86.8 (2.23)	86.6 (2.41)	86.4 (1.80)	81.8 (1.68)	85.5 (1.03)
Directions or questions read aloud in English	81.6 (2.56)	82.3 (2.69)	82.5 (2.04)	82.4 (1.65)	82.2 (1.15)
Bilingual glossaries or dictionaries	65.2 (3.14)	63.8 (3.42)	66.4 (2.53)	76.7 (1.90)	67.8 (1.42)
Additional breaks offered between sessions	56.7 (3.28)	65.7 (3.43)	64.1 (2.54)	66.0 (2.08)	62.7 (1.46)
Directions translated or read in native language	44.1 (3.30)	52.6 (3.61)	49.3 (2.65)	62.7 (2.12)	51.6 (1.50)
English glossaries or dictionaries	47.6 (3.33)	50.8 (3.60)	44.7 (2.64)	52.9 (2.21)	48.7 (1.51)
Native language test	20.7 (2.67)	29.5 (3.29)	25.7 (2.33)	40.1 (2.16)	28.3 (1.32)
Dictation of answers or use of a scribe	22.7 (2.78)	27.0 (3.25)	27.0 (2.39)	26.5 (1.96)	25.6 (1.32)
Simplified English test or more visuals	16.7 (2.46)	22.8 (3.05)	24.0 (2.29)	24.4 (1.89)	21.7 (1.23)
Side-by-side bilingual version of the test	17.2 (2.49)	21.8 (3.00)	24.1 (2.30)	23.3 (1.90)	21.4 (1.23)
Test taker response in native language	13.9 (2.28)	16.2 (2.69)	22.1 (2.23)	21.5 (1.83)	18.4 (1.14)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

APPENDIX E:
SUPPORTING MATERIALS ON ACCOUNTABILITY

Appendix E. Supporting Materials on Accountability

National Clearinghouse for English Language Acquisition (NCELA) Summary of Title III *Notice of Final Interpretations*

The U.S. Department of Education's Notice of Final Interpretations (NOFI), released in October 2008, provided clarification on the Department's interpretation of several Title III provisions. NCELA developed a concise summary of the NOFI, which is provided below (National Clearinghouse for English Language Acquisition 2008c). The full text of the NOFI, as published in the *Federal Register,* is available online at http://edocket.access.gpo.gov/2008/E8-24702.htm (U.S. Department of Education 2008).

Summary of Title III Notice of Final Interpretations

Background:

—The Department published a Notice of Proposed Interpretations regarding implementation of Title III assessment and accountability provisions in May 2008 and provided a 30-day public comment period.

—The Department received 74 comments from 24 states, as well as from numerous advocacy groups for LEP students, and assessment experts.

—The Notice of Final Interpretations provides an analysis of the comments and ten final interpretations that reflect consideration of the feedback received on the proposed interpretations.

—The Notice of Final Interpretations was published in the Federal Register on Friday, October 17, 2008.

Purpose:

The final interpretations in this Notice—

—Provide states with guidance on the implementation of Title III consistent with the basic tenets and goals of NCLB.

—Correct conflicting guidance provided by the Department and others regarding Title III assessment (ELP—English language proficiency assessments) and accountability (Annual Measurable Achievement Objectives—AMAO) requirements.

—Give notice to states that, based on these final interpretations, they may need to amend their Title III Consolidated State plans, by the same process the Department uses for accepting and reviewing amendments to Title I Accountability Workbooks. Changes need to be in place for the AMAO determination States make based on ELP assessments administered in the 2009–2010 school year.

Exhibit E.1
NCELA Summary of NOFI

Interpretation	Issues Addressed by Interpretation	Rationale
1. States must annually assess all LEP students for English language proficiency. All Title III–served LEP students must be assessed annually in each of the language domains of speaking, listening, reading, and writing.	Some states have asked if they may exempt LEP students from an annual English language proficiency (ELP) assessment in any domain in which the student scored proficient. Some want to "bank" proficient scores until the student is proficient in all domains.	A proficient score at one grade level (for example, third grade) does not mean a student will be proficient in a subsequent grade level (for example, sixth grade) in the same language domain, since language demands increase as a student advances in school. The plain language of Title III indicates that LEP students served by the program must participate in an annual ELP assessment in four language domains. Furthermore, Title I also requires an annual ELP assessment in four language domains for all LEP students.
2. States have some flexibility in how they structure the ELP assessments they use. States may use ELP assessments that provide either (1) separate scores in each of the language domains or (2) a single composite score, so long as the state can demonstrate that the assessment meaningfully measures student progress and proficiency in each of the language domains, and overall, is valid and reliable for the purposes for which it is being used. In addition, this interpretation gives states flexibility in how they define "progress" for accountability purposes.	Some states had questions about whether their ELP assessments needed to generate separate, valid, and reliable scores for each language domain or whether they could use an overall composite score across the domains as a measure of student progress and/or proficiency. In addition, some states were advised that a student had to show progress in each and every domain each year to be considered to be making any progress in English for AMAO 1 (number and percent of students making progress learning English annually).	The Department wants to ensure that all domains are tested, measured, and reflected in Title III AMAO determinations. But the Department does not believe it is necessary or appropriate to mandate that states revise their ELP assessments so that they can generate separate valid and reliable domain scores for Title III accountability purposes. A single composite score can be an acceptable way to demonstrate student progress and proficiency across the required language domains. In addition, given the nature of language acquisition, some LEP students may make meaningful progress in learning English without necessarily making the same amount of progress in every domain in a given school year. States should be able to account for this in measuring AMAO 1.

