

**Office of English Language Proficiency**

**Title III Handbook**

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## INTRODUCTION

The purposes of Title III, Part A 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 (SEAs), Local Educational Agencies (LEAs), 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 (SEA), and Local Educational Agencies (LEAs) to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, 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.



## CHAPTER 1: Program Requirements

All LEAs serving English learners (ELs) are required to provide a number of services to these students and their families regardless of whether they receive a Title III, Part A allocation or not. Title III funds are meant to aid in achieving these goals, supplementing the State funds that all LEAs receive. Succinctly, these requirements are as follows:

- To identify and assess potential English learners in a timely manner;
- To increase English language proficiency and access to academic content through research-based language instruction educational programs;
- To provide staff who are sufficiently trained to meet student needs and to provide quality professional development of sufficient intensity and duration to have a lasting impact on classroom instruction;
- To provide parent, family, and community engagement activities and other effective activities and strategies that enhance or supplement language instruction for English learners;
- To provide equal opportunity for students to meaningfully participate in all school activities without unnecessary segregation;
- To address the language needs of English learners who have been classified under project 504/IDEA and served with an Individualized Education Program (IEP);
- To address the needs of English learners who opt out of supplemental language services;
- To monitor the progress of English learners both within the English Language Academic Program and after having reached proficiency and exited supplemental language services;
- To evaluate the effectiveness of the English Language Academic Program; and
- To provide meaningful communication with parents of English learners in a language they can understand.





Title III, Part A grant awards, then, come with three specific requirements:

1. Provide effective supplemental language programs that meet the needs of ELs and demonstrate successes in increasing English proficiency and student academic achievement.
2. Provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel that is:
  - designed to improve the instruction and assessment of ELs;
  - 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;
  - effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge and teaching skills of such teachers; and
  - 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.
3. Provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which shall include parent, family, and community engagement activities.



## CHAPTER 2: Identification

LEAs are required to identify and assess potential English language learners in a timely manner. This process begins with the Home Language Survey (HLS) and, depending on the information gathered there, continues with administration of a screening assessment.

### 2.1 The Home Language Survey (HLS)

The Home Language Survey (HLS, available [here](#)) should be administered as part of the enrollment process for every student. If a student indicates a language other than English on any of the first three questions of the HLS, that student must be screened for EL status using one of the approved state screening assessments (OKPKST, WIDA Screener for Kindergarten, WIDA Screener, WIDA Model).

If the potential EL enrolls in the school within the first thirty calendar days from the start date of school, the LEA has thirty calendar days from the date of enrollment to administer a placement test and identify the student as eligible for EL services and accommodations. If the student enrolls after the first thirty calendar days from the start date of school, the student must be given a placement test and identified within fourteen days of enrollment.

Since there is no longer a requirement to collect a new HLS for every student every year, the following procedures must be implemented:

- The LEA must include the HLS in student enrollment packets. The intent and purpose of the HLS should be explained and interpreted to parents/guardians by LEA personnel overseeing student enrollment.
- If a parent does not return or declines to complete the HLS, LEA personnel must date and include a brief notation written on the HLS form and place it in the student's cumulative folder.
- Students who left the district for longer than one school year or students new to the district will be required to complete a new HLS upon enrollment.





- The LEA must develop procedures for collecting, maintaining, and preparing the HLS documents to be audited by the assigned district Regional Accreditation Officer (RAO).
- The LEA must maintain a copy of the HLS in each student’s cumulative folder.

## 2.2 Screening Assessments

Any student who answers a language other than English on any of the first three questions on the Home Language Survey (HLS) must be given a placement test (screener) to verify whether the student is to be designated and served as an English learner. Oklahoma is a member of the WIDA consortium and uses the suite of WIDA Screener tests to determine whether students need English language services and to establish EL status. Only a screener assessment score can be used to identify a student as EL. The HLS does not determine EL status, but is merely a tool for identifying students to be screened.

### 2.2.1 Screening Pre-K Students

Since Pre-K students rarely have any literacy skills to assess, they take a “placeholder” test, the Pre-K Screening Tool (PKST). The PKST is a 10-question oral language screener developed by OSDE, as there is not a WIDA assessment for Pre-K students. The PKST can be found [here](#).

### 2.2.2 Screening Students in Kindergarten and First Semester Grade 1

Students in the first semester of kindergarten (from initial enrollment through Dec. 31 of the student’s kindergarten year) who have been flagged by the HLS as potential English learners should only administered only the listening and speaking domains of the WIDA Screener for Kindergarten. In order to be considered proficient, the student must obtain a result of 5. Students with a screener result of 4.5 or below are considered “Not English Language Proficient/EL.”



Students in the second semester of kindergarten (Jan. 1 or later of the kindergarten year), and first semester of first grade flagged by the HLS as potential English learners are to be administered all four domains of the WIDA Screener for Kindergarten or Kindergarten MODEL. In order for a student to be considered proficient, the student must participate in all four domains and obtain a result of 5 on the WIDA Screener for Kindergarten or a 4.8 on the Kindergarten MODEL. Students with a screener result of 4.5 or below are considered “Not English Language Proficient/EL.”

The WIDA Screener for Kindergarten has replaced the K W-APT. The WIDA Screener for Kindergarten is to be used to screen students enrolling in kindergarten throughout the school year, or during the Fall semester of first grade. If you are administering the WIDA Screener for Kindergarten to students preceding their initial enrollment in kindergarten, the earliest recommended testing window is from mid-April to June.

### 2.2.3 Screening Students from Second Semester Grade 1 through Grade 12

Students in the second semester of first grade through the twelfth grade should be given the WIDA Screener appropriate to the student’s grade level. The WIDA Screeners are designed for “grade level clusters,” grouping together grades 2-3, 4-5, 6-8, and 9-12.

