

***NEVADA DEPARTMENT OF EDUCATION***  
***GUIDANCE DOCUMENT FOR***  
***Title III***  
***English Learners and Immigrant Students***



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## Overview of Title III Program

Title III of the Every Student Succeeds Act (ESSA) provides for language instruction for English learners and immigrant students. The Office of Student and School Supports, English Learners Team, is issuing this guidance to provide local educational agencies (LEAs) with information to assist them in meeting their obligations under Title III of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA). The guidance document addresses the requirement to identify English learners and Immigrant students, the obligation to provide English learners with a language assistance program, and how Title III funds may be used to provide supplemental services that improve the English language proficiency and academic achievement of English learners. All services provided to English learners using Title III funds must supplement, and not supplant, the services that must be provided to English learners under Title VI of the Civil Rights Act of 1964 (Title VI), The Equal Educational Opportunities Act of 1974 (EEOA), and in accordance with State requirements as defined in NAC 388.600-655.

### *Purpose*

The purposes of Title III, Part A – English Language Acquisition, Language Enhancement and Academic Achievement Act (SEC. 3101[20 U.S.C.6811] are –

- (1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;
- (2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet;
- (3) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;
- (4) to assist teachers (including preschool teachers), principals, and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and you, to enter all-English instructional settings, and
- (5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.

Title III is to ensure that English learners, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet. Schools use these funds to implement language instruction educational programs (LIEPs) designed to help English learners (ELs) achieve these standards. State educational agencies (SEAs), local educational agencies (LEAs), and schools are accountable for increasing the English proficiency and core academic content knowledge of English learners.

***Eligibility:*** All public-school districts and charter schools that have identified English learners are eligible to apply for Title III funds [17 Districts, State Public Charter School Authority (SPCSA), and Achievement School District (ASD)]. Additionally, local education agencies are required to consult with

private schools who serve English learners to offer comparable services to eligible non-public school ELs and their teachers.

**Program Funding Awarded for School Year:** [Allocations to Local Education Agencies](#)

**ESSA’s Evidence-based Requirements:**

A public school that receives money pursuant to the Elementary and Secondary Education Act (ESEA, 1965) as amended by the Every Student Succeeds Act (ESSA, 2015) must use the money only on programs, services, and strategies based upon evidence-based research, as defined in 20 U.S.C. § 7801(21), that will strengthen the core academic subjects, as set forth in NRS 389.018 (AB 7, 2017).

Schools that receive funding from state and federal programs must use the money only on programs, services, and strategies based upon evidence-based research. See the ESSA Tier levels below:

**ESSA Levels of Evidence - 20 U.S.C. § 7801(21)**

Demonstrate a statistically significant effect on improving student outcomes	<b>1 STRONG EVIDENCE</b>	Based on at least 1 well-designed and well-implemented experimental study
	<b>2 MODERATE EVIDENCE</b>	Based on at least 1 well-designed and well-implemented quasi-experimental study
	<b>3 PROMISING EVIDENCE</b>	Based on at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias
Demonstrates a rationale that such activity, strategy, or intervention is likely to improve student outcomes	<b>4 DEMONSTRATES A RATIONALE</b>	Based on high-quality research findings or positive evaluation, and includes ongoing efforts to examine the effects of such activity, strategy, or intervention

**Complaint and Appeal Procedures:** The Nevada Department of Education will provide separate guidance on complaint and appeal procedures that are to be made available to the public.

**Mandated Program Requirements**

Under Title VI and EEOA, districts and schools must take “affirmative steps” to address language barriers so that EL students may participate meaningfully in school’s educational programs. To meet requirements defined by the Office for Civil Rights (OCR) and Department of Justice (DOJ), districts and schools must:

- Identify students for EL services
- Develop a program of service for all EL identified students
- Ensure necessary staff, curriculum, and facilities
- Administer annual English language proficiency assessment (ELPA)
- Evaluate success of program services

ESEA Section 3115(a-c) outline the requirements that local education agencies must:

- Use Title III funds for *effective* approaches and methodologies for teaching ELs;
- Increase the English language proficiency by providing *effective* language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) Student academic achievement;
- Use Title III funds in ways that build the capacity to continue to offer *effective* language instruction educational programs that assist English learners in meeting challenging State academic standards; and
- Include in its local plans for Title III sub-grant a description of the *effective* programs and activities that will be provided, including language instruction educational programs.

In determining if language instruction educational programs (LIEP) are effective, the U.S Department of Education identifies the following LIEP characteristics:

- Driven by data on the unique needs of ELs, including distinct subgroups of ELs;
- Aligned with local needs identified through timely and meaningful consultation with a broad range of stakeholders and examination of relevant data;
- Based on rigorous, relevant research on what instructional approaches are proven effective for promoting English language proficiency and high academic achievement...
- Examined through performance monitoring, and if appropriate, evaluation, in order to make changes to improve LIEP implementation and effectiveness; and
- Included as part of a systemic approach to serving ELs, based on a State's English language proficiency standards and its academic content standards.

### ***EL Student Identification***

LEAs must identify in a timely manner English learners in need of language assistance services. The Home Language Survey (HLS) used to identify potential English learners shall be included in the registration form or given in a questionnaire to parents or guardians at the time of the student's enrollment. In Nevada, the Home Language Survey, at a minimum, must include the questions that meet the requirements in NAC 388.620 (Determination of primary language of pupil).

1. Each school district shall identify the primary language of each pupil who enrolls in a school within the district for the first time.
2. A pupil's primary language shall be deemed to be a language other than English if:
  - a) The pupil first spoke a language other than English;
  - b) The primary language spoken in the home of the pupil is not English; or
  - c) The language most often spoken by the pupil is not English.