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Exhibit E.1 (continued)
NCELA Summary of NOFI

Interpretation	Issues Addressed by Interpretation	Rationale
3. States must include all Title III–served LEP students in Title III accountability. All Title III–served LEP students must be included in accountability determinations. The only exceptions are the scores of LEP students who have not participated in two administrations of a state's annual ELP assessment (from AMAO 1) and the scores of LEP students excluded from AYP determinations under normal Title I rules (e.g., full academic year).	Some states have systematically excluded students from Title III accountability in ways that are inconsistent with the law. For example, some states include LEP students in AMAO 1 or AMAO 2 (number and percent of students attaining English language proficiency annually), but not both. In some states only LEP students who score at a certain minimum performance level on State ELP assessments are included in Title III accountability determinations.	Consistent with the basic principles of NCLB, all students are to be included in assessment and accountability measures. The law provides no basis for systematically excluding some students served by Title III from AMAO determinations.
4. States have flexibility in determining "progress" in English language proficiency. At a minimum, AMAO 1 must include all Title III–served LEP students with two measures on the state's ELP assessment. If a student does not have two measures from which to determine progress for AMAO 1, the state may propose to the Department an alternative method of calculating progress. The alternative method for measuring progress must be a valid and reliable measure of growth in English language proficiency.	The purpose of this interpretation is to ensure that states include as many Title III-served LEP students in AMAO 1 as possible. Some states were advised that they were "prohibited" from including in accountability any student for whom the state did not have scores from two consecutive and consistent state ELP assessments.	States should get credit for ensuring that LEP students make progress in English language proficiency.

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Exhibit E.1 (continued)
NCELA Summary of NOFI

Interpretation	Issues Addressed by Interpretation	Rationale
5. States have flexibility in defining "proficiency" in English under Title III, but are strongly encouraged to use the same definition they use to exit students from the LEP subgroup under Title I. A state may continue to use a definition for proficiency under Title III for AMAO 2 that differs from the definition the State uses to exit students from the LEP subgroup for Title I accountability purposes.	Many states have two different definitions of language proficiency for LEP students for Title III and Title I purposes. In most cases, states use one definition of proficiency to determine whether a student has "attained proficiency in English" for purposes of Title III accountability (AMAO 2), and different standards of proficiency under Title I to "exit" a student from the LEP subgroup. Some contend that this was Congress' intent and therefore, we strongly encourage, rather than require, a state to use a definition of proficiency for Title III purposes that is consistent with the definition of LEP under Title I. The interpretation clarifies that students who remain in the LEP subgroup—regardless of whether they "attain proficiency" under Title III—must continue to be eligible for Title III services and must participate in the state's annual ELP assessment, as required under Title I.	We strongly encourage states to use the same definition of proficiency for Title III as states use for Title I because the lack of consistent proficiency criteria creates confusion about which students are eligible for services under Title III, which students must participate in a state's annual ELP assessment, and whether students should be included in AMAO determinations for Title III purposes.
6. States may use a minimum group size in Title III accountability ("n-size"), but it must be the same as that approved under Title I. States may apply a minimum group size to its subgroups in general but not to separate "cohorts" of Title III–served LEP students for which the state has set separate targets for AMAOs. If a state has formed consortia for the purposes of Title III funding, a state's minimum group size may be applied to each consortia member only if AMAO determinations can be made.	Many states are already implementing a minimum group size with Title III accountability provisions. Using an n-size for accountability of cohorts and consortia could result in many students being excluded from accountability determinations.	We are not encouraging states to adopt minimum group size policies for Title III accountability provisions. We do not believe it will be necessary for most states to adopt such policies because Title III accountability requirements apply only at the LEA and state levels, not to individual schools. Furthermore, LEAs with very small numbers of LEP students are not typically eligible for Title III grant funds.

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Exhibit E.1 (continued)
NCELA Summary of NOFI

