

---

# No Child Left Behind Act

## A DESCRIPTION OF STATE RESPONSIBILITIES

---

July 2002  
*DRAFT*



Council of Chief State School Officers  
DIVISION OF STATE SERVICES AND TECHNICAL ASSISTANCE

---

## **COUNCIL OF CHIEF STATE SCHOOL OFFICERS**

The Council of Chief State School Officers (CCSSO) is a nationwide, nonprofit organization of the public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Activity, and five extra-state jurisdictions. CCSSO seeks its members' consensus on major educational issues and expresses their views to civic and professional organizations, federal agencies, Congress, and the public. Through its structure of standing and special committees, the Council responds to a broad range of concerns about education and provides leadership and technical assistance on major educational issues.

## **DIVISION OF STATE SERVICES AND TECHNICAL ASSISTANCE**

The Division of State Services and Technical Assistance supports state education agencies in developing standards-based systems that enable all children to succeed. Initiatives of the division support improved methods for collecting, analyzing and using information for decision-making; development of assessment resources; creation of high-quality professional preparation and development programs; emphasis on instruction suited for diverse learners; and the removal of barriers to academic success. The division combines existing activities in the former Resource Center on Educational Equity, State Education Assessment Center, and State Leadership Center.

## **INITIATIVE TO IMPROVE ACHIEVEMENT IN HIGH POVERTY SCHOOLS**

The Initiative to Improve Achievement in High Poverty Schools, launched in the spring of 1995, focuses on building the capacity of state education agency officials and their local partners through effective implementation of the Elementary and Secondary Education Act (ESEA), Title I, and other federal and state programs. The Initiative, whose goal is to ensure that students in high poverty schools gain the knowledge and skills necessary for sustained success, has come to encompass a wide set of activities and products to reach these objectives. These include national working conferences, special education and extended learning initiatives, the Limited English Proficient Students Assessment Project, State Support of Alternative and Community-Based High Schools, and the High School and Immigrant Students' Project.

*Council of Chief State School Officers*

Suellen K. Reed (Indiana), President

Michael E. Ward (North Carolina), President-Elect

Peter McWalters (Rhode Island), Vice President

G. Thomas Houlihan, Executive Director

Julia Lara, Deputy Executive Director,

Division of State Services and Technical Assistance

---

---

## **ACKNOWLEDGMENTS**

This document was compiled by Phyllis McClure, an expert consultant on Title I, at the request of Julia Lara, Deputy Executive Director, Division of State Services and Technical Assistance at CCSSO. The document outlines state responsibilities relative to selected parts of the No Child Left Behind Act of 2002. It was our intent to focus only on those sections that contain provisions that will be most challenging for states to implement. It is important to note that regulations regarding implementation of Title 1, Part A, Section 1111, are currently being developed. Consequently, the responsibilities listed in this section mirror the law rather than final regulatory guidance. Additional non-regulatory guidance regarding state responsibility might also be expected from the United States Department of Education.

---

---

## Contents

<b>Title I, Part A, Section 111</b> .....	<b>1</b>
A. Standards.....	1
1. Academic Content Standards.....	1
2. Academic Achievement Standards.....	1
3. Other Subjects.....	1
B. Assessments.....	1
1. Reading/Language Arts and Mathematics.....	1
2. Science.....	2
3. Language Assessments.....	2
4. Participation in Assessments.....	2
5. Other Assessment Requirements.....	2
6. Other Than State Assessments.....	4
7. No State Authority.....	4
C. Accountability—Adequate Yearly Progress.....	4
1. Use of State Assessments.....	4
2. Adequate Yearly Progress.....	4
3. Safe Harbor Provision.....	5
D. Other State Responsibilities.....	5
1. State Assistance to LEAs.....	5
2. State Assistance to Schools.....	5
3. Participation in NAEP.....	6
4. State Report Cards.....	6
5. LEA and School Report Card.....	7
6. Parents Right to Know.....	8
7. Annual State Report to the Secretary.....	8
<b>Title I, Part A, Sections 1112, 1116, 1117 &amp; 1119</b> .....	<b>10</b>
A. State Responsibilities for Local Educational Agency Plans.....	10
B. State Responsibilities for School Improvement.....	10
1. Assessment Results to LEA.....	10
2. Reservation for School Improvement.....	10
3. Allocations.....	11
4. Public List.....	11
C. State Responsibilities for Public School Choice and Supplemental Educational Services.....	11
1. The 2002-2003 School Year.....	11
2. SEA Obligations to Implement Supplemental Educational Services.....	12
3. Paying for Supplemental Educational Services.....	13
4. Exceptions to Requirement for Supplemental Services.....	13
D. Responsibilities for Local Educational Agency Improvement.....	14
1. Definition of AYP for Local Educational Agencies.....	14

---

---

2. Annual Review.....	14
3. State Action for LEAs in Improvement Status .....	14
4. Contents of LEA Improvement Plan.....	14
5. State Technical Assistance .....	15
6. State Action for LEAs in Corrective Action .....	15
7. Corrective Action Required.....	15
8. Removal from LEA Improvement or Corrective Action Status .....	16
E. State School Support and Recognition System.....	16
1. State System .....	16
2. School Support Teams.....	17
3. School and Teacher Recognition Program.....	17
F. Teacher and Paraprofessional Qualifications.....	17
1. Teachers .....	17
2. Highly Qualified Teachers Defined.....	18
3. Reporting.....	19
4. Paraprofessionals in General .....	19
5. Qualifications for Paraprofessionals Hired <i>After</i> January 8, 2002 .....	20
6. Qualifications for Paraprofessionals Hired <i>Prior</i> to January 8, 2002 .....	20
7. Exceptions to Requirements for Paraprofessionals.....	20
8. Minimum Expenditures.....	20

**Title I, Part B, Subpart 1: Sections 1201, 1202 & 1203,**

<b>Reading First.....</b>	<b>21</b>
Overview.....	21
A. Reading and Literacy Partnerships .....	22
1. Required Membership .....	22
2. Function .....	22
B. Administer the Subgrant Program to Eligible LEAs.....	22
1. Eligible Subgrantees .....	22
2. Required Uses of Funds.....	22
3. Additional Uses .....	23
C. Professional Development for K-3 Teachers .....	23
D. Technical Assistance for Subgrantees.....	23
E. Planning, Administering, and Reporting.....	24
F. Cooperating with the Federal Evaluation .....	25

**Title II : Preparing, Training, and Recruiting High Quality Teachers and Principals..... 26**

Part A: Teacher and Principal Training and Recruiting Fund.....	26
A. State Responsibilities for State Obligations .....	26
1. State Plan .....	26
2. Use of Funds.....	27

---

---

---

3. Reporting.....	28
4. Highly Qualified Teacher Defined.....	28
B. State Responsibilities for LEA Obligations.....	29
1. State Plan .....	29
2. Accountability for LEA Compliance.....	29
3. LEA Subgrants .....	30
4. LEA Application for Subgrant.....	30
5. LEA Use of Funds .....	31
C. Subgrants to Eligible Partnerships .....	32
1. Partnerships Defined .....	32
2. Uses of Funds.....	33
<b>Title III: Language Instruction for Limited English Proficient and Immigrant Students.....</b>	<b>34</b>
Part A: English Language Acquisition, Language Enhancement, and Academic Achievement.....	34
A. Limited English Proficient Defined.....	34
B. State Responsibilities for State Obligations .....	35
1. Annual Assessment Beginning in SY 2002-2003.....	35
2. State Plan .....	35
3. State Allotments and Subgrants .....	36
4. Eligible Entity Defined .....	36
5. Uses of Funds.....	36
C. State Responsibilities for LEA Obligations.....	37
1. State Plan .....	37
2. Uses of Funds.....	37
3. Parental Notification .....	38
4. Evaluation.....	38
5. Achievement Objectives.....	39
6. Accountability .....	40
7. Reporting.....	40
<b>State Education Agency Reports To The Secretary of Education Required by The No Child Left Behind Act of 2002.....</b>	<b>42</b>
<b>State Accountability for Adequate Yearly Progress Title VI, Part A, Subpart 4, Report to Congress.....</b>	<b>46</b>

---

---

---

**TITLE I, PART A**  
**SECTION 1111**

**A. STANDARDS**

1. **Academic Content Standards** The state shall adopt challenging academic content standards that apply to all schools and all students in the state in at least reading or language arts and mathematics, and science by the 2005-2006 school year. These standards shall

- specify what students are expected to know and be able to do;
- contain coherent and rigorous content; and
- encourage the teaching of advanced skills.