In the implementation of this requirement, for students identified as potential English learners through the home language survey, the school administers an English language proficiency screener (WIDA Screener) to determine if the student qualifies as an English learner. Results from the assessment must be sent to parents or guardian within 30 calendar days at the beginning of the year, or within two weeks during the school year.

After English learners have been identified using the English language proficiency screener, LEAs must offer to English learners EL services and programs until ELs are proficient in English and can

participate meaningfully in educational programs without EL support. Additionally, LEAs must provide appropriate special education services to English Learners with disabilities that are found to be eligible for special education and related services.

***EL Exit Criteria:***

As of the 2022-23 school year, there are four different exit criteria to reclassify English Learners:

**Exit criteria for English learners:**

1. Standard exit criteria: English learners must have 4.5 or above on the overall composite score on WIDA ACCESS for ELLs.
2. Alternate exit pathway: English learners must have 4.0-4.4 on the overall composite score on WIDA ACCESS for ELLs and proficient ELA and Math results on SBAC (grades 3-8) or ACT (grade 11).

**Alternate exit pathways for some English learners with disabilities:**

3. Alternate exit pathway for WIDA ACCESS for ELLs less than four domains:
  - This is for a very small group of students who have an Individualized Education Program (IEP) or Section 504 Plan (504) and a disability that may prevent the student from equitably participating by using accommodations alone in one or more of the domains.
  - 4.5 or above on the WIDA ACCESS calculated composite scores or
  - 4.0-4.4 on the WIDA ACCESS calculated composite scores AND proficient ELA and Math results on SBAC (grades 3-8) or ACT (grade 11).
4. Alternate exit pathway for WIDA Alternate ACCESS for ELLs:
  - This is for English learners with the most significant cognitive disabilities and who have an Individualized Education Program (IEP) and who, based on the severity of cognitive disabilities, are precluded from equitably taking the WIDA ACCESS assessment with accommodations.
  - Exit criteria = P2

For more detail information, under EL Reclassification, visit: [Nevada Department of Education, English Language Learners](#)

***Title III Mandated Activities:***

Sec. 3114(c) An eligible entity receiving funds under section 3114(a) shall agree to use the sub-grant use for **all** three required activities:

- (1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing –
  - (A) English language proficiency; and
  - (B) student academic achievement;
- (2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the setting of language instruction educational programs),

principals and other school leaders, administrators, and other school or community-based organizational personnel, that is –

- (A) designed to improve the instruction and assessment of English learners;
  - (B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English learners;
  - (C) effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
  - (D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and
- (3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which-
- (A) shall include parent, family, and community engagement activities; and
  - (B) may include strategies that serve to coordinate and align related programs.

***Qualifications of teachers and other staff***

LEAs must provide the personnel necessary to effectively implement EL programs. Necessary personnel include teachers who are qualified to provide EL services, core-content teachers who are prepared in their field as well as trained to support English learners, and trained administrators who can evaluate these teachers. LEAs must provide adequate professional development and follow-up training in order to prepare teachers and administrators who have English learners in their classrooms and educational setting to implement the EL program effectively.

LEAs must hire teachers qualified and certified to teach English learners, or support unqualified staff as they work towards obtaining the qualifications within a reasonable period of time. LEAs that cannot hire an adequate number of qualified TESL/ELAD or trained core-content teachers must ensure that current teachers obtain the requisite training, either through the State’s training and certification program or through the LEAs own training program.

ELs who are also students with disabilities (dually identified ELs) may be receiving content instruction in general classroom environments and special education services as defined in their Individualized Education Program (IEP), as appropriate. It is important to train both general and special education teachers of dually identified ELs.

Resources may also include appropriately trained and supervised paraprofessionals, as appropriate, to provide support services, such as helping ELs understand tasks, restating directions, and interpreting for students. However, paraprofessionals, aides, and tutors may not take the place of qualified teachers except as an interim measure while recruiting, hiring, or training qualified teachers.

### ***State Requirements:***

According to NAC 391.065, section 1(b), a license that is renewable may be renewed if its holder earns 6 semester hours of credit or the equivalent during the term of the license. For a license that is not a professional license pursuant to [NAC 391.100](#) and is renewed on or after October 1, 2018, unless the holder has an endorsement to teach English as a second language or in English language acquisition and development issued by the Superintendent of Public Instruction, at least 3 semester hours of credit or the equivalent must pertain to teaching English as a second language or English language acquisition and development.

### ***Adequate Resources***

LEAs must provide ELs with adequate and appropriate resources. These resources include sufficient quantities of instructional materials at the appropriate English proficiency and grade levels, bilingual materials for bilingual programs, and when necessary, materials for students with disabilities. **These resources should provide challenging academic content that is aligned with grade-level state content standards.** Title III funded services must supplement the core curriculum.

### ***Other Allowable Activities***

Sec. 3114(d) Subject to subsection (c) an eligible entity receiving funds under section 3114(a) shall use the funds to achieve any of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

- (1) Upgrading program objectives and effective instructional strategies.
- (2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.
- (3) Providing to English learners-
  - (A) tutorials and academic or career and technical education; and
  - (B) intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators.
- (4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.
- (5) Improving the English language proficiency and academic achievement of English learners.
- (6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their familiar-
  - (A) to improve the English language skills of English learners; and
  - (B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.
- (7) Improving the instruction of English learners, which may include English learners with a disability, by providing for-
  - (A) the acquisition or development of educational technology or instructional materials;
  - (B) access to, and participation in, electronic networks for materials, training, and communication, and
  - (C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.
- (8) Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education.
- (9) Carrying out other activities that are consistent with the purposes of this section.