Interpretation	Issues Addressed by Interpretation	Rationale
7. States have flexibility to use the same AYP determination for the LEP subgroup under Title I for Title III accountability purposes (AMAO 3) and are encouraged to do so. If States have the capacity to track Title III–served students specifically, states may calculate a separate AYP for only Title III–served students for AMAO 3 purposes.	The statutory language in Title III is not clear on which LEP students are expected to be included in Title III accountability—all LEP students or only Title III-served LEP students.	The Department strongly encourages states to use the same criteria for determining AMAO 3 under Title III as it uses to determine AYP for the LEP subgroup under Title I because this directly ties accountability for English language acquisition under Title III to accountability for LEP students under Title I. As a practical matter, many states already calculate AMAO 3 for the state based on the entire LEP subgroup or at least all LEP students in LEAs receiving Title III subgrants.
8. States may set separate AMAO targets for Title III subgrantees based on the amount of time LEP students have had access to language instruction educational programs. The secretary interprets Title III to mean that (a) States may, but are not required to, establish "cohorts" for Title III accountability; and (b) States may set separate targets for separate groups or "cohorts" of LEP students served by Title III based only on the amount of time (for example, number of years) such students have had access to language instruction educational programs.	Instead of using access to English language instruction for accountability determinations, numerous states have been setting AMAOs based on student performance on ELP assessments, grade levels, or the likelihood a student will reach proficiency in English in a given year.	Title III requires states to take into account in AMAO determinations the time a student has spent in a language instruction educational program. It would be inconsistent with the statute to set different expectations for different LEP students served by Title III based on their current language proficiency, individual abilities, time in the United States, or any criteria other than time in a language instruction educational program. The Department also believes that states can factor time in a language instruction educational program into state and LEA level AMAO determinations without necessarily establishing separate cohorts with separate targets.
9. States have flexibility in making accountability determinations for consortia. The secretary requires states to hold consortia, like any other eligible LEA, accountable under Title III, but believes that states should have discretion about whether to treat consortia that consist of more than one LEA as a single entity or as separate entities for Title III accountability.	Some Department officials have limited states' flexibility in making accountability determinations for consortia and have communicated that states must make accountability determinations for consortia by compiling all ELP assessment data and other applicable data from each consortia member and making one set of AMAO determinations that would apply to each consortia member.	The statute is silent as to how consortia should be held accountable under Title III. Requiring states, in all cases, to treat consortia that consist of more than one LEA as a single entity is unnecessarily restrictive for most states. The Department wants to ensure that each state has a consistent set of decision rules about how AMAO determinations are made for consortia, but does not want to set those decision rules at the federal level.

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Exhibit E.1 (continued)
NCELA Summary of NOFI

Interpretation	Issues Addressed by Interpretation	Rationale
10. States must implement corrective actions as required under Title III for every LEA for every school year. As part of its corrective actions, States must annually inform their LEAs when the LEAs do not meet the state's Title III accountability targets. In addition, states and LEAs must communicate this information to the parents of LEP students. Finally, states must implement required technical assistance and consequences.	Some states have made accountability determinations under Title III, but have not informed their LEAs or parents about these determinations. Some states have also failed to implement any measures to address LEAs' failure to meet accountability targets under Title III.	It is important to be absolutely clear that States must communicate with LEAs and the parents of LEP students served by the LEA about student progress and achievement under Title III; these requirements are central to the purposes and goals of NCLB.

Exhibit E.2
States That Reported Meeting All Three of Their AMAOs in 2008–09

State	Met All AMAOs in 2008–09	State	Met All AMAOs in 2008–09
Alabama	Yes	Montana	
Alaska		Nebraska	Yes
Arizona		Nevada	
Arkansas		New Hampshire	
California		New Jersey	Yes
Colorado		New Mexico	
Connecticut		New York	
Delaware	Yes	North Carolina	
District of Columbia		North Dakota	
Florida		Ohio	
Georgia		Oklahoma	
Hawaii		Oregon	
Idaho		Pennsylvania	
Illinois		Rhode Island	
Indiana		South Carolina	Yes
Iowa		South Dakota	
Kansas		Tennessee	Yes
Kentucky		Texas	Yes
Louisiana		Utah	
Maine	Yes	Vermont	
Maryland		Virginia	
Massachusetts		Washington	
Michigan		West Virginia	
Minnesota		Wisconsin	Yes
Mississippi	Yes	Wyoming	
Missouri		**Total**	**10 states**

Exhibit reads: Alabama reported meeting all three of its state-level AMAOs in 2008–09.

Source: Consolidated State Performance Reports, 2008–09.

Exhibit E.3
Percentage of ELs That Attended Title III Districts That Did Not Meet AMAOs

	Percentage of ELs in Districts (*SE*) (n = 1,268)
Districts that did not meet AMAOs	38.6 (3.40)

Note: Districts that responded "don't know" to whether the district met its AMAOs were not included in this exhibit.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.4
Percentage of Title III Districts, by Ability To Report AMAO Status

Ability to Report AMAO Status	Percentage of Districts (*SE*) (n = 1,388)
Able to report AMAO status	89.3 (0.99)
Unable to report AMAO status	10.7 (0.99)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.5
Percentage of Title III Districts That Reported Meeting AMAOs in the Last School Year (2008–09)

	Percentage of Districts Reporting an AMAO Status (*SE*) (n = 1,268–1,300)		Percentage of ELs in Districts Reporting an AMAO Status (*SE*) (n = 1,268–1,300)	
	Yes	No	Yes	No
AMAO 1—Making progress in English (n = 1,300)	88.8 (0.97)	11.3 (0.97)	91.3 (1.12)	8.7 (1.12)
AMAO 2—Attaining English proficiency (n = 1,290)	81.8 (1.20)	18.2 (1.20)	85.1 (1.80)	14.9 (1.80)
AMAO 3—Meeting proficiency targets in the content areas for the EL subgroup (n = 1,273)	64.1 (1.42)	36.0 (1.42)	44.3 (4.09)	55.7 (4.09)
All three AMAOs (n = 1,268)	54.6 (1.54)	45.4 (1.54)	38.6 (3.40)	61.4 (3.40)