2. **Academic Achievement Standards** The state shall adopt challenging student academic achievement standards that determine how well students are mastering the content standards and that

- are aligned with the state's content standards; and
- describe three levels of student performance—advanced, proficient, and basic.

3. **Other Subjects** If Title I students are taught subjects other than reading/language arts and mathematics for which the state has not developed academic standards, the state plan must ensure and describe in the state plan that these students are taught the same content and held to the same expectations as all children.

**B. ASSESSMENTS**

1. **Reading/Language Arts and Mathematics** For school years 2002-2003 through 2004-2005, the state assessment systems continues, as under previous law, to have tests once in grade spans 3 through 5, 6 through 8, and 10 through 12.

By 2005-2006, state assessment system would have developed annual assessments in grades 3-8, and in one grade between the 10<sup>th</sup> and 12<sup>th</sup> grades.

**2. Science** The state must develop annual tests in at least one grade between grades 3 through 5, grades 6 through 8, and grades 10 and 12 by the 2007-2008 school year.

**3. Language Assessments**

a. English Language Proficiency All LEAs in the state must administer annually a test of English language proficiency to all limited-English proficient students beginning in the 2002-2003 school year

b. The reading and language arts skills of students who have attended school in the United States (except Puerto Rico) for three or more consecutive school years must be assessed in English. The LEA may extend this on a case-by-case basis for up to two additional years.

c. Other Languages. LEAs may test students in languages other than English for a period not to exceed two consecutive years if the student has not attained proficiency in English sufficient to yield valid and reliable information of what the student knows and can do if tested in the English language. The state plan must identify languages for which assessments are not available and may request assistance from the Secretary if such assessments are needed.

**4. Participation in Assessments** All students must be assessed, including:

a. LEP students must be provided reasonable accommodations, including “to the extent practicable,” in the language and form most likely to yield accurate and reliable information on what they know and can do in content areas;

b. disabled students must be provided reasonable adaptations and accommodations that are necessary to measure their academic achievement on state content and achievement standards;

c. students who have attended schools in a LEA for a full school year but have not attended a single school.

**5. Other Assessment Requirements** Assessments shall:

a. be aligned with academic content and student achievement standards;

- 
- b. be used for purposes for which such assessments are valid and reliable and be consistent with relevant, nationally recognized professional and technical standards;
- c. be used only if the state
- provides evidence to the Secretary that tests are of adequate technical quality for **each** purpose under the Act, are consistent with Section 1111 and such evidence is made public by the Secretary upon request;
- and the assessments
- are consistent with widely accepted professional testing standards;
  - objectively measure academic achievement, knowledge and skills,
  - do not evaluate personal or family beliefs and attitudes, and
  - do not disclose publicly identifiable information.
- d. involve multiple up-to-date measures of student achievement, including higher-order thinking skills;
- e. produce individual student interpretative, descriptive, diagnostic reports and itemized score analysis for teachers, principals, and parents in an understandable format and, to the extent practical, a language parents can understand;
- f. enable results to be disaggregated for the entire state, for each LEA and school, and by major racial and ethnic groups, gender, LEP status, migrant status, by disabled compared to non-disabled, and by low-income versus not low-income;
- g. be provided to LEAS, schools, and teachers not later than before the beginning of the next school year;
- h. be used by LEAs, schools and teachers to improve the educational achievement of individual students.

**Construction, Section 1111 (b) (I)**

NOTE: Regulations currently under development will permit local tests as part of a state's assessment system under conditions the Department of Education will explain.

**6. Other Than State Assessments** Local assessments may be used in addition to, but not in lieu of, state assessments; but they may not be used to change the determination of whether a school has made adequate yearly progress or its school improvement status.

*[NOTE: REGULATIONS WILL PERMIT A MIX OF STATE AND LOCAL ASSESSMENTS.]*

**7. No State Authority** If a state provides satisfactory evidence to the Secretary that neither it or any other state agency has the authority under state law to adopt standards and assessments for all public schools, it must

- a. adopt standards and assessments that conform to Section 1111 on a statewide basis only for students served by Title I, **or**
- b. adopt policies that ensure that each LEA that receives Title I funds adopts standards and aligned assessments that meet all the requirements of Section 1111 and are applicable to all students in each LEA.

**C. ACCOUNTABILITY—ADEQUATE YEARLY PROGRESS**

**1. Use of State Assessments** The purpose of state assessments is to hold schools and LEAs accountable for having all students reach proficiency in reading/language arts and mathematics in 12 years. The definition of “proficient” is determined by the state.

**2. Adequate Yearly Progress** AYP is calculated for all public schools by

- a. establishing a statewide a Starting Point in each subject (reading and mathematics), which shall be the higher of (1) the percent of proficient students in both subjects in the school at the 20th percentile or (2) the percent of proficient students in both subjects in the lowest-achieving subgroup of students, a Starting Point is established separately for reading and mathematics;

---

---

b. establishing statewide Measurable Objectives ( the bar) **in each subject** in equal increments over time **for each student subgroup** so that all students reach proficiency by the 2013-2014 school year.

3. **Safe Harbor Provision** A student subgroup (that is in each school) that has not reached the bar will be considered to have met AYP if

a. the percentage of nonproficient students in that subgroup has decreased by 10 percent, and

b. that subgroup has made progress on one or more of other academic indicators;

c. the other academic indicators are high school dropout rates at the high school level and one indicator selected by the state at the elementary level, which could include rates of attendance, retention, and changes in percentages of students completing gifted and talented and college preparatory courses.

#### D. OTHER STATE RESPONSIBILITIES

1. **State Assistance to LEAs** The SEA will assist each LEA to

- “develop the capacity to comply” with its school improvement obligations, to provide additional assistance to individual students requiring help in meeting state standards;
- provide additional assistance to students needing help in meeting state standards;
- develop or identify high-quality, effective curricula aligned with state standards and disseminate such curricula to LEAs;

2. **State Assistance to Schools** The SEA will assist each school to

- “develop the capacity to comply” with the requirements pertaining to schoolwide programs and targeted assistance schools;
- provide additional assistance to students needing help in meeting state standards;

- ensure that poor and minority students are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.

3. **Participation in NAEP** States will participate in state NAEP assessments of 4th and 8th grade reading and mathematics, paid by the Secretary.

4. **State Report Cards** Beginning in the 2002-2003 school year (unless the state has a one-year extension), the SEA will disseminate annually a State Report Card that shall provide in a concise and understandable format information

- on student achievement at each proficiency level in the aggregate and disaggregated by student subgroups;
- comparing the actual achievement level of each student subgroup with the measurable objectives for each in both reading and mathematics;
- on the percentage of students not tested;
- on the most recent two-year trend in student achievement in reading and mathematics for each grade level;
- about other indicators used to determine AYP;
- on high school graduation rates; [*The statute says “consistent with subsection (b)(2)(B)(vii).” This may be an error because no such subsection exists. It seems probable that the law would require high school graduation rates to be reported for various student subgroups, but no citation seems to apply. This may be a case of a printing error that will be corrected by the Department.*]
- on the AYP performance of LEAs, including the name of each school identified for improvement;
- on the professional qualifications of teachers, the percentage of teachers teaching with emergency or provisional credentials, the percentage of classes not taught by highly qualified teachers in the aggregate for the state and disaggregated for the top and bottom quartile of school poverty.

- 
- 
- About other information regarding attendance rates, average class size per grade, incidence of violence and substance abuse, extent of parent involvement, percentage of students completing AP courses and rate of passing AP tests, and a clear and concise explanation of the state's accountability system.

Preexisting state report cards shall be modified to conform to these requirements.

5. **LEA and School Report Card** The SEA ensures that, beginning in the 2002-2003 school year, each LEA collects appropriate data and issues an annual report card for the LEA and each school in the LEA.

a. The minimum requirements for the LEA Report Card are

- the number and percentage of schools identified for improvement and the length of time those schools have been identified;
- student achievement on the statewide assessments compared to the students in the entire state .

b. The minimum requirements for the school report card are

- whether the school has been identified for improvement;
- the achievement of the school's students on the state assessments compared to the achievement of students in the LEA and in the entire state.

c. The LEA may include other appropriate information if it is not included on the State Report Card. Data in the LEA and school report cards must be sufficient to yield statistically reliable information, as determined by the state, and must not reveal personally identifiable information.

d. Beginning in the 2002-2003 school year, each LEA shall annual disseminate the information in the LEA and school report cards to all schools in the LEA and all parents of students attending those schools. The information shall be understandable, and to the extent practical, provided in languages parents can understand. In addition, the information must be publicly distributed through the media, on the Internet, and to other public agencies.

e. Preexisting report cards shall be modified to conform to these requirements.