As noted, all uses of Title III funds must be supplemental; therefore, an LEA may not use Title III funds to meet its obligation under Title VI and the EEOA, including the obligation to provide English learners with a language assistance program that is educationally sound and proven successful along with the obligation to ensure meaningful communication with parents who have limited English proficiency.

### ***Immigrant Sub-grant and Serving Immigrant Students***

The term “immigrant children and youth,” which is defined in Section 3201(5) of the ESEA, refers to individuals who are...

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

Note that “State” is defined in Section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico. In addition, the term “immigrant” as used in Title III is not related to an individual’s legal status in the United States.

NDE must reserve funds to make at least one sub-grant to an eligible LEA to serve immigrant students that is of sufficient size and scope to carry out a program that is effective in meeting the purposes of Title III (ESEA Section 3114(d)).

### ***NDE Funding eligibility criteria for the local educational agencies (LEA):***

1. A total of immigrant students enrolled in the LEAs, including all immigrant students in Pre-K, private, and charter school authority as well as schools for delinquent youth.
2. The total number of immigrant students enrolled in the LEA service area represents an increase of at least 5% over the average of the number immigrant students reported in the previous two years.

### ***Use of Title III Immigrant Funds***

Local education agencies receiving Title III Immigrant funds shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include:

1. Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;
2. Recruitment of, and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
3. Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
4. Identification, development and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;
5. Basic instructional services that are directly attributable to the presence of immigrant children and youth (e.g. supplies, transportation);
6. Other instructional services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and
7. Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

## **Equitable Services for English Learners in Private Schools**

### ***Meaningful Consultation***

Consultation with private school officials is an essential requirement for an LEA's provision of Title III services for eligible private school ELs, their teachers, and other educational personnel. Under Section 9501(c) of the ESEA, an LEA is required to consult in a timely and meaningful manner with private school officials during the design and development of the Title III services. As part of timely and meaningful consultation, the LEA and private school officials should discuss whether the private school wishes to have its eligible ELs, their teachers, and other educational personnel receive Title III services and, if so, how its students will be identified as ELs. As appropriate, the LEA and private school officials should also discuss how the private school teachers and other educational personnel will be identified to receive services.

Specifically, the LEA and private school officials should consult on issues such as:

- How private school students will be identified as ELs;
- How the needs of eligible ELs, their teachers, and other educational personnel will be identified;
- The services that the LEA will provide to meet the language development needs of identified ELs, as well as the professional development needs of their teachers and other educational personnel at the school who work with ELs;
- Whether services will include initial identification of ELs and assessment of their language proficiency, as well as a determination of whether students should exit EL status;
- How, where, and by whom the Title III services will be provided;
- How the Title III services will be assessed, and how the results of those assessments will be used to improve the services;
- The size and scope of the Title III services to be provided;
- The amount of funding available to provide Title III services; and
- How and when the LEA will make decisions about the delivery of Title III services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.

This consultation must take place before the LEA makes any decisions that impact the opportunities of eligible private school ELs, their teachers, and other educational personnel to receive equitable services under Title III. The district must upload the Final Equitable Services Plan to the LEA Document Library Private School Section in ePAGE by May 15<sup>th</sup>.

### ***Eligibility and Identification of ELs and Immigrant Children and Youth in Private Schools***

To be eligible for Title III services for ELs, a private school student must be enrolled in a nonprofit private elementary or secondary school in the geographic area served by an LEA that receives a Title III subgrant for ELs and must meet the definition of LEP under Section 9101(25) of the ESEA.

To be eligible for Title III services for immigrant children and youth, a private school student must be enrolled in a nonprofit private elementary or secondary school in the geographic area served by an LEA that receives a Title III subgrant for immigrant children and youth and must meet the definition of immigrant children and youth under Section 3301(6) of the ESEA.

In consultation with private school officials, an LEA must establish objective criteria to determine which private school children are eligible for Title III services. For example, an LEA and a private school official may decide to identify ELs based on: (1) responses to a primary home language other than English (PHLOTE) survey, and (2) scores on the English language proficiency assessment (ELPA).

To facilitate the identification of ELs using the PHLOTE survey and ELPA, the private school official may provide to the LEA the names and grade levels of the private school children who, based on parent responses to the PHLOTE survey, are potentially ELs. LEA representatives may then work with the private school official to identify a time when LEA staff can administer the ELPA to those private school students. Alternately, the LEA may provide training to private school officials and/or teachers so that they may administer the assessment themselves. In either instance, the LEA must indicate which children have been identified as ELs.

An LEA is responsible for ensuring that private school students are appropriately identified as ELs and cannot require a private school to administer an ELPA as a condition for a private school's ELs to receive equitable services under Title III.

Private school teachers and other educational personnel who instruct private school ELs may receive professional development under Title III. The extent to which private school teachers and other educational personnel would receive professional development under Title III would be determined during the consultation process.

### ***Proportionate Share of Title III Funds***

Section 9501(a)(4) of the ESEA requires that expenditures for services to private school students, their teachers, and other educational personnel be equal to the expenditures for services to public school students, their teachers, and other educational personnel, taking into account the number and educational needs of the students, their teachers, and other educational personnel to be served. In general, in calculating the per-pupil Title III allocation, the LEA should use the number of students eligible for Title III services (i.e., those students who have been identified as ELs under the ESEA). As with other decisions affecting services to private school students, LEAs should consult with private school officials on the method for determining Title III equal expenditures, and the resulting methodology should reasonably reflect the relative number and educational needs of the private school ELs. At all times, the LEA must remain in control of the Title III funds.