Exhibit reads: 88.7 percent of Title III districts that reported an AMAO status indicated that they met AMAO 1 in 2008–09; in 2008–09, 91.3 percent of ELs were in districts that reported that they met AMAO 1.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.6
Percentage of Title III Districts That Reported Being Designated as Missing AMAOs for Two or Four Consecutive Years in 2008–09

	Percentage of Districts (*SE*)	Percentage of ELs in Districts (*SE*)
Not designated as missing AMAOs for two or four consecutive years	66.9 (1.38)	50.0 (3.84)
Missed AMAOs for *two* consecutive years	22.1 (1.25)	28.5 (2.96)
Missed AMAOs for *four* consecutive years	11.0 (0.85)	21.4 (4.66)

Exhibit reads: 66.9 percent of Title III districts reported that they were not designated as missing AMAOs for two or four consecutive years in 2008–09. Fifty percent of ELs were located in Title III districts that reported not being designated as missing AMAOs for two or four consecutive years in 2008–09.

Note: n = 1,318.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.7
Percentage of Title III Districts Reporting That They Were Designated as Missing AMAOs for Two or Four Consecutive Years, by District Characteristics, 2008–09

Characteristic	Percentage Not Designated (*SE*)	Percentage Designated as Not Meeting AMAOs for	
		Two Consecutive Years (*SE*)	Four Consecutive Years (*SE*)
All Title III districts (n = 1,318)	66.9 (1.38)	22.1 (1.25)	11.0 (0.85)
Number of ELs (n = 1,318)			
More than 1,000 ELs	49.1 (2.22)	29.9 (2.03)	20.9 (1.76)
301–1,000 ELs	64.6 (2.61)	23.6 (2.31)	11.7 (1.78)
151–300 ELs	72.6 (3.36)	20.1 (3.05)	7.3 (1.86)
1–150 ELs	79.9 (2.80)	15.5 (2.55)	4.6 (1.42)
District Poverty Level (n = 1,218)			
High poverty (76% or higher FRPL)	38.6 (4.74)	29.8 (4.35)	31.6 (4.28)
Medium poverty (26–75% FRPL)	66.1 (1.78)	22.8 (1.58)	11.1 (1.13)
Low poverty (less than 25% FRPL)	86.1 (2.31)	12.0 (2.23)	1.9 (0.68)
Urbanicity (n = 1,265)			
City	61.0 (2.87)	23.4 (2.52)	15.6 (1.90)
Suburb	71.6 (2.20)	22.2 (2.03)	6.3 (1.09)
Rural/small town	66.1 (2.38)	21.7 (2.10)	12.3 (1.54)
District Title I Improvement Status (n = 1,257)			
Identified for Improvement or Corrective Action	40.6 (2.33)	38.0 (2.26)	21.3 (1.76)
Not Identified for Improvement or Corrective Action	84.0 (1.55)	11.9 (1.38)	4.2 (0.82)
District Home Language Concentration (n = 1,214)			
One language grouping > 90% of ELs	61.1 (2.23)	24.2 (1.98)	14.8 (1.49)
One language grouping = 50–90% of ELs	70.0 (2.18)	21.6 (1.96)	8.3 (1.24)
No grouping greater than 50% of ELs	73.6 (4.01)	20.7 (3.72)	5.6 (2.02)
District Spanish Language Concentration (n = 1,214)			
Spanish > 90%	62.6 (2.26)	22.6 (1.98)	14.8 (1.54)
Spanish = 50–90%	68.6 (2.42)	22.9 (2.17)	8.5 (1.38)
Spanish < 50%	70.3 (3.12)	22.5 (2.89)	7.2 (1.60)
Growth in District EL Population (n = 1,300)			
Increased more than 25%	72.1 (2.33)	19.6 (2.06)	8.3 (1.39)
Increased 5–25%	66.7 (2.47)	21.1 (2.16)	12.3 (1.60)
Stable or decreased	60.7 (2.58)	26.6 (2.35)	12.7 (1.49)

Exhibit reads: Sixty-seven percent of all Title III districts reported that they were not designated as missing AMAOs for two or four consecutive years in 2008–09. Forty-nine percent of Title III districts with more than 1,000 ELs reported that they were not designated as missing AMAOs for two or four consecutive years in 2008–09.