---

**6. Parents Right to Know** At the beginning of each school year, LEA receiving Title I funds shall issue a Notice to parents of each Title I school that they may request and the LEA will issue timely information regarding the professional qualifications of their child(ren)'s classroom teachers. At a minimum, this Notice should include:

- if the teacher has met state qualifications and licensing criteria for the grade levels and subjects taught;
- whether the teacher is teaching under emergency or other provisional license or whether licensing criteria have been waived;
- the teacher's degree major and any other graduate certification or degree held by the teacher and the discipline of the degree or certification; and
- whether the child is provided services by paraprofessionals, and if so, their qualifications.

**7. Annual State Report to the Secretary** Each SEA shall report annually to the Secretary and make the report available within the state. The report shall include:

- beginning with the 2002-2003 school year, information on the state's progress in developing and implementing assessments;
- beginning not later than the 2002-2003 school year, information on assessments, including disaggregated results for student subgroups;
- information on the results of student assessments, including disaggregation by student subgroups, in any year prior to the 2002-2003 school year;
- information on the results of assessments of English language proficiency by LEP students, unless the state has received an extension;
- the number and names of each school identified for school improvement, the reason for the identification, and the measures taken to address the problems of student achievement in such schools;

- 
- the number of students and schools that participated in public school choice and supplemental educational services; and
  - beginning not later than the 2002-2003 school year, information on the quality of teachers and the percentage of classes being taught by highly qualified teachers in the state, in LEAs, and in schools.

---

---

**TITLE I, PART A**  
SECTIONS 1112, 1116, 1117 & 1119

**A. STATE RESPONSIBILITIES FOR LOCAL EDUCATIONAL AGENCY PLANS**

The state educational agency (SEA) shall approve a local educational agency (LEA) plan only if it determines that the agency's plan

1. meets the requirements of Title I Part A;
2. enables Title I schools to help children meet the state's academic standards;
3. is coordinated with the Individuals With Disabilities Education Act, the Perkins Vocational and Technical Education Act, the McKinney-Vento Act and others;
4. complies with LEAs responsibilities for school improvement (Section 1116), parent involvement (Section 1118) and qualifications of teachers and paraprofessionals Section 1119);
5. provides notice to parents of children who have been identified for participation or who are participating in language instruction programs for children who are or who may be limited-English proficient.

**B. STATE RESPONSIBILITIES FOR SCHOOL IMPROVEMENT**

1. **Assessment Results to LEA** The SEA must ensure that the results of the state academic assessments are made available to LEAs before the beginning of the next school year.

2. **Reservation for School Improvement** The NCLB contains two authorizations for school improvement activities—one through a reservation (Section 1003 (a)) and one based on a specific appropriation (Section 1002 (i)). But Congress did not appropriate funds for Section 1002(I); therefore for SY 2002-2003 only the reservation operates. According to the Department of Education's reading of the statute, state are required to reserve two percent of their Title I Part A allocation, of which they must allocate 95 percent directly to LEAs with schools identified for improvement, corrective action, or restructuring to carry out activities under Section 1116(b).

---

3. **Allocations** In allocating school improvement funds to LEAs, the state shall give priority to LEAs that:

- serve the lowest-achieving students;
- demonstrate the greatest need for school improvement funds;
- demonstrate the strongest commitment to ensuring that funds are used to enable the lowest-achieving schools to meet their annual measurable objectives.

4. **Public List** The state must make publicly available a list of schools that have received funds or services from the school improvement funds and the percentage of low-income students in each school.

### C. STATE RESPONSIBILITIES FOR PUBLIC SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES

#### **Public School Choice And Supplemental Educational Services Effective In The 2002-2003 School Year**

A school that was in school improvement status on January 7, 2002 shall be treated as a school in its first year of improvement under the No Child Left Behind Act. Students in this school must be given the option of transferring to another public school not in improvement status or corrective action, including a public charter school.

A school that had been in school improvement status for two or more years on January 7, 2002 shall be treated as a school in its second year of school improvement. That is, it failed to achieve adequate yearly progress (AYP) after the first full year in school improvement. Such school will continue to provide public school choice and provide supplemental educational services.

A school that was in corrective action status on January 7, 2002 must be treated as a school in corrective action status. The LEA will provide public school choice to all students enrolled, provide supplemental educational services, and initiate additional corrective action measures.

1. **The 2002-2003 School Year** Effective the first day of the 2002-2003 school year, the state shall ensure that schools and LEAs that have been identified for improvement will provide public school choice and supplemental educational services. Public school choice is required except if prohibited by state law. The SEA must maintain a list of approved providers across the state and by school district from which parents may select supplemental educational services in non-school hours.

## 2. SEA Obligations to Implement Supplemental Educational Services

Definition of a provider: a non-profit or for-profit entity or an LEA that:

- has a demonstrated record of effectiveness in increasing student achievement;
- is capable of providing supplemental educational services consistent with the instructional program of the LEA and state academic standards;
- is financially sound.

Criteria for Providers:

- Provide parents and LEAs with information on the progress of children in increasing achievement in a form and language parents can understand;
- Ensure that instruction and content are consistent with that provided by the LEA and are aligned with state achievement standards;
- Meet all applicable federal, state, local health and safety, and federal civil rights laws;
- Ensure instruction and content are secular, neutral, and non-ideological.

Monitor Providers:

- Develop, implement, and publicly report the standards and techniques for monitoring the quality and effectiveness of services offered by approved providers.
- Withdraw approval from providers that fail for two consecutive years to contribute to increasing the academic proficiency of students participating in supplemental educational services.
- Provide annual notice to potential providers of the opportunity to provide services and of the applicable procedures for obtaining state approval.

---

**3. Paying for Supplemental Educational Services** The SEA may use state agency funds reserved under Title I Part A and Title V (Promoting Informed Parental Choice and Innovative Programs, Part A Innovative Programs), to assist LEAs that do not have sufficient funds to provide services under this subsection for all eligible children requesting such services.

**LEA's Allocations.** To satisfy all requests for supplemental services and transportation for public school choice, the LEA must spend up to 20 percent of its allocation, as follows:

- 5 percent of public school choice transportation,
- 5 percent for supplemental educational services.
- 10 percent for either or both transportation and supplemental educational services.

The per-child amount for supplemental educational services is the LEA's allocation divided by the estimated census count of children ages 5-17 from families below the poverty level or the actual cost of the services received per-child.

The LEA provides supplemental educational services until the end of the school year in which they were first provided.

**4. Exceptions to Requirement for Supplemental Services** A State may waive the requirement to provide supplemental educational services upon request of a LEA if the state determines that

- none of the providers on the state-approved list make those services available in the area served by the LEA or within "reasonable distance" of the area;
- the LEA provides evidence that it is not able to provide the services.

If state law prohibits the state educational agency from carrying out one or more of these responsibilities with respect to providers of supplemental educational services, each LEA must carry them out.

## **D. RESPONSIBILITIES FOR LOCAL EDUCATIONAL AGENCY IMPROVEMENT**

**1. Definition of AYP for Local Educational Agencies** The definition of AYP for LEAs is left to the state and is contained in the state plan.

---

**2. Annual Review** Review each year each LEA receiving Title I Part A funds to determine whether schools are making AYP and each LEA is complying with obligations for school improvement, parent involvement, and teacher and paraprofessional qualifications.

The SEA:

- identifies for improvement any LEA that, for two years (including two consecutive years immediately preceding enactment of the No Child Left Behind Act), has failed to make AYP;
- identifies for corrective action any LEA that was in corrective action status under the prior Title I rules;
- provides the LEA with an opportunity to review academic assessment data that was the basis for the identification and to present “supporting evidence” before the SEA makes a final determination “not later than 30 days” after it provides the LEA with the opportunity to review.
- publicizes the results of the review and disseminate them to LEAs, teachers and other staff, students, and the community;
- notifies “promptly” parents of every child who attends a school in the LEA identified for improvement about the results of the review, the reasons why the LEA has been identified, and how parents can “participate in upgrading the quality of the local educational agency.”

**3. State Action for LEAs in Improvement Status** Within three months after identifying the LEA for improvement, the LEA will revise its plan in consultation with parents and school staff. The plan for LEA improvement (or the revised plan) has to be implemented “expeditiously,” but not later than the beginning of the next school year.