### ***Uses of Title III Funds to Provide Services to Private School English Learners***

An LEA may use Title III funds to pay for the initial ELP assessment for private school students in cases where the use of such funds would not supplant State, local, or other Federal funds that would otherwise be used for such purposes. In addition, an LEA may only use Title III funds to pay for the initial ELP assessment where the assessment is supplemental to, but does not supplant, the level of services that would, in the absence of the Title III services, be available to participating students, their teachers, and other educational personnel. Under Section 3115(g) of the ESEA, an LEA may not use Title III funds to pay for costs that would be covered by State, local, or other Federal funds in the absence of the Title III grant, and under 34 CFR § 299.8, an LEA may use Title III funds to provide services that supplement, and in no case supplant, the level of services that would, in the absence of the Title III services, be

available to participating ELs, their teachers, and other educational personnel in the private school. Some examples of the Title III services that an LEA may provide to private school ELs, their teachers, and other educational personnel include:

- Tutoring for ELs before, during, or after school hours; • Professional development for private school teachers of ELs;
- Summer school programs to provide English language instruction for ELs;
- Administration of an ELP assessment for identification of ELs and/or for the purpose of evaluating the effectiveness of services, including the provision of test booklets, teacher training, and stipends to teachers to administer assessments; and
- Provision of supplemental instructional materials and supplies. These materials and supplies must be supplemental to what the private school would be required to provide in the absence of the Title III services. These materials and supplies must also be clearly labeled and identified as the LEA's property, and must be secular, neutral, and non-ideological. The LEA is required to maintain oversight of all materials and supplies purchased with Title III funds.

## **Fiscal**

**Title III-EL and Immigrant Allocations** can be found at:

[Nevada Department of Education English Language Learners](#)

SEC. 3114(b) Limitation. -State educational agency shall not award a sub-grant from an allocation made under subsection (a) if the amount of such sub-grant would be less than \$10,000.

An LEA may join with other LEAs to form a consortium of LEAs to receive Title III funds under the ESEA. This option is the same as under the previous version of the ESEA.

Under this arrangement, one of the LEAs must serve as the fiscal agent for the consortium and is legally responsible to the Department for the grant. The option of joining a consortium may be especially relevant to a small LEA that does not, on its own, have a sufficient number of ELs to meet the requirement in ESEA Section 3114(b) that a Title III sub-grant be at least \$10,000. Such a small LEA could, for example, form a consortium with other small LEAs to receive Title III funds or enter into an agreement with a neighboring larger LEA to receive services provided by the larger LEA.

## ***Use of Funds***

**Mandated Title III Use of Funds:**

LEAs must use Title III funds for each of the following activities:

- 1) Supplement effective language instruction educational programs;
- 2) Effective professional development in English language development; and
- 3) Parent, family, and community engagement.

## ***Other Allowable Title III Use of Funds:***

See allowable activities section above.

## ***Administrative Costs:***

An LEA may use no more than 2 percent of its LEA funds for administrative costs (ESEA Section

3115(b)). However, as a result of the ESSA changes, any funds the LEA reserves for administrative cost may be used only for *direct* administrative costs. This provides an LEA with flexibility to apply its restricted indirect cost rate to the portion of its sub-grant that it does not reserve for administrative costs. This gives each LEA the flexibility to apply its restricted indirect cost rate to the rest of its LEA activity funds. For example, a direct administrative cost could be the part of the salary of a district employee who works on Title III activities, if that portion of the salary can be directly attributed and allocated to the Title III grant and is not otherwise recovered as an indirect cost up. See 2 CFR §§ 200.412-417 for classification of direct versus indirect cost.

Note: LEA reserves for administrative costs must now only be used for direct administrative costs.

### ***Application Process***

LEAs apply for Title III funds through the Title III section of the Consolidated Application in ePAGE.

### ***LEA Application Requirement***

Title III sub-grants support the efforts of LEAs to assist English learners to learn English and meet challenging State academic content and student academic achievement standards. Through the ePAGE application, LEAs submit an LEA plan that defines how Title III sub-grants will be used to carry out activities that use approaches and methodologies that are based on scientifically based research on teaching English learners and immigrant children.

### ***Budget Revisions***

If an LEA needs to amend an approved Title III budget, the LEA may complete a revision of the approved Title III application within the ePAGE system.

### ***Request for Reimbursement***

All Title III funds are provided on a reimbursement basis through the ePAGE grants management tool. LEAs are required to maintain appropriate documentation that supports expenditures that are requested for reimbursement.

### ***Carryover of Funds***

LEAs are allowed to carry over up to 15% of Title III funds from one fiscal year to the next. Any requests to carry over an amount in excess of 15% must be through an application to the Nevada Department of Education. The application requires a rationale, proposed budget, and expenditure timeline for the use of funds that clearly align with allowable Title III activities. The form to request approval for Carryover greater than 15% of Title III funds is located in the Consolidated Application, under Title III, Related Documents.

### ***Circumstances for State reallocation of Title III EL formula sub-grant***

As under previous law, a State may reallocate funds made to an LEA that will not be used for purpose for which the allocation was made to another LEA or other LEAs "...in accordance with such rules as it determines to be appropriate..." that the State "...determines will use the amount to carry out that purpose" (ESEA Section 3114(c)). The State must be able to justify its determination that the LEA will not use the Title III funds for the intended purpose. For example, a State may determine that an LEA

will not use the funds for the purpose for which they were intended if the LEA has not obligated a significant portion of the funds after 24 months or if the LEA is a single-school LEA that closes at some point during the period of availability of the funds.

**Assessment and Accountability**

***Meeting Nevada Education Goals***

The United States’ EL share of the K-12 student population is nearly 10%. Nevada’s EL share of the K-12 student population is 15.5% (2018), the fourth highest in the nation. Nevada will not be able to achieve its goal of being the fastest improving state in the nation if it does not effectively serve its English learners.