Students in the first semester of the first grade in a given grade level cluster should be given the prior grade level cluster’s placement test. For example, first semester 4th graders should be given the 2-3 cluster of the WIDA Screener. This is because a student who has just begun a grade at the beginning of a grade level cluster usually has not yet acquired the language skills associated with that grade.

### 2.2.4 Qualifying Scores

All students who are in kindergarten or the first semester of first grade and who score 4.5 or lower on the WIDA Screener for Kindergarten qualify as ELs. These students should be given the WIDA ACCESS proficiency test each Spring until they reach proficiency. Note: students in the first semester of kindergarten should only be administered the speaking and listening domains.





For all other grades, students with a composite score of 4.7 or lower on the WIDA Screener qualify as ELs. These students should be coded as ELs in the WAVE and served as such. They should also be given the WIDA ACCESS proficiency test each Spring until they reach proficiency.

Students with a composite score of 4.8 or higher should not be considered EL and are not eligible for EL services.



## CHAPTER 3: EL/Bilingual Status

While Bilingual and English Learner status are not the same thing, but the same individual students often fall into both categories. And while bilingual status, being a category in the Oklahoma state funding formula, is not directly related to Title III funding or programs, the identification process overlaps with the process for identifying ELs, so it will be dealt with briefly below.

### 3.1 EL Status

The answers provided on the HLS do not determine EL status. They do, however, indicate which students are to be screened with one of the screening assessments as explained in sections 2.1 and 2.2 above. All ELs are automatically conferred Bilingual status, although not all students with Bilingual status will be identified as ELs (see below).

### 3.2 Bilingual Status

Bilingual status and therefore bilingual funding of a student, is determined by the responses given on the HLS or a combination of responses on the HLS and a qualifying assessment score. If two or more of the three language responses are a language other than English, the student is considered “more often” and automatically qualifies as bilingual on the accreditation report.

If a language other than English is indicated only once on the three language responses, the student is considered “less often” and only qualifies for bilingual funding if they also meet one of the following criteria:

- a score on the screening assessment qualifying the student for EL status;
- a score of “Basic” or “Below Basic” on the previous year’s OSTP English Language Arts assessment;



- a score at or below the 35<sup>th</sup> percentile composite reading score from the Spring of the previous school year on a state approved norm-referenced test.

LEAs receiving bilingual funds through the state funding formula will be responsible for completing the yearly Bilingual Audit process. Any questions regarding the specifics of this audit should be referred to the LEA's assigned Regional Accreditation Officer (RAO).

In the case of students qualifying for Bilingual status through a "less often" response on the HLS coupled with a qualifying assessment score, the LEA must complete the *"Less Often" Non-EL Bilingual Qualification Form*. This form, together with the eligible assessment score is to be attached to the HLS in the student's cumulative folder. The *"Less Often" Non-EL Bilingual Qualification Form* is available [here](#).

NOTE: "Less often" students initially identified as EL who subsequently test proficient may still qualify for bilingual funding depending on their OSTP ELA scores or the scores on a state approved norm-referenced test. Also note that students can exit and reenter this status as assessment results change from year to year.



## CHAPTER 4: The English Language Academic Plan (ELAP)

The English Language Academic Plan (ELAP), in conjunction with a completed parental notification letter, fulfills the LEA reporting requirements for identified ELs outlined in ESSA.

Under the provisions of the law, LEAs are required to provide parents with the following information:

- The reasons for identifying their child as an English Learner in need of placement in a language instruction educational program;
- The child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;
- The methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
- How the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;
- How such a program/programs will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- The specific exit requirements for the program, including the expected rate of transition from such programs into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such programs) if funds under this part are used for children in high schools;
- In the case of a child with a disability, how such programs meet the objectives of the child’s Individualized Education Program (IEP), as described in the Individuals with Disabilities Education Act (IDEA).



The ELAP form provided by OSDE is designed to gather and convey all required information and is aligned with the Title I parental notification requirements outlined in Section 1112(e)(3)(A) of ESSA. It outlines the demographic information, testing history, educational goals, allowable instructional interventions, and testing accommodations that will apply to an EL student for a given year. Any student classified as an EL is required to have a completed ELAP available upon request. The OSDE ELAP form is available [here](#).

LEAs are not required to use the form provided by OSDE: LEAs are free to develop their own form or to use one of a number of available electronic forms. Regardless of the form used though, the required information must be contained and be accessible for each identified EL.

ELAPs must be completed within the first thirty days of enrollment and provided annually to the parents or guardians of EL students.



## CHAPTER 5: The Language Instruction Education Program (LIEP)

The Language Instruction Education Program (LIEP) is the overarching English language program designed to meet the language instruction requirements listed in Chapter 1 above.

In the State of Oklahoma, any LEA serving at least one English learner is required to complete the LIEP template (downloadable [here](#)) providing assurances that the LEA meets all legal requirements and describing the nature and scope of EL services offered in the district. The completed LIEP template is then uploaded as supporting documentation in the Title I section of the LEA's Consolidated Application in the Grants Management System (GMS).



## CHAPTER 6: The Title III, Part A – EL Grant

### 6.1 How Allocations are Determined

Around July 1 of each year, the U.S. Department of Education (USDE) awards the Oklahoma State Department of Education (OSDE) several formula grants, of which Title III, Part A is one. Upon receipt of this grant, the state must calculate each LEA's individual Title III, Part A allocation. LEAs receive funding based on a formula prescribed by USDE.

The USDE formula first requires that states reserve a portion of the grant for use with Immigrant students. No more than 15% of the Title III, Part A grant may be reserved for this purpose.