**4. Contents of LEA Improvement Plan** The plan must include;

- scientifically based research strategies to strengthen the core academic program;
- actions likely to have the greatest impact on improving the academic achievement of students;

- 
- 
- 10 percent of the LEA's Title I Part A funds for professional development, including the 10% set-side for each school, in addition to the minimum expenditures required under Section 1119 (L) for enhancing teacher and paraprofessional qualifications;
  - address the fundamental teaching and learning needs of the schools and the specific learning problems of low-achieving students;
  - specific measurable achievement goals for each student subgroup;
  - extended learning time for after-school and summer activities and extend the school year;
  - strategies to promote effective parent involvement; and
  - specify responsibilities of the SEA and LEA, including the technical assistance to be provided by the SEA.

5. **State Technical Assistance** The SEA provides technical assistance, if requested, in the development and implementation of the plan. It shall be "supported by effective methods and instructional strategies based on scientifically based research and shall address any problems in implementing parent involvement and upgrading the professional qualifications of teachers and paraprofessionals." This technical assistance may be provided by an entity other than the SEA, as long as the SEA authorizes the entity to do so.

6. **State Action for LEAs in Corrective Action** "Corrective action" is defined as

- substantially and directly responding to the consistent academic problems and to any underlying staffing, curricular, or other problems the LEA has experienced, and
- designed to meet the goal of having all students served by Title I achieving at proficient and advanced standards of academic achievement.

7. **Corrective Action Required** The SEA may take corrective action measures at any time after an LEA has been identified, but it shall undertake such actions if the LEA fails to achieve AYP by the end of the second full school year after it was first identified for improvement. At this stage, the state must take at least one of the following actions:

- defer program funds or reduce administrative funds;
-

- implement a new curriculum;
- remove the district staff;
- remove certain schools from the district’s jurisdiction;
- appoint an outside manager;
- abolish or restructure the LEA, or allow students to transfer to another district.

Prior to taking of these actions, the State provides the LEA with notice and opportunity for a hearing, which shall take place within 45 days. The SEA publishes a notice to parents and the general public on the internet or through the media and public agencies.

Imposition of these corrective action measures may be delayed for one year only if the LEA makes AYP for one of the two years, or failure to meet AYP was due to a natural disaster or unforeseen decline in financial resources.

**Employee Rights Protected  
Section 1116 (d)**

“Nothing with respect to school or LEA improvement or corrective action shall alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under federal, state, or local laws or under collective bargaining or other agreements between employees and their employers.”

**8. Removal from LEA Improvement or Corrective Action Status** A LEA that makes AYP for two consecutive years after the date of identification is no longer subject to corrective action for the following school year.

**E. STATE SCHOOL SUPPORT AND RECOGNITION SYSTEM**

**1. State System** Each state must establish a statewide system of intensive and sustained support for LEAs and schools receiving Title I funds. This system shall give priority in the following order to:

- LEAs with schools subject to corrective action and assistance to those schools in a LEA that have failed to carry out their responsibilities;

- 
- 
- LEAs with schools identified for improvement; and
  - other LEAs and schools that need it.

2. **School Support Teams** Each state establishes a school support team composed of knowledgeable persons that will

- review and analyze all facets of a school's operation and assist in developing recommendations for improvement;
- collaborate with parents and school staff in the design, implementation, and monitoring of the school improvement plan;
- evaluate at least semiannually the effectiveness of school personnel assigned to the school;
- make additional recommendations to the SEA regarding other assistance required by the school.

3. **School and Teacher Recognition Program** Each state must establish a program for making academic achievement awards to schools that have significantly closed the achievement gap or exceeded AYP for two or more consecutive years. Schools so rewarded will be known as Distinguished Schools. As part of the state's School Recognition Program, the state may provide financial awards to teachers in Distinguished Schools.

Seventy-five (75) percent of the state's funds reserved for the awards program must go to schools or to teachers in those schools which are in the highest quartile statewide in percentage of low-income students.

## F. Teacher and Paraprofessional Qualifications

1. **Teachers** As a part of the state plan, the SEA shall develop a plan to ensure that all teachers teaching core academic subjects are highly qualified by the end of the 2005-2006 school year. The plan will include annual measurable objectives for each LEA and school that will "at a minimum" include

- an annual increase in the percentage of highly qualified teachers in each LEA and school so that all teachers teaching core academic subjects in each public elementary and secondary school are highly qualified by the end of the 2005-2006 school year;

- 
- 
- an annual increase in the percentage of teachers who are receiving high-quality professional development in order to become highly qualified teachers; and
  - at the state's discretion, other measures it deems appropriate to increase teacher qualifications.

### New Teachers Hired

Effective the first day of the 20002-2003 school year, all teachers hired on or after that date who are working in a program supported by Title I Part A shall be highly qualified. The Department of Education is expected to clarify whether this means all teachers in schoolwide programs, or **only** those who are paid with Title I funds.

## 2. Highly Qualified Teachers Defined With respect to:

- any public elementary or secondary school teacher has obtained full state certification (including alternative routes to certification) **or** has passed the state licensure examination **and** holds a state license; **and** has not had certification waived on an emergency, temporary or provisional basis; (teachers in public charter schools must meet the requirements of the state's public school charter law);
- a new elementary school teacher with a Bachelor's degree must pass a "rigorous" state test of subject matter knowledge and pedagogy in reading, writing, mathematics and other subjects of the elementary school curriculum;
- a new middle or secondary school teacher who has a bachelor's degree **and** has passed a "rigorous" state test in each of the academic subjects in which the teacher teaches **or** has successfully completed an academic major or graduate coursework equivalent to an academic major in which the teacher teaches, **or** advanced certification and credentials;
- an elementary, middle, or secondary teacher who is not new to the profession and has met the requisite standard above **or** demonstrated competence in all academic subjects the teachers teaches based on a "high, objective, uniform state standard of evaluation" that

- 
- is established by the state for grade appropriate academic subject matter and pedagogical skills;
  - is aligned with state academic content and student achievement standards;
  - provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects she teaches;
  - is applied uniformly to all teachers in the same academic subject and grade level throughout the state;
  - takes into consideration, but is not based primarily on, the time the teacher has been teaching the subject;
  - is made available to the public upon request; and
  - may involve multiple, objective measures of teacher competency.

**3. Reporting** Each SEA shall require an annual report, beginning in the 2002-2003 school year, from each LEA receiving Title I Part A funds on the progress of the LEA and its schools in ensuring that all teachers in the state teaching core academic subjects are highly qualified by the 2005-2006 school year.

Beginning with the 2002-2003 school year, SEAs will submit to the Secretary a report describing the state's progress in ensuring that all teachers are highly qualified by the 2005-2006 school year.

**4. Paraprofessionals in General** Implementation of the mandates regarding paraprofessionals is primarily an LEA responsibility. However, the state's obligations is to ensure that the LEA is fulfilling the law's requirements when it reviews each LEA's annual application and plan for Title I funds. The state must ensure that the LEA plan complies with the requirements for paraprofessionals. That plan must also describe the LEA's strategy to coordinate Title I and II to provide professional development for teachers and principals and if appropriate pupil services personnel, administrators, parents, and other staff (including central office staff). The plan must show how the LEA will work with schools to implement their plans for complying with the paraprofessional mandates.

All paraprofessionals, regardless of hiring date must have a high school diploma or its recognized equivalent. But a high school diploma or its

---

---

recognized equivalent is a necessary but not sufficient requirement to comply with the law.

**5. Qualifications for Paraprofessionals Hired *After* January 8, 2002**

Paraprofessionals working in Title I programs must have

- completed at least two years of college;
- obtained an AA or higher degree, or
- can demonstrate through a formal state or local assessment a knowledge of and ability to assist in instruction of reading, writing, and mathematics, or reading, writing, and mathematics readiness.

**6. Qualifications for Paraprofessionals Hired *Prior* to January 8, 2002** All paraprofessional hired prior to January 8, 2002 must meet the above qualifications within four years.

**7. Exceptions to Requirements for Paraprofessionals** The above qualifications do not apply to paraprofessionals who function as translators for non- or limited-English proficient students or to those whose duties consist solely of parent involvement activities.

**8. Minimum Expenditures** To ensure that teachers who are not highly qualified become highly qualified by the end of the 2005-2006 school year, each LEA receiving Title I Part A funds must spend

- in fiscal years 2002 and 2003 not less than five percent and not more than 10 percent, and
- in subsequent fiscal years not less than five percent on professional development activities.