***English Proficient Long-Term Goal:***

The ESSA English Learner Work Group recognized the importance of accelerating the language acquisition of English learners to ensure their success in content, academic coursework and college and career readiness. The goal includes the attainment of English proficiency for English learners, and the expectation to meet the needs of Long-Term English learners. As stated in Nevada’s ESSA State Plan -

Ninety (90) percent of English learners will reach English proficiency by 2024, in accordance with the 2021-2022 Addendum for the Nevada Consolidated State Plan due to COVID-19.

English proficiency highlights the need for rigorous goals and programs of services within a doable expectation to prevent English learners from becoming Long-Term English Learners. A student with an initial English Language Proficiency level (Level 1 – Entering) for example, will need 4 to 6 years to achieve English proficiency. An English learner at the English Language proficiency level (Level 3 - Developing) will need 2 to 4 years to develop English proficiency.

The Nevada long-term goal for English language proficiency is that 90% of English learners will exit EL status by 2024\*.

\*Originally, the long-term goal is measured by aggregating the number of English learners who achieve Nevada’s exit criteria over a six-year period, at least 13% of English learners to exit EL program status each year. However, in accordance with the 2021-2022 Addendum for the Nevada Consolidated State Plan due to COVID-19, Nevada revised its long-term goals and measures of interim progress by shifting timelines forward two years (2023 and 2024) for academic achievement.

**Nevada Long-term EL Program Exit Outcome Measure**

Subgroup	Baseline (Data and Year)	Long-term Goal (Data and Year)
EL Proficiency: English learners meeting Nevada’s EL exit criteria over a 6-year period	24.9% (2016)	90% (2024)
EL Progress: English learners achieving adequate growth toward English proficiency	46.8% (2016)	80% (2024)

## Nevada Measures of Interim Progress EL Outcome Measures

EL Proficiency		2016	2017	2018	2019	2022	2023	2024
All English Learners	% ELs Achieving Proficiency	Baseline 24.9%	25.0 %	38.0 %	51.0 %	64.0 %	77.0 %	90.0 %

EL Progress Toward Proficiency		2016	2017	2018	2019	2022	2023	2024
All English Learners	% EL Achieving AGP Toward ELP	Baseline 46.8%	46%	53%	60%	67%	74%	80%

### ***Nevada Content Assessments***

Schools are expected to meet the Measures of Interim Progress (MIP) proficiency outcome goals on the CRT and other state assessments (measures) for the various subgroups. Data is disaggregated for all subgroup populations, including English learners.

Student Proficiency for elementary and middle schools is determined by the state administered Criterion Referenced Tests (CRT) in Mathematics, ELA, Science, and Early Literacy. The state CRT (the Smarter Balanced Summative Assessment and NAA) in Mathematics and ELA are administered to grades three through eight; therefore, depending on the grade configuration of the elementary school, this results in three or four consecutive years of CRT test data. The Nevada Science CRTs are administered in the fifth, eighth and tenth grades.

Proficiency rates for high schools are determined separately for Mathematics, ELA, and Science and points are assigned separately for each content area. Student proficiency for high schools will be determined through the state administered American College Test (ACT) subtest scores in Mathematics and ELA (11th grade), the Nevada High School Science Assessment (10th grade) and the Nevada Alternate Assessment (NAA) in Mathematics, ELA, and Science (11th grade). The NAA results are combined with ACT and the Nevada High School Science assessment results for proficiency calculations and reporting. Data is disaggregated for all subgroup populations, including English learners.

## Long Term Goals and Measures of Interim Progress: Elementary School ELA/Mathematics

### Elementary School ELA

Subgroup	2016	2017	2018	2019	2022	2023	2024
All	49.9%	52.4%	54.7%	57.0%	59.2%	61.2%	63.1%
Hispanic	39.6%	42.6%	45.5%	48.2%	50.8%	53.2%	55.6%
Asian	71.4%	72.8%	74.1%	75.4%	76.7%	77.8%	78.9%
African American	33.0%	36.4%	39.6%	42.6%	45.4%	48.2%	50.8%
Native American	32.9%	36.3%	39.5%	42.5%	45.4%	48.1%	50.7%
Pacific Islander	50.9%	53.3%	55.7%	57.9%	60.0%	62.0%	63.9%
Caucasian	62.0%	63.9%	65.7%	67.4%	69.0%	70.6%	72.1%
Multi-race	58.5%	60.6%	62.6%	64.4%	66.2%	67.9%	69.5%
Children with Disabilities	18.3%	22.4%	26.3%	30.0%	33.5%	36.8%	39.9%
Economically Disadvantaged	37.9%	41.0%	44.0%	46.8%	49.4%	51.9%	54.4%
EL (Current + Former)	31.7%	35.1%	38.4%	41.4%	44.4%	47.2%	49.8%

### Elementary School Math

Subgroup	2016	2017	2018	2019	2022	2023	2024
All	39.9%	42.9%	45.8%	48.5%	51.1%	53.5%	55.8%
Hispanic	29.6%	33.1%	36.5%	39.6%	42.7%	45.5%	48.2%
Asian	63.6%	65.4%	67.2%	68.8%	70.4%	71.9%	73.3%
African American	21.1%	25.0%	28.8%	32.3%	35.7%	38.9%	42.0%
Native American	23.4%	27.2%	30.9%	34.3%	37.6%	40.7%	43.7%
Pacific Islander	39.7%	42.7%	45.6%	48.3%	50.9%	53.4%	55.7%
Caucasian	52.5%	54.9%	57.2%	59.3%	61.3%	63.3%	65.1%
Multi-race	47.8%	50.4%	52.9%	55.3%	57.5%	59.6%	61.6%
Children with Disabilities	16.7%	20.9%	24.8%	28.6%	32.1%	35.5%	38.8%
Economically Disadvantaged	28.8%	32.4%	35.7%	39.0%	42.0%	44.9%	47.7%
EL (Current + Former)	25.1%	28.8%	32.4%	35.8%	39.0%	42.0%	44.9%