Language support funding is based annually on the number of English learners reported by the LEA in the previous school year. The total funds to be allocated are then divided by the total number of ELs across the state. This results in a per-EL allocation amount, or per-pupil allocation. Each individual LEA's EL count is multiplied by the per-EL allocation amount. Federal regulations, however, require a minimum allocation of \$10,000, so LEA's whose calculated allocation falls short of the \$10,000 threshold are not awarded a Title III, Part A – EL grant allocation. LEA's falling below that \$10,000 threshold can, however, unite with other LEAs to form a consortium whose combined award exceeds \$10,000 – see below.

### 6.2 Forming Title III Consortia

LEAs that do not qualify for an allocation of at least \$10,000 may choose to partner with other small-allocation LEAs to form a regional LEA Title III, Part A Consortium. This is permitted in Title III, Part A law, provided that the total EL allocation for the LEAs participating in this regional LEA Title III, Part A Consortium is greater than or equal to the \$10,000 minimum award amount.



Thus, if the combined allocation of the consortium members is equal to or greater than \$10,000, the LEAs combined in the consortium must select one member LEA to act as fiscal agent and lead LEA of the consortium. Like Independent Title III, Part A LEAs, the fiscal agent/lead is permitted to use up to 2% of the consortium's grant for direct administrative costs. The fiscal agent/lead LEA also accepts the following responsibilities:

- maintenance of written MOU or agreement regarding consortium members' participation;
- ensuring that Title III, Part A funds are shared and spent to the benefit of all consortium members equitably;
- control of all fiscal transactions of the consortium (requisitions, purchases, payments, etc.);
- maintenance of records of all financial transactions and inventory lists relative to the consortium;
- monitoring the expenditures of all participating LEAs to ensure compliance with Title III, Part A supplement, not supplant requirements.

All documents necessary to form a consortium can be found in the Title III Consortium Packet available [here](#).

### 6.3 Allowable/Non-allowable Expenses

Due to the limited size of the Title III, Part A allocations, most LEAs will expend the entirety of their funds on fulfilling the three above-mentioned required activities. Remaining funds may be used in accordance with the LEA needs-based Language Instruction Education Plan (LIEP) on other activities including upgrading the language program objectives, providing ELs with tutoring and/or intensified instruction, developing and implementing effective Pre-K language programs, providing outreach programs and family literacy services, improving EL instruction – including instruction of ELs with special needs – by providing supplemental technology or access and offering programs or courses designed to help ELs achieve success in post-secondary education.





There are, naturally, a number of restrictions on the use of Title III, Part A funds as well. In general, just as Title I, Part A funds are supplemental to state and local funds, Title III, Part A funds are supplemental to Title I, Part A funds. In other words, just as Title I funds cannot be used to supplant state and local funds, Title III funds cannot supplant Title I funds; Title III, Part A funds cannot be used to provide services to ELs that are provided to other students with Title I, Part A funds.

LEAs and Consortia can use up to 2% of their allocation on administrative costs. Examples of allowable use for Title III, Part A administrative costs:

- Title III, Part A Program Director or Coordinator's salary;
- Title III, Part A Assistant to Program Director;
- Data entry clerk for Title III, Part A;
- Cost of supplies associated with running the program (ink cartridge and paper);
- Postage exclusively for Title III, Part A specific mailings.

Technology can be purchased using Title III, Part A funds (as long as that same technology is not being provided to non-EL students with other state and/or federal funds) as technology can upgrade the program and instructional capacity of the LEA.

Title III, Part A funds may not be used by the LEAs to administer State English Language Proficiency (ELP) assessments (i.e. WIDA assessments), as the assessment for English Language Proficiency is a required state-level activity under Title I, Part A.

Similarly, since LEAs are required to provide language instruction to ELs regardless of whether they receive a Title III, Part A allocation, salaries of ESL Teachers are not allowed.

There are, however, a number of positions that can be funded through Title III, Part A. Some examples of allowable Title III, Part A personnel are:

- Tutors working directly with EL students
- Bilingual/ESL Paraprofessionals working directly with ELs under the direction of a certified teacher
- ESL Instructional Coaches whose role is to acquire scientific-based research practices, provide professional development, and mentor and coach teachers who are working directly with English learners.

### Translating and Interpreting:

LEAs and schools are required by federal statute to provide meaningful access to information and services provided to the parents or guardians of EL students. Therefore, Title III, Part A funds may only be used for supplemental translation



and interpretation activities that are not provided by the LEA for all students, and for translation activities that are specific to Title III, Part A.

For example:

- If the LEA has a welcome center with staff who are responsible for administering the home language survey to all students, it would **not** be appropriate to utilize Title III funds to pay their salaries.
- If the LEA has a contract with a translation company that provides translated notices for Federal programs, then **only** the portion of the contract that pertains to Title III notices may be paid for with Title III funds.
- If the LEA or school communicates with all parents about their child's educational progress by mail, it would **not** be appropriate to use Title III funds to pay for the postage for EL students, as this communication is paid for by the LEA or school for all students, and is not Title III-specific.
- If the LEA or school communicates on a weekly basis with all parents about school activities, it would **not** be appropriate to use Title III funds to pay for translation or interpretation of these documents or activities, as this LEA and school are obligated to provide meaningful access to information and services provided. Title III funds could be used to pay for supplemental translation or interpretation.



## CHAPTER 7: The Title III, Part A – Immigrant Grant

### 7.1 How Allocations are Determined

Per Title III, Part A law, a reservation of funds is made to provide cultural and social supports to students identified as immigrants. For the purposes of Title III, Part A, immigrants are defined as those students who meet all three of the following criteria:

- Born outside the U.S. or Puerto Rico;
- Enrolled in U.S. schools for less than three years;
- Between the ages of three and twenty-one.

LEAs qualify for the Title III, Part A – Immigrant subgrant if they have shown a significant increase in immigrant student enrollment. For the state of Oklahoma, a significant increase is defined as an increase of at least 2% over the average of the previous two years' enrollment. Therefore, for example, if an LEA had an enrollment of 50 immigrant students in 2021 and 50 in 2022, it would have to have an enrollment of 51 or more to qualify for a Title III, Part A – Immigrant grant in 2023.