---

---

**TITLE I, PART B, SUBPART 1**  
SECTIONS 1201, 1202 & 1203  
READING FIRST

**OVERVIEW**

Reading First is a state grant program targeted at reading in grades K-3. To receive a grant, a state education agency (SEA) is required to fulfill six responsibilities.

1. Establish a Reading and Literacy Partnership in conjunction with the governor.
2. Administer the subgrant program, ensure that local educational agencies (LEAs) carry out the requirements of the law, and evaluate the effectiveness of subgrantees' activities.
3. Develop a professional development program, both pre- and in-service.
4. Provide technical assistance to LEA subgrantees.
5. Plan, administer, and report on the state's Reading First Program.
6. Agree to cooperate with the federal evaluation.

From the state's allotment, 80 percent must be awarded to eligible LEAs. Of the 20 percent remaining for state activities,

- 65 percent is designated for professional development,
- 25 percent supports technical assistance to LEAs, and
- 10 percent funds the SEA's administration of and reporting on subgrants.

Also included in Subpart 1 of Part B is Section 1204, Targeted Assistance Grants. This section authorizes the Secretary to make competitive grants to states that have produced increases in reading achievement at grades K-3 over two consecutive years. Appropriations for Section 1204 are available for the first time in Fiscal Year 2004, but only if the money appropriated for Subpart 1 exceeds the appropriations in Fiscal Year 2003. In the event of an appropriation in excess of Fiscal Year 2003, the amount for Section 1204 shall be the lesser of \$90,000,000 or 10 percent of the excess amount. The

---

---

Fiscal Year 2002 appropriation for Subpart 1 is \$900,000,000. The President's Fiscal Year budget requests \$1 billion (\$1,000,000,000). If Congress agrees to this increase of \$100,000,000, the lesser amount would be \$1 million (\$1,000,000) for Targeted Assistance Grants.

## **A. READING AND LITERACY PARTNERSHIPS**

The governor and SEA shall establish a Reading and Literacy Partnership.

1. **Required Membership** The governor, the chief state school officer, and the chair and ranking member of the education committees of the state legislature. Other members are to be chosen jointly by the governor and chief state school officer. They are: a) one eligible LEA; b) a community-based organization devoted to improving reading; c) a state director of a federal or state program with a strong reading component; d) a parent of a child in public or private school or is home schooled; e) a teacher; f) a family literacy service provider. Other optional members are listed in the law.

2. **Function** The Partnership will coordinate the application for a Reading First grant and assist in the oversight and evaluation of the SEAs activities.

## **B. ADMINISTER THE SUBGRANT PROGRAM TO ELIGIBLE LEAS**

SEAs administer a competitive grant program for eligible LEAs.

1. **Eligible Subgrantees** Subpart 1 funds are designated for LEAs that receive concentration grant funds (i.e. those in which poor children are, or exceed, 6,500 or 15 percent of the enrollment). Funds are limited to schools that have the highest percentage or number of K-3 students reading below grade level and are identified for school improvement or have the highest number of poor students in the state.

2. **Required Uses of Funds** An LEA may use up to 3.5 percent to administer the subgrant. It must implement the following:

- select and administer screening, diagnostic, and classroom-based reading assessments;
- select and implement a reading program based on scientific research that includes the essential components of reading to children in eligible schools who have reading difficulties, are at risk

---

---

of being referred to special education, have been evaluated for but not referred to special education, are identified as having a specific learning disability, and are limited English proficient;

- obtain and use instructional materials based on scientific research evidence;
- provide professional development for teachers.
- report data for student achievement on state assessments, including disaggregated data.
- promote reading and library programs.

3. **Additional Uses** LEAs may also use Reading First funds to support family literacy programs, provide training to parents and volunteers, and assist parents in the use of materials that will encourage and support children’s reading development.

### **C. PROFESSIONAL DEVELOPMENT FOR K-3 TEACHERS**

With 65 percent of the 20 percent reserved for state use, SEAs must implement a program of professional development for teachers, including special education teachers, in K-3 that will:

- prepare teachers in all the essential components of reading instruction and reading remediation, including materials, programs, assessments and diagnostic devices for detecting early reading failure;
- strengthen preservice courses at all public higher institutions in the state;
- recommend improvements in the state licensure and certification standards in reading.

### **D. TECHNICAL ASSISTANCE FOR SUBGRANTEES**

With 25 percent of the 20 percent reserved for state use, the SEAs must assist LEAs with “one or more” of the following:

- selecting and implementing a reading program grounded on scientifically-based reading research;
- selecting and using screening, diagnostic, and classroom assessments;
- identifying eligible professional development providers; and
- using alternative providers “to expand opportunities” in reading to K-3 students.

#### **E. PLANNING, ADMINISTERING, AND REPORTING**

With 10 percent of the 20 percent reserved for state use, the SEA administers its Reading First grant, including:

1. administering competitive subgrant awards to LEAs;
2. assessing and evaluating “on a regular basis” the effectiveness of LEAs in increasing the number of K-3 students who can read at or above grade level.
3. filing an annual report with the Secretary showing:
  - evidence that the state is fulfilling its obligations;
  - the schools and LEAs with the largest gains in reading achievement;
  - progress in reducing the number of K-3 students reading below grade level; and
  - progress in increasing the percentage of students by disaggregated group that are reading at or above grade level.
4. filing a progress report with the Secretary 60 days after the end of the third year of the grant period.

**Paragraph 1202 (d)(5)(c)(iv) Contract**

“To the extent practicable, a state educational agency shall enter into a contract with an entity that conducts scientifically based reading research, under which contract the entity will assist the state educational agency in producing the reports to be required under this subparagraph.”

---

---

**F. COOPERATING WITH THE FEDERAL EVALUATION**

Section 1205 calls for the Secretary to conduct an external, independent evaluation of Reading First. State and local grantees are expected to cooperate with the evaluation. The findings of the evaluation are to be provided to SEAs and LEAs “on a periodic basis” for use in program improvement.

**TITLE II**  
PREPARING, TRAINING, AND RECRUITING  
HIGH QUALITY TEACHERS AND PRINCIPALS

**PART A**  
TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

**A. STATE RESPONSIBILITIES FOR STATE OBLIGATIONS**

1. **State Plan** The consolidated state plan under Title I Part A Section 1111 and Title II Part A must include descriptions of how the state's activities will comply with Title II Part A. The descriptions include:

- how activities are based on a review of scientifically based research and why they are expected to improve student achievement;
  - how activities are aligned with state standards and assessments and local curriculum;
  - how Title II funds will improve the quality of teachers and principals;
  - how professional development activities will be coordinated with other federal, state and local programs; (NOTE: The supplement, not supplant rule applies to Title II);
  - the state's comprehensive strategy to ensure that teachers are trained in technology and its applications;
  - how the state will encourage innovative ways to deliver professional development that are cost effective and easily accessible, i.e. peer networks, technology, distance learning;
  - how the SEA will ensure LEAs' compliance with the requirements for professional development in Title IX Part A;
  - the specific part of state law that exempts teachers in public charter schools from state certification, if they are so exempted;
  - an assurance that any entity receiving Title II funds will provide meaningful and timely consultation with private school officials and
-

---

---

equitable participation of teachers and other personnel in private schools;

If the SEA is not the responsible entity for teacher professional standards, certification and licensing, the SEA must assure that the state's responsibilities will be fulfilled by the other agency.

**2. Use of Funds** From the allocation under Title II Part A, the state reserves five percent, of which half (2.5%) must be used for partnership subgrants. Of the 2.5 percent, the SEA or the state higher education agency that administers the partnerships may not use more than one percent for the "proper and efficient" administration of their respective responsibilities. That leaves 1.5 percent to carry out **one or more** of the following activities.

- Reforming teacher and principal certification, recertification, or licensing so that they are aligned with state content standards, that teachers have the necessary subject matter and teaching skills, and that principals know how to be instructional leaders.
- Provide support for incumbent and new teachers and principals through such programs as teacher mentoring, team teaching, reduced class schedules, intensive professional development.
- Establishing, expanding, or improving alternative routes for state certification of teachers and principals.
- Assisting LEAs to recruit and retain highly qualified teachers and principals. Funds may also be used to recruit and retain pupil services personnel: **if** the state is making progress toward meeting its measurable objectives for having all teachers highly qualified by the 2005-2006 school year and **if** done in a manner consistent with assistance provided to LEAs.
- Reform tenure systems and implement teacher testing of subject matter knowledge and state certification consistent with Title II of the Higher Education Act of 1998.
- Provide professional development for teachers and principals, and pupil service personnel if appropriate.
- Develop measures of effective professional development and strategies to document gains in student achievement or increases in teacher mastery of academic subjects.