## Long Term Goals and Measures of Interim Progress: Middle School ELA/Mathematics

### Middle School ELA (Smarter Balance Assessments)

Subgroup	2016	2017	2018	2019	2022	2023	2024
All	46.4%	49.1%	51.7%	54.1%	56.4%	58.6%	60.6%
Hispanic	36.0%	39.2%	42.2%	45.1%	47.9%	50.5%	53.0%
Asian	71.9%	73.3%	74.6%	75.9%	77.1%	78.2%	79.3%
African American	27.5%	31.1%	34.5%	37.8%	40.9%	43.9%	46.7%
Native American	34.0%	37.3%	40.5%	43.4%	46.3%	49.0%	51.5%
Pacific Islander	45.4%	48.1%	50.7%	53.2%	55.5%	57.8%	59.9%
Caucasian	60.7%	62.7%	64.6%	66.3%	68.0%	69.6%	71.1%
Multi-race	54.8%	57.1%	59.2%	61.3%	63.2%	65.0%	66.8%
Children with Disabilities	9.0%	13.5%	17.8%	21.9%	25.8%	29.6%	33.1%
Economically Disadvantaged	35.1%	38.3%	41.4%	44.4%	47.1%	49.8%	52.3%
EL (Current + Former)	11.7%	16.1%	20.3%	24.3%	28.1%	31.7%	35.1%



### Middle School Math (Smarter Balance Assessments)

Subgroup	2016	2017	2018	2019	2022	2023	2024
<b>All</b>	26.0%	29.7%	33.2%	36.5%	39.7%	42.7%	45.6%
<b>Hispanic</b>	17.5%	21.6%	25.5%	29.3%	32.8%	36.2%	39.4%
<b>Asian</b>	51.7%	54.1%	56.4%	58.6%	60.6%	62.6%	64.5%
<b>African American</b>	10.8%	15.2%	19.5%	23.5%	27.3%	31.0%	34.4%
<b>Native American</b>	16.4%	20.6%	24.6%	28.4%	31.9%	35.3%	38.6%
<b>Pacific Islander</b>	26.4%	30.1%	33.6%	36.9%	40.1%	43.1%	45.9%
<b>Caucasian</b>	38.3%	41.4%	44.4%	47.1%	49.8%	52.3%	54.7%
<b>Multi-race</b>	30.8%	34.2%	37.5%	40.6%	43.6%	46.4%	49.1%
<b>Children with Disabilities</b>	5.1%	9.8%	14.3%	18.6%	22.7%	26.5%	30.2%
<b>Economically Disadvantaged</b>	17.4%	21.5%	25.5%	29.2%	32.7%	36.1%	39.3%
<b>EL (Current + Former)</b>	6.9%	11.6%	16.0%	20.2%	24.2%	28.0%	31.6%

### Long Term Goals and Measures of Interim Progress: High School ACT ELA and Math

#### ACT High Assessment

At the June 19, 2018 meeting the Nevada State Board of Education adopted cut scores recommended by the Standard Setting Committee and approved by the Academic Standards Council with Levels 3 and 4 being proficient.

#### ACT Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
<p>Student demonstrates minimal understanding of and the ability to apply knowledge and skills associated with college and career readiness.</p> <p>Student needs substantial support to meet the Nevada college and career readiness standard.</p>	<p>Student demonstrates partial understanding of and the ability to apply knowledge and skills associated with college and career readiness.</p> <p>Student needs additional support to meet the Nevada college and career readiness standard.</p>	<p>Student demonstrates adequate understanding of and the ability to apply knowledge and skills associated with college and career readiness.</p> <p>Student meets the Nevada college and career readiness standard.</p>	<p>Student demonstrates advanced understanding of and the ability to apply knowledge and skills associated with college and career readiness.</p> <p>Student exceeds the Nevada college and career readiness standard.</p>

#### ACT Proficiency Cut Scores

Test	Level 1	Level 2	Level 3	Level 4
ELA	2-11	12-16	17-23	24-36
Mathematics	1-14	15-19	20-25	26-36
	Non-Proficient	Non-Proficient	Proficient	Proficient

### High School Math

Subgroup	2017 Baseline	2018 Goal	2019 Goal	2022 Goal	2023 Goal	2024 Goal
Asian	44.90%	47.65%	50.27%	52.76%	55.12%	57.36%
African American	9.60%	14.12%	18.42%	22.50%	26.37%	30.05%
Caucasian	38.23%	41.31%	44.25%	47.04%	49.68%	52.20%
Hispanic	14.60%	18.87%	22.93%	26.78%	30.44%	33.92%
Native American	14.81%	19.07%	23.12%	26.96%	30.62%	34.09%
Multi-race	30.15%	33.64%	36.96%	40.11%	43.10%	45.95%
Pacific Islander	21.62%	25.54%	29.26%	32.80%	36.16%	39.35%
IEP	2.92%	7.77%	12.38%	16.76%	20.93%	24.88%
Current + Frm EL	5.29%	10.02%	14.52%	18.80%	22.86%	26.71%
Current EL	2.07%	6.96%	11.62%	16.04%	20.23%	24.22%
FRL	15.79%	20.01%	24.00%	27.80%	31.41%	34.84%
All Students	25.57%	29.29%	32.83%	36.19%	39.38%	42.41%