Note: FRPL—Free or Reduced-Price Lunch

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.8
Percentage of Title III Districts That Reported Missing AMAOs for Two or Four Consecutive Years, by Title I and Title III Designation Status

Title I and Title III Designations	Percentage of Districts That Reported Missing AMAOs (*SE*) (n = 1,257)
Designated for improvement under Title III only	28.5 (2.43)
Identified for improvement under both Title I and Title III	71.5 (2.43)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.9
Percentage of Title III Districts That Reported Being Identified for Improvement Under Title I or Designated for Improvement Under Title III or Both

Title I and Title III Designations	Percentage of Districts (*SE*) (n = 1,257)
Identified for improvement under Title I only	16.4 (1.17)
Designated for improvement under Title III only	9.6 (0.95)
Identified for improvement under both Title I and Title III	24.0 (1.22)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.10
Percentage of Title III Districts That Reported a Clear Understanding of Targets for AMAOs, by AMAOs

	Percentage of Districts (*SE*)
Understanding of targets for AMAO 1	94.5 (0.71)
Understanding of targets for AMAO 2	94.3 (0.72)
Understanding of targets for AMAO 3	92.2 (0.84)

Note: AMAO 1: n = 1,401; AMAO 2: n = 1,398; AMAO 3: n = 1,399.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.11
Percentage of Title III Districts That Reported Notifying Parents of ELs About Whether the District Had Met AMAOs in 2008–09, by District AMAO Status

AMAO Status	Percentage of Districts (*SE*)
Title III districts that did not meet AMAOs	93.3 (1.19)
Title III districts that met AMAOs	60.2 (2.21)
All Title III districts	71.4 (1.40)

Note: Title III districts that did not meet AMAOs: n = 649, Title III districts that met AMAOs: n = 605, All Title III districts: n = 1,254.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.12
Percentage of Title III Districts That Reported Developing an Improvement Plan and Receiving Technical Assistance on Developing an Improvement Plan, by Districts' Title III Designation Status, 2009–10

	Percentage of Districts (*SE*)	
	Developed an Improvement Plan	Received Technical Assistance on Developing an Improvement Plan
All Districts	72.8 (1.38)	—
By Title III Designation Status		
Not designated	61.1 (1.95)	35.8 (1.87)
Missing AMAOs for two consecutive years	94.2 (1.64)	70.3 (2.96)
Missing AMAOs for four consecutive years	96.7 (1.63)	80.8 (3.20)

Note: All districts: n = 1,385; Title III districts not designated under Title III: n = 784–793; Title III districts designated as missing AMAOs for two consecutive years: n = 325–326; Title III districts designated as missing AMAOs for four consecutive years: n =188–189.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.13
Actions Implemented Since September 2008 by Title III Districts Designated as Missing AMAOs for Two or Four Consecutive Years in 2008–09

	Percentage of Districts Designated as Not Meeting AMAOs for Two Consecutive Years (*SE*) (n = 320–326)			Percentage of Districts Designated as Not Meeting AMAOs for Four Consecutive Years (*SE*) (n = 187–191)		
	Action implemented as a direct response to the district's Title III AMAO status	Action implemented for other reasons	Action not implemented	Action implemented as a direct response to the district's Title III AMAO status	Action implemented for other reasons	Action not implemented
Developed an improvement plan	70.1 (2.96)	24.1 (2.74)	5.8 (1.64)	85.5 (3.06)	11.2 (2.72)	3.3 (1.63)
Increased teacher professional development on EL issues	37.7 (2.96)	52.8 (3.17)	9.5 (2.11)	60.0 (4.11)	34.3 (3.95)	5.6 (2.35)
Increased use of needs-based grouping or differentiated instruction for ELs	24.6 (2.65)	61.7 (3.09)	13.6 (2.34)	49.5 (4.13)	38.0 (3.96)	12.5 (2.88)
Increased involvement activities targeted at parents of ELs	23.6 (2.56)	52.7 (3.18)	23.7 (2.89)	37.5 (3.97)	46.8 (4.12)	15.7 (3.06)
Increased instructional time for ELs (including after-school and summer programs)	27.1 (2.78)	40.7 (3.10)	32.2 (3.07)	43.3 (4.08)	34.6 (3.93)	22.1 (3.51)
Increased progress testing of ELs	21.5 (2.60)	42.9 (3.15)	35.6 (3.12)	39.5 (4.06)	37.4 (3.99)	23.1 (3.53)
Adopted new curriculum for English language development	19.1 (2.37)	36.9 (3.09)	44.0 (3.19)	35.8 (4.06)	33.5 (3.94)	30.7 (3.76)
Increased common planning time for teachers of ELs	10.9 (1.82)	39.6 (3.11)	49.5 (3.20)	24.6 (3.55)	34.5 (3.91)	49.1 (4.08)
Added an instructional specialist to assist teachers of ELs	14.0 (1.88)	26.3 (2.69)	59.7 (2.99)	36.9 (3.95)	20.9 (3.31)	42.2 (4.13)
Notified parents of ELs whether the district met its AMAOs in 2008–09	87.2 (2.21)	6.1 (1.56)	6.7 (1.68)	87.1 (3.15)	5.8 (2.11)	7.1 (2.54)
Increased the alignment of English language development instruction with state ELP standards	28.7 (2.80)	47.9 (3.19)	23.4 (2.82)	45.5 (4.10)	40.4 (4.12)	14.1 (3.00)

Exhibit reads: 70.1 percent of Title III districts that were designated as missing AMAOs for two consecutive years reported that their district developed an improvement plan as a direct response to the district's Title III AMAO status.