- Fund projects to promote reciprocity of teacher and principal certification.
- Assist LEAs in the development and use of proven, innovative strategies of professional development; the integration of technology into curricula and instruction; development of merit-based and differential pay for teachers in high-need subjects in high poverty schools.
- Provide professional development for principals so that they become exceptional managers and educational leaders.
- Develop teacher advancement initiatives and assist teachers in meeting the requirements necessary to become highly qualified.
- Support activities that ensure that teachers are using academic content standards, academic achievement standards, and state assessments to improve student achievement.
- Fund projects to encourage men to become elementary school teachers by operating a statewide clearinghouse and establishing recruitment and retention programs.

**3. Reporting** Every SEA has to set up a reporting system for compliance with the mandates for highly qualified teachers in core subjects by the 2005-2006 school year. The U.S. Department of Education is likely to establish a reporting format. The actual reporting requirement is found in Title I Part A Section 1119 (b). It says only that every LEA receiving Title I Part A funds must report annually to the SEA with respect to its progress in meeting annual measurable objectives for having highly qualified teachers in core academic subjects by the target year of 2005-2006. The SEA compiles reports for all LEAs and submits them to the Secretary.

**4. Highly Qualified Teacher Defined** “Highly qualified” is defined as a teacher who has passed the state licensure examination, is licensed to teach in the state, and is not teaching with an emergency, temporary, or provisional license. A teacher new to the profession must have a bachelor’s degree and have passed a “rigorous” state test in content knowledge and teaching skills in the subject matter area and grade level in which she or he will teach.

---



---

## B. STATE RESPONSIBILITIES FOR LEA OBLIGATIONS

1. **State Plan** The Consolidated State Plan under Title I Part A and Title II must describe:

- measurable objectives and annual percentage increases for each LEA and school so that **all** teachers teaching core academic subjects are highly qualified by the end of the 2005-2006 school year.
- annual increases in the percentage of teachers who are receiving high quality professional development.
- how the SEA will ensure that LEAs will comply with the requirements for Title II subgrants and the requirements of Title I Part A pertaining to teacher and paraprofessional qualifications.
- how the SEA will ensure compliance with requirements for professional development.
- how the SEA will provide professional development to LEAs regarding professional development for principals and assistance to teachers who must meet the requirements to be considered highly qualified by the end of the 2005-2006 school year.

2. **Accountability for LEA Compliance** States devise appropriate measurable objectives for each LEA and school so that all teachers teaching core academic subjects will be highly qualified within four years, or by the end of the 2005-2006 school year. It will also develop annual measurable objectives for each LEA and school in order to attain the goal. Each LEA develops a plan designed to accomplish the law's requirements. This plan is required under Title I Section 1119 (a) (2).

The SEA uses the LEAs annual reports to monitor LEAs' progress and to take corrective action if the reports show that an LEA has not met its annual measurable objectives. The corrective actions are as follows.

- After the second year of the LEA's plan under section 1119 (a)(2), i.e., 2003-2004, the state determines whether or not LEAs have met their annual measurable objectives for two consecutive years. For LEAs that have not met this standard, the LEAs will develop an improvement plan that will enable it to meet its objectives and that "specifically addresses issues that have prevented it from meeting the annual measurable objectives." The SEA provides technical

assistance in the development and implementation of the local improvement plan

- After the third year of the plan, i.e. 2004-2005, the SEA makes a determination of every LEAs progress in achieving its annual measurable objectives. For those districts that have failed to make the objectives for three consecutive years, the SEA must enter into an agreement with local school officials regarding their use of Title II funds. Under this agreement, the SEA, the LEA, teachers and principals must design professional development activities, grounded on scientifically based research, that will accomplish the goal by the end of the following school year, or 2005-2006. The SEA provides technical assistance in carrying out the plan to the LEA and/or to the schools that are having the most difficult time meeting the objectives. The SEA, in conjunction with the LEA, can also direct the LEA's Title II funds to one or more schools to enable their teachers to choose professional development that meet the law's requirements.

**3. LEA Subgrants** The SEA allocates 95 percent of its Title II Part A grant to LEAs in an amount equal to what the LEA received under the old Eisenhower Math and Science Program and the Class Size Reduction Program. Any excess money is allocated based on 20 percent of the population of children age 5 to 17 and 80 percent based on the numbers of poor children age 5 to 17.

**4. LEA Application for Subgrant** To be eligible for a subgrant, LEAs must conduct a needs assessment, involving teachers (including Title I teachers), and take account of activities that will give (a) teachers the means to acquire subject matter knowledge and teaching skills and (b) principals instructional leadership skills. The statute spells out the required contents of an LEA application that describes:

- the activities to be carried out and how they are aligned with state content and student achievement standards;
- how the activities are based on a review of scientifically-based research and why the activities are expected to improve student achievement;
- how the activities will eliminate the achievement gap between poor and minority students and other students;

- 
- 
- how the LEA will coordinate professional development activities funded by all sources;
  - the professional development needs of teachers that will be carried out, including integrating technology in curriculum and pedagogy and how teachers, principals, and paraprofessionals have been involved in the planning of these activities;
  - the results of the needs assessment;
  - how the LEA will train teachers to address students with different learning needs and behavioral problems, to involve parents in their child's learning needs, and to understand and use data and assessment results in classroom practice.

In addition, the LEA application for a subgrant must contain an assurance that funds will be targeted to schools within the LEA that have:

- the lowest proportion of highly qualified teachers;
- the largest average class size **or**
- are identified for school improvement.

**5. LEA Use of Funds** With its Title II subgrant, LEAs must carry out **one or more** of the activities on a long list that stresses expenditures that will enable school systems to meet the mandates for having high quality teachers in core academic subjects in every classroom. These activities include developing and implementing

- ways to help schools recruit and retain highly qualified teachers, principals and pupil service personnel;
- financial incentives (signing bonuses, scholarships, differential pay) to recruit and retain teachers in subject areas where there is a shortage and teachers to reduce class size, especially in the early grades;
- programs to hire regular and special education teachers who will team-teach, to hire qualified teachers for special needs children, and to expand the applicant pool through alternative certification and multiple career paths;

- professional development to improve the knowledge and skills of teachers, principals and paraprofessionals where appropriate;
- programs designed to retain teachers in schools with high percentages of low-achieving students;
- professional development academies for principals and superintendents and individuals aspiring to those positions;
- “proven” strategies that use technology and distance learning to reform tenure, establish merit pay programs and test teachers in academic subjects they teach.

### **Note About Professional Development**

Title I Part A and Title II Part A have interlocking responsibilities and funds for professional development in districts and schools. Similarly, there are interlocking obligations that SEAs have for providing technical assistance to LEAs and approving local plans to comply with the law’s requirements for upgrading the qualifications of teachers and paraprofessionals and for implement the kinds of professional development that have a substantial likelihood of raising student achievement.

In conjunction with Title I Part A and Title II Part A, the law addresses professional development in two other titles. Title III Parts A and B Language Instruction for Limited English Proficient and Immigrant Students contain requirements for both SEAs and LEAs. Title IX Part A Definitions clause # 34 Professional Development contains another long list of activities.

It would behoove states to consider all these disparate provisions on professional development in planning to carry out their responsibilities.

## **C. SUBGRANTS TO ELIGIBLE PARTNERSHIPS**

From the Title II formula allocation to states, 2.5 percent goes to the state agency for higher education to operate a competitive grant program for eligible partnerships. Partnership subgrants must be equitably distributed throughout a state. No single participant in a partnership may use more than 50 percent of the subgrant.

### **1. Partnerships Defined Partnerships eligible for grants include**

a private or public institution of higher learning and a high-need LEA

---

---

and may include

another LEA, a public charter school, an elementary or secondary school, a non-profit educational institution or cultural organization, a teacher-training institution, an organization representing teachers or principals, or a business.

2. **Uses of Funds** Partnership subgrants fund professional development activities that:

- ensure that teachers and “highly qualified paraprofessionals”, if appropriate, have subject matter knowledge and that principals have instructional leadership skills;
- ensure that teachers, principals, and where appropriate paraprofessionals are able to use state content standards, achievement standards and assessments;
- prepare individuals “who will return to a school to provide the professional development” in subject matter knowledge, instructional leadership skills and use of standards and assessments [seems to mean coaches and mentors];
- improve teaching and learning at low-performing schools that have been identified for improvement or corrective action.