### High School ELA

Subgroup	2017 Baseline	2018 Goal	2019 Goal	2022 Goal	2023 Goal	2024 Goal
Asian	61.34%	63.27%	65.11%	66.85%	68.51%	70.08%
African American	23.98%	27.78%	31.39%	34.82%	38.08%	41.18%
Caucasian	58.17%	60.26%	62.25%	64.14%	65.93%	67.63%
Hispanic	29.64%	33.15%	36.50%	39.67%	42.69%	45.55%
Native American	29.92%	33.43%	36.76%	39.92%	42.92%	45.78%
Multi-race	53.54%	55.86%	58.07%	60.16%	62.16%	64.05%
Pacific Islander	43.21%	46.05%	48.75%	51.31%	53.74%	56.06%
IEP	6.60%	11.27%	15.71%	19.92%	23.93%	27.73%
Current + Frm EL	8.61%	13.18%	17.52%	21.64%	25.56%	29.28%
Current EL	2.00%	6.90%	11.55%	15.98%	20.18%	24.17%
FRL	30.92%	34.37%	37.66%	40.77%	43.73%	46.55%
All Students	42.98%	45.83%	48.54%	51.11%	53.55%	55.88%

### Long Term Goals and Measures of Interim Progress: Graduation Rates -4-Year ACGP Subgroup

Subgroup	Class of 2017	Class of 2018	Class of 2019	Class of 2022	Class of 2023	Class of 2024
<b>All</b>	80.9	82.6	84.3	86.0	87.7	89.4
<b>Asian</b>	93.1	93.3	93.5	93.7	93.9	94.1
<b>Caucasian</b>	84.2	85.5	86.8	88.1	89.4	90.7
<b>Pacific Islander</b>	82.3	83.9	85.5	87.1	88.7	90.3
<b>EL (Current + Former)</b>	81.7	83.4	85.1	86.8	88.5	90.2
<b>Multi-race</b>	81.3	83.0	84.7	86.4	88.1	89.8
<b>Hispanic</b>	79.7	81.5	83.3	85.1	86.9	88.7
<b>Economically Disadvantaged</b>	76.8	78.7	80.6	82.5	84.4	86.3
<b>Native American</b>	73.9	75.9	77.9	79.9	81.9	83.9
<b>African American</b>	67.7	69.8	71.9	74.0	76.1	78.2
<b>Children with Disabilities</b>	64.7	66.9	69.1	71.3	73.5	75.7

### Long Term Goals and Measures of Interim Progress: Graduation Rates -5-Year ACGP Subgroup

Subgroup	Class of 2017	Class of 2018	Class of 2019	Class of 2022	Class of 2023	Class of 2024
<b>All</b>	82.9	84.6	86.3	88.0	89.7	91.4
<b>Asian</b>	95.1	95.3	95.5	95.7	95.9	96.1
<b>Caucasian</b>	86.2	87.5	88.8	90.1	91.4	92.7
<b>Pacific Islander</b>	84.3	85.9	87.5	89.1	90.7	92.3
<b>EL (Current + Former)</b>	83.7	85.4	87.1	88.8	90.5	92.2
<b>Multi-race</b>	83.3	85.0	86.7	88.4	90.1	91.8
<b>Hispanic</b>	81.7	83.5	85.3	87.1	88.9	90.7
<b>Economically Disadvantaged</b>	78.8	80.7	82.6	84.5	86.4	88.3
<b>Native American</b>	75.9	77.9	79.9	81.9	83.9	85.9
<b>African American</b>	69.7	71.8	73.9	76.0	78.1	80.2
<b>Children with Disabilities</b>	66.7	68.9	71.1	73.3	75.5	77.7

See the **2019 NSPF Guidance Document** and the **Nevada Plan** for more detailed information.

#### *Nevada English Language Proficiency Standards*

Meaningful access to the core curriculum (e.g., reading/language arts, math, science, and social studies) is a key component in ensuring that ELs acquire the tools to succeed in general education classrooms within a reasonable length of time. The State and LEAs have the dual obligations to not only provide programs that enable English learners to attain English proficiency, but also to provide support in other curricular areas that will ensure English learners have equal opportunities to participate in the curriculum.

Section 111(b)(1)(F) requires that “each State plan shall demonstrate that the State has adopted English language proficiency standards that:

- (i) are derived from the 4 recognized domains of speaking, listening, reading, and writing;
- (ii) address the different proficiency levels of English learners, and
- (iii) are aligned with the challenging State academic standards.”

In 2011, Nevada adopted the WIDA English Language Development (ELD) Standards. In the 2012-13 school year, Nevada implemented the WIDA ACCESS English Language Proficiency Assessment (ELPA).

Consistent with the requirement that the English language proficiency standards address the different proficiency levels of ELs (ESEA Section 1111(b)(1)(F), the highest English language proficiency standards, addressing the “proficient” level, should correspond to the proficient level of the content area standards.