The \$10,000 minimum allocation requirement does not apply to the Title III, Part A – Immigrant grant. It is possible for an LEA to receive an Immigrant allocation despite not meeting the minimum for a Title III, Part A – EL allocation.

### 7.2 Authorized Immigrant Activities and Expenses

LEAs awarded Immigrant subgrants must use the funds to pay for activities that provide supplemental instructional opportunities for immigrant children and families. *It is important to note that **student language instruction** is **not** the purpose of the Title III, Part A Immigrant subgrant.* English learner grants support English language instruction, whereas Immigrant grants provide cultural and social supports.

LEAs must use Immigrant awards for one or more of the following activities:





- Family literacy, parent and family outreach and training designed to assist caregivers in becoming active participants in their child’s education;
- Recruitment of and support for personnel who have been specifically trained to provide services to immigrant students;
- Immigrant student tutorials, mentoring and academic or career counseling;
- Instructional supplies or transportation costs that are *directly attributable to the presence of immigrant students* in the LEA;
- Other instructional services to assist immigrant students in achieving in U.S. schools, such as programs of introduction to the U.S. educational system and civics education;
- Offering comprehensive community services in coordination with entities that have expertise in working with immigrants;
- Curricular materials, educational software or technology that supports the instructional or community services provided by this grant for immigrant students and families.



## TITLE III “A-Z”

### A

#### ACCESS Assessment

School districts are required to annually assess the English Language Proficiency (ELP) of all English Learners (ELs) regardless of whether or not they receive Title III, Part A funds. The test used by school districts in Oklahoma is developed by WIDA (World-Class Instructional Design and Assessment). For more information regarding the administration of the WIDA ACCESS assessment, please contact the Director of ELP Assessments OSDE Office of English Language Proficiency at (405) 522-5073 or [OELP@sde.ok.gov](mailto:OELP@sde.ok.gov).

Title I requires that all ELs be assessed annually using the State’s ELP assessment (the ACCESS). Because this is a state requirement, neither Title I, Part A nor Title III, Part A funds can be used to pay for the State’s ELP assessment, training to administer the assessment, or any costs associated with the administration of the assessment.

#### Accommodations

According to the Oklahoma Administrative Code OAC 210:10-13-2, students identified as EL may be provided appropriate testing accommodations on both the OSTP and WIDA assessments. Accommodations must be indicated on the student’s English Language Academic Plan (ELAP).

For more information regarding OSTP accommodations, please refer to the OSDE [EL State Testing Accommodations guidance document](#) available on the OSDE website.

For more information regarding WIDA accommodations, please refer to the information available on the WIDA website (<https://wida.wisc.edu/assess/accessibility>).

#### Administrative Costs

“Each eligible entity receiving Title III, Part A funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.”  
[ESSA, Section 3115(b)]



Administrative costs are associated with the overall project management and administration of the Title III, Part A program.

Examples of allowable use for Title III, Part A administrative costs:

- Title III, Part A Program Director or Coordinator's salary,
- Title III, Part A Assistant to Program Director,
- Data entry clerk for Title III, Part A,
- Cost of supplies associated with running the program (ink cartridge and paper),
- Postage exclusively for Title III, Part A specific mailouts,
- Software for tracking EL progress and assessments, and for generating ELAPs.

## Allocations

Any LEA enrolling one or more identified English learners during the previous school year is eligible for a Title III, Part A subgrant for the current fiscal year. However, A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than \$10,000." [ESSA, Section 3114 (b)]

LEAs that serve too few English learners to generate an allocation of \$10,000 can join together to form a Title III Consortium, using the combined numbers to reach the \$10,000 threshold.

See the *Consortium* section below for more information.

## B

### Band Exit Process

The ELP Band Exit Process is an alternate exit path that allows a student to demonstrate English language proficiency and exit EL status without achieving the required minimum ACCESS or Alternate ACCESS Composite/Overall automatic exit score. Use of the Band Exit Process is not mandatory and is to be implemented at LEA discretion.



### Eligibility for the ELP Band Exit Process:

Students must have participated in the prior year's ACCESS for ELLs assessment and:

- Achieved a score within the 4.3-4.7 Composite/Overall band;
- Achieved a score of Basic or higher on the OSTP ELA assessment in the same year as the eligible ACCESS assessment score;
- Be enrolled in grade 2-11 in the same year as the eligible ACCESS assessment score;
- Meet at least one of the four additional requirements listed on the ACCESS ELP Band Committee Rubric.

Additionally, the student must have demonstrated adequate growth of at least 3 scale score points compared to the prior year's OSTP ELA score, and the ELA classroom grade history must demonstrate mastery over appropriate subject matter and readiness for the next grade level.

If the student did not participate in the prior year's OSTP ELA assessment, a supplemental qualifying NRT score may be substituted. Note: the state-approved norm-referenced test (NRT) must have been taken no earlier than the spring semester of the previous school year.

Students participating in the Alternate ACCESS for ELLs assessment are eligible for the ELP Band Exit Process if the student:

- Achieved scores within the A3-P1 range on the two most recent Alternate ACCESS administrations in the past three years;
- Demonstrated growth on the prior-year OAAP/DLM Reading assessment (if applicable);
- Met the additional required elements listed on the Alternate ACCESS for ELLs ELP Band Committee Rubric.



For more information, visit the ELP Band Committee Exit Request webpage [here](#).

## Bilingual Status

**Bilingual Status** is a student status used in calculating state funding in support of bilingual students. In practical terms, any student who on the HLS answers two or more of the language questions with a language other than English, or who answers one question with a language other than English and has a qualifying score on a screening assessment test, a score of “Basic” or “Below Basic” on the previous year’s OSTP English Language Arts assessment or scored at or below the 35<sup>th</sup> percentile composite reading score from the Spring of the previous year on a state approved norm-referenced test. In some cases, depending on assessment results from year to year, students can exit and reenter bilingual status.