**TITLE III**  
LANGUAGE INSTRUCTION FOR  
LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

Title III combines the former Title VII grants and the Emergency Immigrant Education Program into a formula grant program operated by state education agencies when appropriations equal or exceed \$650,000,000. FY 2002 appropriations are \$650,000,000. The President's FY 2003 budget requests \$650,000,000. If appropriations are less than this amount, the program reverts to a discretionary grant program operated by the Secretary of Education.

**Part A**  
ENGLISH LANGUAGE ACQUISITION, LANGUAGE  
ENHANCEMENT, AND ACADEMIC ACHIEVEMENT

**A. LIMITED ENGLISH PROFICIENT DEFINED**

Limited English Proficient (LEP) is defined in Title IX #25 to mean an individual who

- is age 3-21;
- is enrolled or preparing to enroll in an elementary or secondary school;
- was not born in the US or whose native language is not English;
- is a Native American, Alaskan Native, or a resident of outlying areas;
- comes from an environment in which a language other than English has had a significant impact on an individual's English language proficiency;
- is migratory and comes from an environment where English is not the dominant language; and
- has difficulties in speaking, reading, writing, or understanding the English language that may deny the individual the ability to meet the state's proficient level of achievement, to successfully achieve in

---

classrooms where English is the language of instruction, or to participate fully in society.

## B. STATE RESPONSIBILITIES FOR STATE OBLIGATIONS

1. **Annual Assessment Beginning in SY 2002-2003** Under Title I Part A Section 1111 (b) (7), states will provide an annual assessment of English language proficiency of all limited English proficient (LEP) children “in schools served by the state” beginning in the 2002-2003 school year. There is a one-year grace period if a state can demonstrate that exceptional or uncontrollable circumstances prevent meeting this deadline. The assessment shall measure oral language, reading, and writing.

### Note on Assessment of English Proficiency

The NCLB Act retains a provision in the 1994 Act requiring that students be assessed to the extent feasible in the language that best reflects what they know and can do. Under the new law, however, students who have attended school in the United States (excluding Puerto Rico) for three consecutive years must be assessed in English of their skills in reading and language arts. LEAs may extend this period for two years on a case-by-case basis. Section 1111 (b) (3) (c) (ix and x). The new provision in Section 1111 (b) (7) requires that states ensure that by 2002-2003 LEAs conduct the annual assessment of English language proficiency of all LEP students.

Title III Part A section 3113 (b) (3) (C) and (D) reiterate the requirement of an English proficiency assessment for LEAs that receive funds under Title III, except that (C) specifies children who have been in the US for three or more consecutive years and (D) refers to all LEP students participating in a program funded by Title III.

The reference in subsection (C) to Section 1111 (b) (7) for the test of English language proficiency for students who have been in the US for three or more years would appear to be incorrect. The correct cross reference should be to Section 1111 (3) (C) (x) calling for students who have attended school in the US (excluding Puerto Rico) for three consecutive years, **and who by that time are presumably English language proficient**, to take the state academic assessments of reading and language arts

2. **State Plan** The state plan submitted to the Secretary shall describe

- the process for making subgrants to eligible entities;
- how it will establish standards and objectives for raising the level of English proficiency in four domains of speaking, listening, reading and writing that are aligned with content and achievement standards;

- how it will coordinate Title III programs with other parts of the Act;
- how it will hold eligible entities accountable for annual measurable objectives and making adequate yearly progress for LEP students;

and contain assurances that

- it has consulted with LEAs, education-related community groups and non-profit organizations, parents, teachers, administrators and researchers in developing annual measurable objectives;
- eligible entities that receive a subgrant will annually assess the English proficiency of all LEP children “participating in a program funded under this subpart,” consistent with Title I Part A Section 1111 (b)(7);
- eligible entities receiving a subgrant will comply with the requirement under Title I Part A Section 1111 (b)(7) to annually assess in English children “who have been in the US for three or more consecutive years.”

**3. State Allotments and Subgrants** Eighty percent (80%) of each state’s allocation is based on the state’s proportion of LEP children compared to the number of Nation’s LEP children and 20 percent is based on the number of immigrant children and youth relative to Nation’s immigrant children and youth. Census data is used to count children for the first two years. Thereafter, the Secretary will decide how children are to be counted.

For subgrants, not more than 15 percent goes to eligible entities that have experienced growth of immigrant children, defined as a significant increase compared with the average increase over the past two years. The remainder is used for discretionary grants to eligible entities based on their ratio of LEP children to all LEP children in the state. The subgrant minimum is \$10,000.

**4. Eligible Entity Defined** One or more LEAs; or one or more LEAs in collaboration with an institution of higher education, a community-based organization, or the SEA.

**5. Uses of Funds** The SEA reserves five percent of its allotment (but no more than 60 percent of the amount reserved or \$175,000, whichever is greater), which may be spent for planning and administrative costs in awarding subgrants to carry out one or more of the following activities:

- 
- 
- assisting personnel in meeting state and local certification and licensing requirements for teaching LEP students;
  - providing technical assistance to eligible entities in (a) identifying language programs and curricula that are grounded on scientifically based research for teaching LEP students;
  - identifying or developing and implementing measures of English proficiency;
  - promoting parental and community participation in programs that serve LEP students; and
  - providing financial rewards to subgrantees that have exceeded their annual measurable objectives.

### C. STATE RESPONSIBILITIES FOR LEA OBLIGATIONS

1. **State Plan** In addition to requirements for SEAs, the state plan must ensure with respect to subgrantees that they

- will address the needs of school systems of all sizes in all parts of the state (i.e. urban and rural);
- are of sufficient size and scope to carry out high-quality language instruction for LEP students; and
- will build the recipient's capacity to continue to offer high-quality language instruction to assist LEP students to meet state content and achievement standards.

The state plan shall further describe how it

- will hold LEAs and schools accountable for meeting annual measurable objectives and making adequate yearly progress;
- give flexibility to eligible entities in the teaching of LEP students;

2. **Uses of Funds** SEAs must approve subgrantees' plans for activities and uses of funds for both LEP children and for immigrant children and youth. There are both required and authorized (i.e. permissive) activities. High-quality professional development, based on scientific research and of sufficient intensity and duration, leads the short list of required activities.

---

**3. Parental Notification** Each eligible entity must provide a parent(s) of a child identified for participation, or participating in, a language instruction program funded by Title III a notice not later than 30 days after the beginning of the school year. The notice shall inform the parent(s) of

- the reasons for the identification of their child as LEP and in need of the language instruction program;
- the child's level of English proficiency, how it was assessed, and the status of the child's academic achievement;
- the method of instruction to be used in the program; instruction in other available programs if they differ in content and instructional goals; and the use of English and the native language in instruction;
- how participation in the program will meet the educational strengths and needs of the child;
- how the program will help the child learn English and meet age appropriate achievement standards for grade promotion and graduation;
- the specific exit requirements, the expected rate of transition into classrooms not tailored for LEP students, and the expected rate of graduation if Title III funds are used in secondary schools;
- how the program meets the objectives of the individualized education program (IEP) if the child is disabled;
- their rights, in writing, to have their child immediately removed from the program and to choose another program or method of instruction if offered.

**4. Evaluation** Subgrantees must conduct an evaluation of their Title III supported programs every second year. The purpose of these evaluations is to judge the effectiveness of programs and to report to the state, which in turn must report to the Secretary who submits reports to Congress. The SEA's responsibility is to approve the evaluation measures. Such measures shall include

- the progress of children in attaining English proficiency, including the level of comprehension, speaking, listening, reading and writing;

- 
- 
- attainment of state content and achievement standards; and
  - progress in meeting accountability requirements for Title III funded programs.

The SEA is further responsible for prescribing the form of the evaluation and the contents, which shall include descriptions of

- programs and activities supported;
- students' progress in mastering the English language and meeting state standards content and achievement standards over the previous two years;
- the number and percentage of children participating in programs and activities supported by Title III in attaining English language proficiency as determined by a valid and reliable assessment of English proficiency.

5. **Achievement Objectives** The SEA must develop annual measurable achievement objectives for LEP students participating in Title III supported programs and activities. These achievement objectives shall include

- annual increases in the number and percentage of students making progress in learning English;
- annual increases in the number and percentage of students attaining English proficiency as determined by the assessment of English language proficiency;
- the number and percentage of students making adequate yearly progress on state assessments; and

may, at the SEA's discretion, include

- the number and percentage of students **not** receiving waivers for reading and language arts assessments (allowed under Title I Part A Section 1111 (b)(3)(C). However, this objective concerning waivers does not apply to any entity that in a given year has experienced a large increase in LEP or immigrant children, or has enrolled a statistically significant number of immigrant children and youth who have had little or no access to formal education, or who have fled from war or natural disaster.