Note: These percentages are based on the following survey question: Since September 2008, has the district implemented any of the following actions to improve services to ELs?

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.14
Percentage of Title III Districts That Reported Implementing Specific Actions to Improve Services to ELs, by 2009–10 Title III Designation Status

Type of Technical Assistance Received	Percentage of Districts		
	Not Designated Under Title III (*SE*) (n = 780–796)	Designated as Not Meeting AMAOs for Two Consecutive Years (*SE*) (n = 318–325)	Designated as Not Meeting AMAOs for Four Consecutive Years (*SE*) (n = 182–189)
Increased teacher professional development on EL issues	90.5 (1.17)	90.5 (2.11)	94.4 (2.35)
Increased use of needs-based grouping or differentiated instruction for ELs	76.7 (1.72)	86.4 (2.34)	87.5 (2.88)
Increased involvement activities targeting parents of ELs	75.0 (1.76)	76.3 (2.89)	84.3 (3.06)
Increased instructional time for ELs (including after-school and summer programs)	68.2 (1.86)	67.8 (3.07)	77.9 (3.51)
Increase progress testing of ELs	51.0 (1.98)	64.4 (3.12)	76.9 (3.53)
Adopted new curriculum for English language development	52.4 (1.97)	56.0 (3.19)	69.3 (3.76)
Increased common planning time for teachers of ELs	38.4 (1.91)	50.5 (3.20)	59.1 (4.08)
Added an instructional specialist to assist teachers of ELs	34.9 (1.83)	40.3 (2.99)	57.8 (4.13)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit E.15
Types of Technical Assistance Received, by Districts' Title III Designation Status

Type of Technical Assistance Received	Percentage of Districts		
	Not Designated Under Title III (*SE*) (n = 780–796)	Designated as Not Meeting AMAOs for Two Consecutive Years (*SE*) (n = 318–325)	Designated as Not Meeting AMAOs for Four Consecutive Years (*SE*)_ (n = 182–189)
Effective teacher training for teachers of ELs	55.0 (1.96)	59.7 (3.16)	72.9 (3.59)
Administering Title III and other funds to support the needs of ELs	60.9 (1.93)	63.4 (3.12)	78.0 (3.30)
Use of data on ELs	53.0 (1.97)	58.2 (3.18)	68.8 (3.77)
Effective English language development approaches	60.7 (1.94)	62.5 (3.14)	76.3 (3.53)
EL program administration (assigning students to services, scheduling services, etc.)	36.4 (1.87)	39.8 (3.15)	49.9 (4.15)
Effective content area instructional approaches for ELs	56.7 (1.95)	59.4 (3.15)	67.9 (3.84)
Instruction of recently arrived ELs in secondary schools	22.9 (1.62)	21.2 (2.67)	20.5 (3.37)
Alignment of curriculum and instruction with state English language proficiency standards	49.7 (1.96)	51.5 (3.19)	58.8 (4.03)
Assessment of ELs (including testing accommodations)	70.7 (1.81)	69.7 (2.97)	72.6 (3.54)
Developing an improvement plan focused on EL issues	35.8 (1.87)	70.3 (2.96)	80.7 (3.20)
Strategies for the involvement of parents of ELs	40.8 (1.91)	44.3 (3.15)	51.9 (4.12)

Exhibit reads: 60.9 percent of Title III districts that were not designated under Title III reported that their district received technical assistance since September 2008 on administering Title III and other funds to support the needs of ELs.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

APPENDIX F:
SUPPORTING MATERIALS ON STATE AND DISTRICT CAPACITY TO IMPLEMENT TITLE III

Appendix F. Supporting Materials on State and District Capacity to Implement Title III

Exhibit F.1
Percentage of Title III Districts That Reported Lack of District-Level Staff Expertise as Not a Challenge or as a Minor Challenge

Issue	Percentage of Districts That Reported Issue As Not a Challenge or Minor Challenge (*SE*) (n = 1,407)
Lack of district-level staff expertise on EL issues	61.0 (1.43)