## C

### Carryover

There is no limitation of the unexpended balance of Title III, Part A funds to be carried over to the next fiscal year.

Under section 421(b) of the General Education Provisions Act (GEPA), LEAs and SEAs must obligate funds during the 27 months extending from July 1 of the fiscal year for which the funds were appropriated through September 30 of the second succeeding fiscal year. Funds carried over to the second succeeding year are known as “second year carryover”. They must be paid to the LEAs/liquidated by SEAs by December 31<sup>st</sup> of that respective year.

## Castañeda’s Three-Part Test in Compliance Determinations

- Is the Language Instruction Education Program (LIEP) informed by sound educational theory?
- Are the LEA’s practices, resources and personnel reasonably calculated to implement the LIEP effectively?





- Do the LIEP results show that language barriers are actually being overcome within a reasonable period of time?

*[Castañeda, 648 F.2d at 1009-1010]*

## Classroom materials

One of the three subgrantee activities required by ESSA under Title III is that the LEA receiving funds under the subpart “shall use the funds to (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.”  
*[ESSA, Section 3115(c)]*

As such, **Technology** can be purchased using Title III, Part A funds (as long as that same technology is not being provided to non-LIEP students with other state and/or federal funds) as technology can upgrade the program and instructional capacity of the LEA.

### Some examples of allowable technology/software

- iPads
- Kindles, Nooks or similar e-readers
- laptops/netbooks/Chromebooks
- electronic translators
- On our Way to English Development Program
- English-in-a-flash software
- Word-to-word dictionaries
- Imagine Learning Software
- Rosetta Stone Software
- Renaissance’s English in a Flash Software





- LeapFrog English language learning materials
- National Geographic English language teaching materials
- See the OCAS Coding section for proper coding

## Consortium

If an LEA does not have enough EL students to generate enough funds to meet the Title III, Part A minimum \$10,000 grant award, individual LEAs may join together to form a consortium in order to meet this requirement.

The **minimum number of students** needed to meet the \$10,000 minimum award fluctuates year to year, but districts and consortia that can maintain a population of approximately 125-130 identified ELs can generally expect to receive an annual Title III allocation. The members of a consortium should choose their lead fiscal agent by consensus. The lead fiscal agent is responsible for all fiscal transactions of the consortium (filing of the application, requisitions, purchases, and payments) and for maintaining records of all financial transactions carried out on behalf of the consortium.

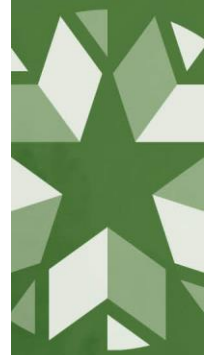
## E

### English Language Academic Plan (ELAP)

The ELAP is a document that outlines the demographics, testing history, educational goals, allowable instructional interventions, and testing accommodations that will apply to an EL student for a given year. LEAs must have an ELAP for each individual identified EL student. These can be maintained either in paper or electronic format.

An ELAPs must be completed within the first thirty days of enrollment if the student enrolls at the beginning of the school year, and within two weeks of enrollment (14 calendar days) if enrolling after that initial thirty-day window. The ELAP must be provided annually to the parents or guardians of EL students. The information contained in the document is aligned with the Title I parental notification requirements outlined in Section 1112(e)(3)(A) of ESSA.





## ELP (English Language Proficiency) Assessments

Title III, Part A funds may **not** be used by the LEAs to administer State ELP assessments (i.e. WIDA assessments), as the assessment for English language proficiency is a required state-level activity under Title I, Part A.

Neither Title I, Part A nor Title III, Part A funds may be used to develop or administer ELP assessments for identification and placement purposes. The exception to this rule is under the *Private Schools* section below.

## English Language Development Standards

These are the standards that LEAs must use to establish and maintain a Language Instruction Educational Program (LIEP). LEAs serving EL students that are monitored by the OSDE are required to provide documentation noting use of WIDA English Language Development (ELD) Standards. Additional information regarding the WIDA standards may be found at <https://wida.wisc.edu/teach/standards/eld>.

## English Learners

The term “English learner” when used with respect to an individual, means an individual

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)
  - (i) who was not born in the United States or whose native language is a language other than English;
  - (ii)
    - (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
    - (II) 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; or
  - (iii) 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; and



(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —

- (i) the ability to meet the challenging State academic standards
- (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
- (iii) the opportunity to participate fully in society. [ESSA, Section 8101 (20)]

## Equal Educational Opportunities Act of 1974

The Equal Educational Opportunities Act of 1974 prohibits state and local educational agencies from denying an individual an equal educational opportunity on the basis of race, color, sex, and national origin in several ways, including failing to take appropriate action to overcome language barriers that impede students' equal participation in instructional programs. [EEOA; 20 U.S.C. § 1703 (f)].

## F

### Food

Food is not an allowable expenditure under Title III, Part A, with the exception of *Parent Involvement* activities.

Reasonable expenditures for refreshments of food, particularly when such sessions extend through mealtime, are allowable for Title III, Part A Parent Involvement activities. Light refreshments are limited to snacks (i.e. cookies, vegetable/fruit tray, soft drinks, coffee and water, etc.)

## H

### Home Language Survey (HLS)

LEAs are responsible for identifying potential EL students who may need language instruction educational services, regardless of whether the LEA receives federal funds. LEAs must also ensure that every enrolled student has a completed HLS on file, regardless of student EL status.



The HLS should be administered as part of the enrollment process for every student. If the HLS indicates a language other than English on any of the first three questions, the student must be screened for EL status using one of the approved state screening assessments (OKPKST, WIDA Screener, WIDA Kindergarten Screener, WIDA Model).