These achievement objectives are to be developed in a manner that

- reflects the amount of time individual students have been enrolled in a language instruction program, and
  - uses consistent methods and measurements to reflect increases
  - in the number and percentage of students making progress in learning English;
  - the number and percentage of students attaining proficiency on the English language assessment; and
  - the number and percentage of students **not** receiving waivers.

6. **Accountability** The SEA must hold eligible entities (or subgrantees) accountable for meeting the annual measurable achievement objectives, take action, and provide technical assistance with respect to those that do not achieve the objectives.

- For a subgrantee that has not met the objectives for **two consecutive years**, the SEA requires the eligible entity to develop an improvement plan that specifically addresses the factors that have prevented achievement of the objectives. The SEA provides technical assistance, consults with the local entity on scientifically based strategies to improve instruction provided to LEP students, and requires that such strategies be used.
- For a subgrantee that has not met the objectives for **four consecutive years**, the SEA must require the entity to modify its curriculum and method of instruction, to determine whether the entity should continue to receive Title III funds, and to require the entity to replace persons who are relevant to its failure to meet the objectives.

7. **Reporting** SEAs submit to the Secretary every second year a report on programs and activities based on the evaluations conducted by the eligible entities or subgrantees. The contents of these reports will be governed by the required ingredients of the Secretary's reports to Congress. They are:

- programs carried out to serve LEP students and their effectiveness;
  - the kinds of technical assistance provided by SEAs;
-

- 
- 
- types of language instruction used to teach LEP students;
  - a “critical synthesis” of data from the evaluations by subgrantees’;
  - the estimated number of certified or licensed teachers working in high poverty schools that will be needed in the next five years;
  - the major findings of scientifically based research carried out in Title III supported programs and activities;
  - the number of programs, if any, that were terminated because subgrantees were not able to meet program “goals” (presumably annual measurable achievement objectives);
  - the number of LEP students who were transitioned out of language instruction programs into classrooms where instruction is not tailored to LEP students;

---

**STATE EDUCATION AGENCY REPORTS**  
TO THE SECRETARY OF EDUCATION  
REQUIRED BY  
THE NO CHILD LEFT BEHIND ACT OF 2002

<b>Report</b>	<b>Frequency</b>
<p><b>Title I Part A Section 1111 (h)(4)</b> a. progress in developing and implementing assessments; b. achievement of students, including disaggregation; c. any prior achievement results; d. information on LEP students' acquisition of English proficiency; e. name, number, and reason for, of schools identified for improvement; measures to address problems of those schools; f. number of schools and students participating in public school choice and supplemental services; g. percentage of classes taught by highly qualified teachers in state, LEAs, and schools.</p>	<p>annual; beginning 2002-03</p>
<p><b>Title I Part A Section 1119 (b)(1)(B)</b> Progress on meeting measurable objectives to ensure that all teachers teaching core academic subjects in all LEAs will be highly qualified by 2005-06. Report under 1111 (h) (4) may satisfy this requirement.</p>	<p>annual beginning 2002-03</p>
<p><b>Title I Part B Section 1202 (d)(5)(C) Reading First</b> a. evidence SEA is fulfilling responsibilities; b. schools and LEAs reporting large increases in reading achievement; c. progress in reducing number of students in grades 1-3 reading below grade level; d. evidence of significant increase in students reading at grade level and above, including significant increases in disaggregated groups.</p>	<p>annual for states awarded funds</p>

<p><b>Title I Part B Section 1202 (e) Progress Report</b> Same information as required in Section 1202 (d)</p>	<p>no later than 60 days after end of third year grant period</p>
<p><b>Title I Part C Section 1308 (b)(4) (A&amp;B) Migrant Students</b> For Secretary's report to Congress a. states' progress in linking electronic record transfer systems; b. recommendations for these systems; c. recommendations to ensure continuity of services to migrant students.</p>	<p>due April 30, 2003</p>
<p><b>Title I Part D Neglected and Delinquent Program</b> Section 1431 (d) Evaluation Results</p>	<p>once every 3 years</p>
<p><b>Title I Part G Advanced Placement Programs</b> Section 1704 (f) Report by SEA awarded a grant a. number of students taking AP courses by subject; b. number of AP tests taken by students who have had an AP course in that subject; c. the number of students scoring at different levels; d. disaggregation data on students taking AP courses and tests by race. Ethnicity, sex, English proficiency status and socioeconomic status.</p>	<p>annual</p>
<p><b>Title I Part H Dropout Prevention Programs</b> Section 1830 (b) State Report on Program Activities a. status of implementation activities; b. dropout data at schools assisted with Part H funds disaggregated by race and ethnicity; c. dropout data for schools assisted with Part H funds for 2 fiscal years before LEA received grant.</p>	<p>annual, beginning after the first fiscal year LEA receives grant</p>

---

---

**Title I Part I General Provisions**

Section 1907 State Reports on Dropout Data  
All school dropout data rates disaggregated  
by race and ethnicity per uniform procedures  
of NCES/ CCD.

no later than 1  
year after  
SEA receives  
Title I funds

**Title II Part B Math/Science Partnerships**

Section 2202 (f)  
SEA that receives a grant as a partnership reports  
on progress of accountability plan of the  
partnership.

annual

**Title III Language Instruction for LEP and  
Immigrant Children**

Section 3121 Reporting Requirement  
LEAs report directly to Secretary on effectiveness  
of programs and activities carried out by the SEA  
in improving the education of LEP students.  
SEA responsibility is to develop evaluation plan  
that forms the basis of the LEAs' reports.

every  
second  
year

**Title III Subpart 3 Professional Development Grants**

Not funded in 2002 FY; President's Budget request  
for FY 2003 is zero funding.  
Section 3224 (g)

every 2 years;  
no report until  
funded

**Title IV Part A Safe and Drug Free Schools**

Section 4116 State report on  
a. implementation and outcomes of SEA and programs  
b. state's progress toward attaining performance  
measures;  
c. state's efforts to inform parents of violence and  
drug prevention efforts.  
Report to be filed by governor in cooperation with SEA.

December 1,  
2003 and every  
2 years  
thereafter

---

<b>Title V Part A Innovative Programs</b>	annual
Section 5122 (b) Statewide Summary based on LEA evaluations covering:	
a. use of funds;	
b. types of services furnished;	
c. students served.	

<b>Title V Part B Public Charter Schools</b>	annual
Section 5227 (b) Audits and Reports	
a. a copy of the most recent financial statements, and accompanying opinion, prepared by the independent public accountant reviewing the financial records of the eligible entity (i.e. the SEA that has a grant);	
b. a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;	
c. an evaluation of the eligible entity of the effectiveness of its use of Title V Part B funds in leveraging private funds;	
d. a listing of the charter schools served during the reporting period;	
e. a description of the activities carried out by the eligible entity to assist charter schools in obtaining private capital for facilities through purchase, lease, or construction;	
f. a description of the characteristics of lenders and financial institutions participating in the activities undertaken by the eligible entity under Title V Part B during the reporting period.	

**STATE ACCOUNTABILITY FOR  
ADEQUATE YEARLY PROGRESS**  
TITLE VI, PART A, SUBPART 4  
REPORT TO CONGRESS

The Secretary must submit to Congress every year, beginning with the 2005-06 school year, a report containing

1. a list of each state that has not made adequate yearly progress;
2. a list of each state that has not met its annual measurable achievement objectives for attainment of English proficiency by limited English proficient students;
3. information on states that have met the goal of having all teachers teaching core academic subjects in all LEAs highly qualified;
4. technical assistance provided to states that have not made adequate yearly progress, attained its measurable objectives, or have highly qualified teachers teaching core academic subjects.

The report to Congress is based on the Secretary's annual review of data from the state assessments and measurable objectives. The review is to be conducted by a peer review process. Based on the review, the Secretary is required to provide technical assistance to states that have failed to make adequate yearly progress and/or measurable objectives for English language attainment.



Council of Chief State School Officers  
One Massachusetts Avenue, NW  
Suite 700  
Washington, DC 20001-1431  
(202) 408-5505  
Fax (202) 408-8072  
[www.ccsso.org](http://www.ccsso.org)