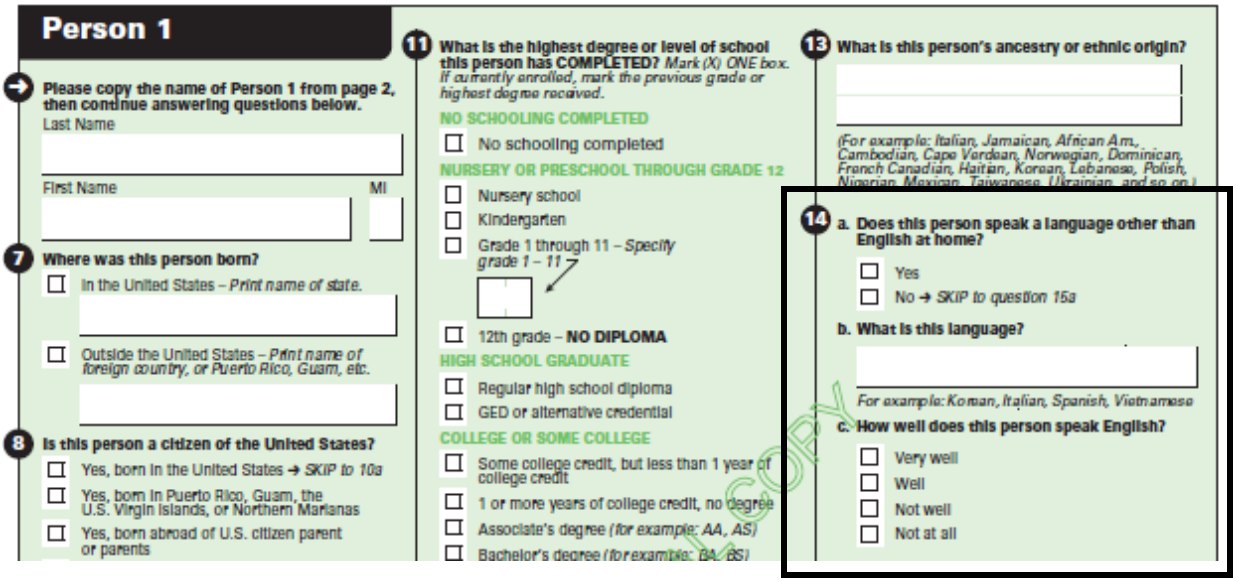
Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit F.2
Average Number of District-Level Staff With Primary Responsibility for EL Issues, by Number of ELs, 2009–10

Number of ELs in District	Average Number of District-Level Staff (*SE*) (n = 1,369)
More than 1,000 ELs	8.1 (0.91)
301–1,000 ELs	3.4 (0.37)
151–300 ELs	2.9 (0.31)
0–150 ELs	2.2 (0.28)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit F.3
Survey Questions From the American Community Survey About English Language Proficiency



Person 1

Please copy the name of Person 1 from page 2, then continue answering questions below.

Last Name

First Name MI

7 **Where was this person born?**

- ☐ In the United States – *Print name of state.*
- ☐ Outside the United States – *Print name of foreign country, or Puerto Rico, Guam, etc.*

8 **Is this person a citizen of the United States?**

- ☐ Yes, born in the United States → *SKIP to 10a*
- ☐ Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas
- ☐ Yes, born abroad of U.S. citizen parent or parents

11 **What is the highest degree or level of school this person has COMPLETED?** *Mark (X) ONE box. If currently enrolled, mark the previous grade or highest degree received.*

NO SCHOOLING COMPLETED
- ☐ No schooling completed

NURSERY OR PRESCHOOL THROUGH GRADE 12
- ☐ Nursery school
- ☐ Kindergarten
- ☐ Grade 1 through 11 – *Specify grade 1 – 11*
- ☐ 12th grade – **NO DIPLOMA**

HIGH SCHOOL GRADUATE
- ☐ Regular high school diploma
- ☐ GED or alternative credential

COLLEGE OR SOME COLLEGE
- ☐ Some college credit, but less than 1 year of college credit
- ☐ 1 or more years of college credit, no degree
- ☐ Associate's degree *(for example: AA, AS)*
- ☐ Bachelor's degree *(for example: BA, BS)*

13 **What is this person's ancestry or ethnic origin?**

(For example: Italian, Jamaican, African Am., Cambodian, Cape Verdean, Norwegian, Dominican, French Canadian, Haitian, Korean, Lebanese, Polish, Nigerian, Mexican, Taiwanese, Ukrainian, and so on.)

14 **a. Does this person speak a language other than English at home?**

- ☐ Yes
- ☐ No → *SKIP to question 15a*

b. What is this language?

For example: Korean, Italian, Spanish, Vietnamese

c. How well does this person speak English?

- ☐ Very well
- ☐ Well
- ☐ Not well
- ☐ Not at all

Exhibit reads: Within the box, question 14, part c, asks respondents who answered affirmatively that they speak a language other than English at home, how well they speak English. Respondents choose from the following four options: very well, well, not well, and not at all.

Note: Data from the American Community Survey drive the formula that determines the amount of Title III funding awarded to each state. The formula utilizes a proportion of the number of English Learners and also the number of immigrants in the state.

Source: *The American Community Survey Form: Informational Copy*. 2011. U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. Available: http://www.census.gov/acs/www/Downloads/questionnaires/2011/Quest11.pdf, accessed 1/4/11.

Exhibit F.4
Percentage of District Title III Funds Spent on Various Purposes, 2009–10

Purpose	Percentage of District Funds (*SE*) (n = 1,289)
Instructional staff (e.g., teachers, aides)	44.6 (1.13)
Instructional materials, equipment, and technology	24.4 (0.81)
Professional development	18.2 (0.63)
Parent involvement	5.4 (0.29)
Instructional support staff (e.g., counselors, social workers, library staff)	5.2 (0.42)
School and district administration	2.3 (0.20)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit F.5
Percentage of Title III Districts That Reported Various Issues as a Moderate or Major Challenge

Issue	Percentage of Districts That Reported Issue As Moderate or Major Challenge (*SE*)
Insufficient funding for EL services	70.5 (1.37)
Lack of expertise among mainstream teachers to address the needs of ELs	72.5 (1.36)