If a potential EL student is enrolled within the first 30 calendar days from the start date of school, districts have 30 days from that enrollment date to placement test and identify the student as eligible for EL services and accommodations. If a potential EL student enrolls after the first 30 calendar days from start date of school, schools have 14 calendar days to placement test and identify the student as eligible for EL services and accommodations. [ESSA, Section 1112 (e)(3)(A&B)]

## I IDC (Indirect Costs)

Indirect Costs can be charged to Title III, Part A funds using the negotiated, restrictive rate specific to each LEA.

## Immigrant Students

Immigrant children and youth means individuals who:

- (A) are aged 3 through 21;
- (B) Were not born in any State, the District of Columbia, or Puerto Rico;
- (C) Have not been attending one or more schools in any one or more State for more than 3 full academic years. [ESSA, Section 3201(5)]

*Note:* According to the definition above, for example, students born in Puerto Rico may not be included as immigrant students. [Non-regulatory Guidance: English Learners and Title III of the ESEA, as amended by ESSA, 2016, Section G-1]

*Note:* Three (3) full academic years may be cumulative, by month. [per USDE January 13, 2011 memo]



*Note:* In many cases children (students) born to United States citizens abroad (e.g., children born on a military base overseas) will be considered immigrants if they meet all of the criteria in the definition of immigrant students.

## Interpretation and Translation Services

**Interpretation** refers to converting spoken language from one language to another.

**Translation** refers to converting written language from one language to another.

LEAs and schools are required by federal statute to provide meaningful access to information and services provided to the parents or guardians of EL students. Therefore, in most cases these services must be provided using state and local funding.

Title III, Part A funds may **only** be used for **supplemental** translation and interpretation activities that are not provided by the LEA for all students, and for translation activities that are **specific to Title III, Part A**.

**Examples of Title III –Translation & Interpretation** [Angela Martinez-Gonzalez, USDE Office for Civil Rights, 2011 Webinar]

- If the LEA has a welcome center with staff who are responsible for administering the home language survey to all students and enrolling LIEP students, it would **not** be appropriate to utilize Title III funds to pay their salaries.
- If the LEA has a contract with a translation company that provides translated notices for Federal programs, then **only** the portion of the contract that pertains to Title III notices may be paid for with Title III funds.
- If the LEA or school communicates with all parents about their child’s educational progress by mail, it would **not** be appropriate to use Title III funds to pay for the postage for LIEP students, as this communication is paid for by the LEA or school for all students, and is not Title III-specific.
- If the LEA or school communicates on a weekly basis with all parents about school activities, it would **not** be appropriate to use Title III funds to pay for translation or interpretation of these documents or activities, as this LEA and school are obligated to provide meaningful access to information and services provided. Title III funds could be used to pay for supplemental translation or interpretation.



## L

### Lau v. Nichols, 1974

“In 1974, the Supreme Court ruled in *Lau v. Nichols* that school districts must provide special services to English Language Learners so that they have equal educational opportunity. In its ruling, the Court noted:

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. Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he/she must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.” [414 U.S. 563 (1974)]

- Stands as the most basic and fundamental ruling about service requirements for ELLs in all public schools.
- Basis for the Lau Memorandum from the Office for Civil Rights.
- School districts must help ELs overcome linguistic barriers in order to access instruction.

### LIEP (Language Instruction Education Plan)

Language Instruction Education Program is the overarching language teaching program designed to meet federal language instruction requirements.

In the State of Oklahoma, The LIEP is articulated in a template in which the LEA describes the nature and scope of services offered to EL students and how the LEA meets the various Civil Rights and ESSA requirements regarding English learners. A copy of the completed LIEP template is to be uploaded in the Title I, Part A section of the LEA’s Consolidated Application.

The state of Oklahoma currently recognizes five broad LIEP intervention strategies:

- Transitional Bilingual programs – programs where content material is delivered in the students’ native language with a portion of the day dedicated solely to English language proficiency. Such programs are usually designed to bring students to proficiency in two to five years;





- Dual Language or Two-way Immersion programs – programs where instruction is delivered in both the students’ native language and in English. The goal of such programs is that students will be fully proficient in both languages. These programs usually last for the duration of a student’s enrollment in the school/LEA;
- English as a Second Language (ESL) or English Language Development (ELD) – in these programs students are provided supplemental individual or small-group instruction outside the general education classroom (e.g. “pull-out” or ESL classes) with no native language support in either setting. Supplemental instruction can target both language fluency and core content. The goal is to increase student success in mainstream, non-ESL supported general education classes which ELs should transition to in a reasonable amount of time;
- Content Classes with Integrated ESL Support – in such programs Students are provided core content instruction with no native language support in mainstream classes utilizing integrated ESL strategies (e.g. teachers trained in ESL methods, use of EL paraprofessionals, etc.) The goal is to provide appropriate EL supports in the general education classroom to the level appropriate for student success;
- Newcomer Programs – in these programs students new to the U.S. are placed in classes that primarily emphasize English language acquisition. Instruction can be in English or can utilize a student’s native language. The goal is to move the student toward English language proficiency as quickly as possible.

## O

### OSTP

The **Oklahoma State Testing Program**, the annual statewide standards-based assessments used to gauge student progress and instructional effectiveness.





## P

### Parental Involvement

One of the three required activities under Title III, Part A of ESSA is Parental Involvement. Each LEA receiving a Title III, Part A allocation must use a portion of those funds “to provide and implement [...] 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.” [ESSA, Section 3115(c)(3)(A&B)]

### Parental Notification

Parents or guardians of EL students identified and served by an LEA using funds under either Title I, Part A or Title III, Part A for EL services are to be notified annually informing them of the following:

- The reason for identification of the child as an EL;
- The child’s level of English language proficiency, how the level was assessed, and the status of the child’s academic achievement;
- The methods of instruction used in the program in which the child is, or will be, participating, and the methods of instruction used in other available programs, including how the programs differ;
- How the program will meet the educational strengths and needs of the child and help the child achieve English language proficiency, and meet academic standards;
- The exit requirements for the program, the expected rate of transition to a classroom not tailored for EL students, and the expected rate of high school graduation;
- In the case of a child with a disability, how the program meets the annual goals in the child’s Individualized Education Program (IEP); and



- Information regarding parents' right to withdraw the child from a program and to decline enrollment or choose another program or method of instruction, if available.