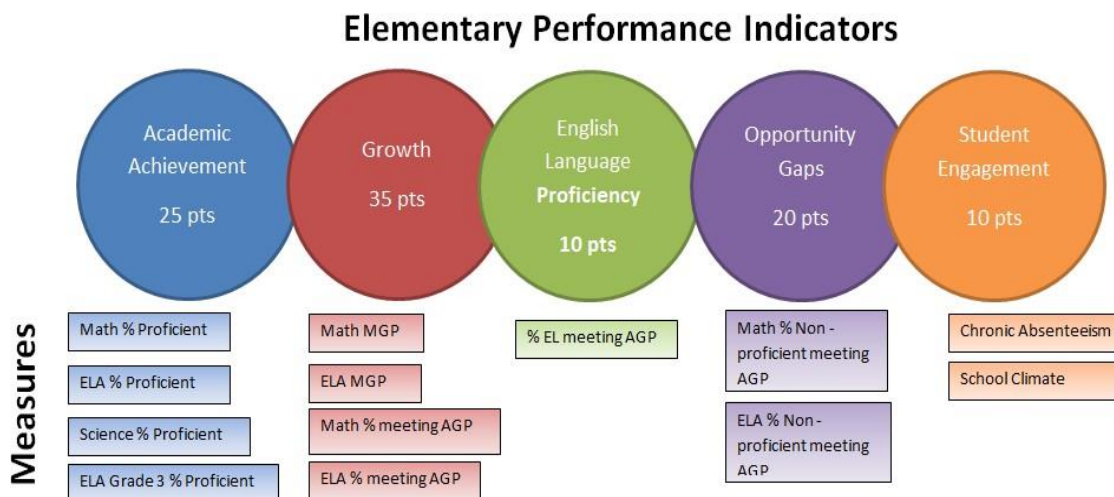
**English Language Proficiency Assessment (WIDA)**

Students identified as English learners must be assessed annually to measure English language proficiency using the WIDA ACCESS and WIDA Alternate ACCESS assessments, summative assessments that meet U.S. federal requirements. Nevada is one of thirty-nine states in the WIDA Consortium, which develops standards and assessments that promote educational equity for ELs. As a member of the WIDA Consortium, Nevada can compare its results with other states and set growth goals. Nevada has a higher percentage of students approaching English proficiency (overall composite score of 4 or 5) than WIDA States and a lower percentage of students in lower proficiency levels (1 and 2).

**ESSA Accountability Requirement**

*Nevada School Performance Framework (NSPF):*

Under ESSA, states are required to include growth toward English language proficiency in school-level accountability. Nevada plans to use the percentage of English learners meeting growth targets in determining the measure Adequate Growth Percentile (AGP). The NSPF measurement for ELs is growth toward English proficiency, not attainment of English proficiency.



*\*See Nevada School Performance Framework Guideline, Accountability under ESSA*

**Involvement of Recently Arrived ELs in Accountability Determinations**

Nevada defined in the ESSA Accountability Plan, that Recently Arrived English Learners will be included in assessments and accountability according to ESEA Section 1111(b)(3)(A)(ii):

- I. assess and report of performance of such as English learners on the reading or language arts and mathematics assessment ... in each year of the student’s enrollment in such a school; and
- II. for the purposes of the State-determined accountability system-
  - aa. for the first year of the student’s enrollment in such a school, exclude the results...:
  - bb. include a measure of student growth on the assessment... in the second year of the student’s enrollment in such a school; and
  - cc. include proficiency on the assessments... in the third year of the student’s enrollment in such a school, and each succeeding year of enrollment.

### ***Inclusion of Reclassified ELs in State Accountability***

The Nevada ESSA State Plan includes reclassified English learners in the accountability for four years, as allowed under ESEA section 1111(b)(3)(B).

## **Data Collection and Reporting**

Title I requires that States and LEAs annually report on ELs' progress in achieving English Language proficiency, attainment of English language proficiency, academic achievement, and high school graduation rates (ESEA Section 111(h)(1), (h)(20). Under Title III, there are additional reporting requirements. LEAs must report to the State on:

- Title III programs and activities
- Number and percentage of ELs who attain proficiency and exit LIEPs
- Number and percentage of former ELs who meet academic content standards for 4 years
- Number and percentage of ELs who have not exited LIEPs after 5 years as an EL

Although Title III of ESSA requires States to report EL data every two years, NDE will require an annual reporting through the Nevada State Report Card system of all Title I and Title III requirements including performance and growth of the following:

- Disaggregation of all required subgroups including English learners with disabilities
- Gifted/Talented and Advanced Placement students
- High school graduation for English learners
- Achievement results for Former English learners for each of the four years after reclassification

All LEAs are required to annually to submit data to the NDE as prescribed the US Department of Education in completing the Consolidated State Performance Report (CSPR).

## **Monitoring**

ESEA requires that the SEA to monitor the Language Instruction Educational Program (LIEPs) in LEAs to determine if the strategies funded under Title III under this subpart are effective (ESEA Section 3113(b)(8)). When the SEA determines that an LEA has failed to meet its annual measurable student achievement objectives for two years, the LEA is required to develop an improvement plan. An SEA, while an improvement plan is being developed, must – if needed by the LEA – provide technical assistance that will help the LEA to meet its annual measurable student achievement objectives. The SEA and LEA are required to develop professional development strategies and activities and instructional strategies and methodologies based on scientifically based research, that the LEA will be required to use to meet its objectives and improve the program or method of instruction provided to English learners.

Currently, each LEA and targeted schools within the LEA are selected to have an on-site monitoring visit every two years. However, all LEAs are required to submit Title III desktop monitoring instruments (Title III Part I and Part II) to the Nevada Department of Education annually.

## Program Evaluation

According to Sec.3122 (20 U.S.C. 6843), the state is required to submit a report on “programs and activities carried out to serve English learners under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of English learners.”

To be in compliant with this federal requirement, the LEAs are required to conduct program evaluation every other year. All LEAs will submit a baseline program evaluation in school year 2020-21.

## Timeline

June 30	End of Current Fiscal Year Expenditures
July 1st	Title III allocations available in ePAGE
Mid-September	LEA Submission of Previous School Year Title III Data
January- February	Annual WIDA Assessment Window (for Kindergarten)
January- February	Annual WIDA Assessment Window (for Grades 1-12)

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