Notes: Insufficient funding: n = 1,405; lack of expertise: n = 1,408.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit F.6
Percentage of Title III Districts Receiving Technical Assistance on EL-Related Issues, 2009–10

EL-Related Issue	Percentage of Districts That Received Technical Assistance (*SE*) (n = 1,388–1,398)
Assessment of ELs (including testing accommodations)	70.6 (1.38)
Effective English language development approaches	62.5 (1.47)
Administering Title III and other funds to support the needs of ELs	62.1 (1.47)
Effective teacher training for teachers of ELs	57.6 (1.49)
Effective content area instructional approaches for ELs	57.8 (1.49)
Use of data on ELs	56.1 (1.50)
Alignment of curriculum and instruction with state ELP standards	51.1 (1.50)
Developing an improvement plan focused on EL issues	47.9 (1.49)
Strategies for the involvement of parents of ELs	42.0 (1.47)
EL program administration (assigning students to services, scheduling services, etc.)	38.7 (1.46)
Instruction of recently arrived ELs in secondary schools	22.0 (1.23)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit F.7
Percentage of Title III Districts With EL Teachers Fully Certified for Their Position

	Percentage of Districts (*SE*) (n = 1,400)
100 percent of EL teachers fully certified in district	74.1 (1.23)
Less than 10 percent of EL teachers ***not*** fully certified	19.4 (1.07)
More than 10 percent of EL teachers ***not*** fully certified	6.5 (0.75)

Exhibit reads: 74 percent of Title III districts reported that all teachers of ELs were fully certified for their position.

Note: These percentages are based off of the following survey question: In this year (2009–10), does the district have any teachers serving ELs who are not fully certified for their positions?

Source: *Evaluation of State and Local Implementation of Title III*, Subgrantee Survey, 2009–10.

Exhibit F.8
Index of Teacher Qualifications To Serve ELs, by Urbanicity, Poverty, and EL Concentration, 2009–10

	Average Index of Teacher Qualifications (*SE*) (n = 1,334–1,394)
By Urbanicity	
Town/rural	5.1 (0.05)
Suburb	5.2 (0.05)
City	4.7 (0.07)
By Poverty Level	
High poverty	4.9 (0.11)
Medium poverty	5.0 (0.04)
Low poverty	5.2 (0.07)
By Number of ELs	
Large	4.6 (0.04)
Medium	4.9 (0.06)
Small	5.2 (0.07)
Very small	5.4 (0.06)

Notes: The categories for district poverty level are defined as follows: high poverty is 76 percent or higher of students eligible for Free or Reduced-Price Lunches, medium poverty is 26 percent to 75 percent students eligible for Free or Reduced-Price Lunches, and low poverty is less than 25 percent students eligible for Free or Reduced-Price Lunches.

The categories for size of district EL population are defined as follows: large is more than 1,000 ELs, medium is 301–1,000 ELs, small is 151–300 ELs, and very small is 1–150 ELs.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit F.9
Percentage of Title III Districts Reporting Difficulty Recruiting Different Types of Staff Focused on ELs, 2009–10

Type of Staff	Percentage of Districts (*SE*) (n = 1,401–1,407)
Secondary content area teachers with training in serving ELs	54.0 (1.72)
Teachers with language skills in ELs' native languages (for bilingual classes, etc.)	51.1 (2.00)
Counseling staff with training in serving ELs	49.0 (1.88)
Mainstream elementary classroom teachers with training in serving ELs	38.4 (1.64)
English language development teachers (ESL, etc.)	23.9 (1.37)

Note: Districts that responded "not applicable" are not included in this exhibit.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit F.10
Percentage of Title III Districts Using Various Incentives to Recruit and Retain Teachers Who Are Highly Qualified To Provide Instruction to ELs, 2009–10

	Percentage of Districts (*SE*)
At least one incentive was used by district (n = 1,408)	86.9 (1.08)
By incentives (n = 1,334–1,394)	
Financial incentives such as course work stipends or paid release time to support advanced coursework or training related to the instruction of ELs	43.2 (1.46)
Partnerships with teacher preparation programs that include course work related to instruction of ELs	35.2 (1.36)
Teacher induction programs focusing on instruction of ELs	32.3 (1.32)
An alternate route ("fast track") program to help teacher become certified or add EL endorsements	25.7 (1.25)
Financial incentives to recruit EL teachers such as increased starting salaries, signing bonuses, or housing incentives	12.4 (0.94)

Note: Categories are not mutually exclusive; respondents could select multiple response options.

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

Exhibit F.11
Percentage of Title III Districts and Average Number of ELs in Districts, by Increase in Professional Development on EL Issues Since September 2008

	Percentage of Districts (*SE*) (n = 1,397)	**Average Number of ELs in Districts (*SE*)** (n = 1,397)
Increased professional development	90.6 (0.92)	1,314.6 (69.26)
Did not increase professional development	9.4 (0.92)	380.3 (46.38)

Source: *Evaluation of State and Local Implementation of Title III,* Subgrantee Survey, 2009–10.

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