**Annually, LEAs must provide parents or guardians with an appropriate EL parent notification letter, a complete and updated ELAP, and a previous-year WIDA score report for their student(s), accompanied by sufficient verbal and/or written supports to ensure effective understanding. [ESSA, Section 1112(e)(3)(A)]**

## Personnel

Given the number of Civil Rights and Title I requirements that LEAs address the language needs of English learners, many personnel positions cannot be funded through Title III, Part A due to conflicts with the supplement-not-supplant rule. For example: paying ELL/ESL teachers' salaries is **not** allowed. Since the LEA is required to provide language instruction and adequately trained personnel, the use of Title III funds would be considered supplanting.

Some examples of **allowable** personnel expenses are:

- Tutors working directly with EL students
- Bilingual/ESL Paraprofessionals working directly with ELs under the direction of a certified teacher
- ESL Instructional Coaches whose role is to acquire scientific-based research practices, provide professional development, and mentor and coach teachers who in turn are working directly with English learners.

**When using Title III funds to pay all or part of a tutor or paraprofessional salary the LEA must apply the “prior year test” of supplement-not-supplant. In other words, if state or local funds were used in the past to fund the position or activity, using Title III funds to pay for it is considered supplanting.**



## Private Schools

### Consultation

LEAs are required to consult with participating private schools regarding how Title III, Part A services provided to private school students and teachers will be assessed, and how the results of such assessment will be used to improve those services. *[ESSA, Section 8501 (c)(1)(D)]*

### Identification

An LEA is responsible for ensuring that students at participating private schools are appropriately identified as ELs but cannot require a private school to administer an ELP assessment as a condition for receiving equitable services under Title III. Given this situation, the Oklahoma State Department of Education urges LEAs to assist private schools in implementing an initial Home Language Survey (HLS) and performing any necessary WIDA Screener testing. Whether the LEA performs these tasks directly, or trains appropriate private school staff to apply the EL identification process is a collaborative decision reached through the consultation process.

### Parent Notification

The parental notification requirements in Title I of ESSA do not apply to parents of ELs in private schools. Therefore, LEAs are not responsible for notifying the parents of private school EL students, but are strongly encouraged to assist participating private schools in developing a process to notify parents of identified ELs and to explain the intent and purpose of the program.

### Assessment

Private schools are not required to administer ELP assessments. That being said, LEAs are required to determine the EL status of students in participating private schools for the purpose of federal funding. Since the ELP assessment for the state of Oklahoma (WIDA ACCESS) is the measure of proficiency and determines EL status, the Oklahoma State Department of Education strongly encourages that EL students in participating private schools be administered the state ELP assessment. Since both EL identification and proficiency testing are paid for with state funds, use of Title III funds to develop and/or administer alternative EL identification or assessment instruments would constitute supplanting. It is appropriate for the LEA to assist participating private schools in administering the state ELP assessment in a manner similar to that established in administering the EL identification assessment.



## Allowable Expenses

Title III funds may **not** be used to finance the existing level of instruction in a private school. Services must supplement and not supplant the Federal, state, or local funds the private school would otherwise offer absent the Title III program. *[ESSA, Section 3115(g)]*

Some examples of allowable expenses are:

- Participation in district-sponsored professional development (PD), or PD organized specifically to meet the needs of the private school teachers;
- Tutoring for students before, during, or after school hours;
- Participation of private school LIEP students in summer school;
- Participation of students in a weekend program; and
- Purchase of supplemental instructional materials and supplies.

## Professional Development

**REQUIRED ACTIVITY-** All subgrantees are required to use Title III, Part A funds to support professional development activities for teachers of ELs, although no minimum or maximum percentage of the allocation amount is required. Title III, Part A funds may support costs incurred in providing professional development for classroom teachers (any and all teachers who may have ELs in the classroom), principals, administrators, and other school or community-based organizational personnel. Such professional development activities must be designed to:

- improve the instruction and assessment of limited English proficient children;
- 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;
- be effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers;



- be 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. *[ESSA, Section 3115(c)(2)(A-D)]*

**NOTE:** Training to administer WIDA assessments is not an allowable form of professional development.

## R

### Required Activities

The following three activities are required for the subrecipients of the Title III, Part A funds:

1. 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 English language proficiency and student academic achievement. *[ESSA, Section 3115(c)(1)]*
2. Provide effective **professional development** of sufficient intensity and duration to have a lasting impact on classroom instruction. *[ESSA, Section 3115(c)(2)]*
3. Provide **parent, family, and community engagement activities** and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners. *[ESSA, Section 3115(c)(3)]*

## S

### Screener Test or Assessment

A **screening test or assessment** is a test administered to gauge a student's level of English language proficiency with the goal of determining whether that student should be identified as an English learner. A screener test or assessment should be given to all students who answer at least one of the three language questions on the HLS with a language other than English. The screener assessments used in Oklahoma are the OKPKST (Oklahoma Pre-Kindergarten Screener Test), the WIDA Kindergarten Screener, and the WIDA Screener.



## Stipends

Under some circumstances Title III, Part A funds can be used to pay stipends.

### Allowable:

- Stipends may be paid to personnel to attend professional development (PD) activities outside of contract hours;
- Stipends may be paid to teachers to modify or enhance the district language instruction education program and develop curricula and/or instructional materials outside of contract hours.

### Non-allowable:

- Stipends are not allowed for the administration of the Home Language Survey and screener assessments, or the administration of the annual English language proficiency assessments.

## Summer school

Summer school programs, such as those that offer high intensity language instruction educational programs during the summer are allowed under Title III, Part A as long as the school can demonstrate that the program is above and beyond what is provided by the school and the LEA. Title III, part A funded summer school programs must be designed to assist EL students in making progress towards English language proficiency and achieving academic content standards. Furthermore, since many Title III students are also Title I students, lessons in a Title III funded summer school program must not conflict with the scheduled lessons of a Title I summer school program.

## Supplement, Not Supplant

Federal funds made available under Title III, Part A must be used so as to supplement the Federal, State, and local public funds that, in the absence of Title III funds, are expended for programs for English learners and immigrant children and youth. Use of Title III funds to support activities that would otherwise be supported by other Federal, State or local funds constitutes supplanting and is not allowed. *[ESSA, Section 3115(g)]*



In other words, expenses related to all mandated activities and all activities supported with other Federal funds must first be met with State, local, and other Federal funds before Title III funds can be used. An activity previously supported with State, local, or other Federal funds must be maintained with those same funds; using Title III funds to support an activity previously supported with other funds would constitute supplanting.

## T

### Translation

**Translation** refers to converting written language from one language to another. See the entry for “Interpretation and Translation Services” above.

### Travel

The costs for staff travel to trainings and conferences are allowable on condition that the travel is deemed reasonable and necessary and the training or conference is specifically related to the Title III, Part A program.

Registration invoice(s) must be submitted in the claim together with the professional development agenda.

### Testing Fees for Teachers

Teacher certification testing fees paid with Title III, Part A funds are allowed only for currently state certified teachers to add an endorsement in English as a Second Language (ESL). The cost associated with taking the ESL certification exam may be paid with Title III, Part A funds only if the tester successfully passes the exam.

### Tutoring

**Tutoring** refers to academic instruction provided to students requiring additional assistance outside of normal school hours. Beginning with the 2022-2023 school year there is no longer a requirement that tutors be certified teachers. The Office of English Language Proficiency, however, strongly recommends that tutors working with English learners be either certified teachers or credentialed paraprofessionals working under the supervision of a certified teacher.



Many ESL/ELD programs make use of “pull-out” and/or “push-in” supports often referred to informally as “tutoring.” Such interventions, however, during normal school hours, are considered lessons and are conducted by teachers and paraprofessionals, not tutors. Since all teachers and paraprofessionals working in programs supported with Federal funds must meet applicable State certification requirements [ESSA, Section 1111(g)(2)(J)], all teachers working in ESL/ELD programs supported by Title III must be certified and all paraprofessionals must be credentialed and working under the supervision of a certified teacher.

## W

### WIDA

Oklahoma is a member of the WIDA (World-Class Instructional Design and Assessment) Consortium of states and territories. WIDA provides the suite of assessments used by State of Oklahoma to screen potential English learners and to assess the English language proficiency of identified EL students.





## RESOURCES

### Law and Guidance:

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

<https://www2.ed.gov/programs/duetitle3a/legislation.html>

#### USDE Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA)

<https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiienglishlearners92016.pdf>

### Forms and Tools:

#### OSTP Accommodations Manual

<https://sde.ok.gov/documents/ostp-accommodation-manuals-companion-documents>

#### Oklahoma WIDA member page/Test Window

<https://wida.wisc.edu/memberships/consortium/ok>

#### Oklahoma ACCESS for ELLs Online Checklist

<https://wida.wisc.edu/sites/default/files/checklists/OK-online-checklist.pdf>

#### Oklahoma English Language Learner Identification and Placement Guidance Document

<https://wida.wisc.edu/sites/default/files/id-placement/OK-ID-Placement-Guidance.pdf>



## English Language Learners/WIDA Frequently Asked Questions (FAQ)

<https://sde.ok.gov/el-faq-and-legal-obligations>

### Other Resources:

#### WIDA Resource Library

<https://wida.wisc.edu/resources>

#### National Clearinghouse for English Language Acquisition

##### English Learner Tool Kit

<https://ncela.ed.gov/english-learner-tool-kit>

Aimed at helping LEAs set up ELL programs. Updated to align with ESSA.

#### National Clearinghouse for English Language Acquisition (NCELA) Resource Library

<https://ncela.ed.gov/resource-library>

Database of over 20,000 items (research articles, literature reviews, reports, classroom materials, curricula, fact sheets, multimedia projects, etc.)

#### Office of Educational Technology Digital Learning Resources Matrix

<https://tech.ed.gov/files/2018/10/matrix-digital-learning-resources-supports.pdf>

Rubric for understanding and evaluating types of digital resources.



## **U.S. Department of Education, Office of English Language Acquisition**

<https://www2.ed.gov/about/offices/list/oela/index.html>

Links to guidance and data. Links to other online resources, including:

### **English Learner Tool Kit**

<https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>

### **Newcomer Tool Kit**

<https://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/index.html>

## **Common Sense Education**

<https://www.commonsense.org/education/>

Educational non-profit providing a wide variety of resources: lesson plans, reviews of technology, professional development and training, educational games, as well as resources in Spanish.

## **One-Stop Guide to In-Service Development for ESL Teachers**

<https://www.eslteacheredu.org/in-service-development/>

## **EdSurge Product Index**

<https://www.edsurge.com/product-reviews>

Overview and evaluation of hundreds of online learning tools.



## OER Commons

<https://www.oercommons.org>

Open source software for the creation of online materials, lessons, and modules.

## Colorin colorado!

<http://www.colorincolorado.org/>

Practical resources for both teachers and administrators. Includes materials for family outreach. Useful videos and resource library. Partnered with AFT.

Last updated: July, 2022

