

# English Learner (EL) Program Review and Title III Monitoring Protocol

(Updated October 2024)



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## Introduction

This document is a resource guide supporting the South Dakota Department of Education's English learner program review and Title III monitoring process. The English learner program review and the Title III monitoring process focuses on the quality and compliance with state and federal requirements for programming for English learner, immigrant, and refugee students. It is the South Dakota Department of Education's responsibility to enforce the following laws:

- Title VI of the Civil Rights Act of 1964: which prohibits discrimination based on race, color, or national origin
- Lau vs. Nichols: U.S. Supreme Court case, requires local educational agencies (LEA) to take steps to help ELs overcome language barriers to ensure that they can participate meaningfully in educational programs

The Elementary and Secondary Education Act of 1965 as reauthorized and amended by Every Student Succeeds Act of 2015 requires state education agencies to monitor the implementation of the Title III program requirements and the expenditure of federal funds by all subgrantees. Monitoring Title III at the local level ensures compliance with regulations and assures the quality of the program and instructional deliveries to ELs. The SD DOE is also responsible for providing quality technical assistance to LEAs and schools who serve EL students.

This document describes the South Dakota's Department of Education's English learner program review and Title III monitoring process.

## **Pre-Award Risk Assessment**

### **Purpose of Title III Part A Funding**

Help ensure that English learners, including immigrant children and youth, attain English language proficiency and meet the same standards that all children are expected to meet.

### **Pre-Award Risk Assessment for School Districts**

SD DOE staff will complete a risk assessment document that will rank the district or consortium based on several criteria. The district/consortia will be ranked based on the numerical scores assigned and will then be placed into the levels of monitoring. SD DOE will also assess the Title III team's capacity to monitor in relation to a LEA's risk assessment. In addition, the SD DOE is aware that by the nature of some district/consortia, the number of programs and allocation, the district/consortia may be at Level 4 year after year. Consideration of each individual district/consortia that falls into this situation will be made prior to beginning Level 4 interventions.

### **Selection Criteria**

SD DOE selects LEA or consortium for onsite review using the following criteria:

- New Title III program
- Allocation total
- Changes in administration/staff
- Information submitted through the grants management system and other data sources
- Unresolved findings from other federal programs
- Has at least one school identified as CSI/TSI due to the English proficiency indicator (ELP)
- Number of private schools
- Discretionary
- Date of last Title III federal program review
- Numbers of ELs served versus numbers identified
- Demographics (ex. Percent of ELs, number of immigrants of students with limited or informal education)
- English learner data: The number of English learners not meeting state targets in English language proficiency progress and academic proficiency
- Other information (ex.: high percentage of carry-over Title III funds).

All Districts have already assigned an EL/Title III contact person in the SD DOE directory. The EL/Title III contact has the following responsibilities:

- Assemble and submit required documentation at least 10 business days prior to the onsite visit.
- Develop an onsite visit schedule.
- Compile and organize evidence as it relates to the critical components.
- Participate in one pre-visit phone call with SD DOE Title III coordinator to discuss the upcoming review, schedule, and answer questions.
- Communicate information to school/district staff.
- Correspond with SD DOE Title III coordinator before, during, and after the onsite visit.
- Coordinate development and submission of a corrective action plan, if applicable.

### **Format of EL Program and Title III Onsite Visit**

The EL Program and Title III Onsite Visit consists of four steps:

- Step 1: Arrange the Review
- Step 2: Compile Evidence
- Step 3: Onsite Review
- Step 4: Follow Up

## **Step 1- Arranging the Review**

Upon receiving notification from SD DOE about the EL program review and Title III monitoring. The EL coordinator and the SD DOE Title III coordinator will collaborate on the following activities:

- Confirm onsite visit date.
- Schedule pre-visit phone call.
- Submit the following documentation 10 business days prior to the review:
  - Completed EL Program Participation
  - Completed Self-Assessment Report
  - Onsite Review Schedule

The EL program description and self-assessment should be completed in consultation with other school personnel. Additionally, the EL coordinator prepares schedules for SD DOE staff for the onsite visit that may include multiple buildings and a variety of interviews/observations.

### **Appendix A- Checklist to Prepare for the Review**

Provides an overview of items that need to be completed prior, during, and after the onsite visit.

### **Appendix B- EL Program Description**

The EL program description is a high-level overview of the LEA's EL programs. This document serves to set the stage for the review and provides information on the LEA's demographics, staffing, highlights, and challenges. The EL coordinator will receive an electronic copy of the EL Program Description.

### **Appendix C- SD DOE EL Program Self-Assessment**

The self-assessment report provides an opportunity for the LEA to evaluate that their system's in compliance with federal law. This document provides the LEAs with the necessary guidance to maintain high-standards for compliance and program delivery. An electronic version of the self-assessment will be sent to the EL coordinator. T

### **Appendix D- Onsite Review Schedule Details**

The schedule will consist of a variety of interviews with the various stakeholders as well as classroom observations. When scheduling the onsite visit, consider the following:

## **Step 2- Compiling Documentation**

The LEA compiles and organizes documentation for the onsite review based on the Critical Elements found in the SD DOE EL Program self-assessment. The LEA can include additional information in order to present the full picture of the LEA's EL program. The compiled documentation does not need to be sent to SD DOE prior to the onsite visit. SD DOE will review the documentation onsite. Please note that the SD DOE may request for key evidence for follow-up after the onsite visit.

Clear organization of materials will allow proper displaying of the district's LIEP and will help the site visit go smoothly. All evidence must align with the critical elements found in the self-assessment. In addition to the evidence provided for the critical elements, include copies of EL staff and EL student schedules.

## **Step 3- Onsite Review**

The onsite review will last one to three days depending on the size of the LEA. The onsite visit will begin with a meeting with the LEA EL leadership and SD DOE Title III monitoring team. The SD DOE staff will review program documentation and interview stakeholders. Site visits to schools will be conducted to confirm and support the LEA's written descriptions and plans. SD DOE will request randomly selected student files (4-5 students identified as ELs and 1-2 students never identified as ELs) at each site to review. An exit meeting will be conducted at the conclusion of the onsite visit to discuss preliminary findings.

## Step 4- Follow Up

SD DOE will provide a written report to the LEA superintendent and EL coordinator within 45 business days of the onsite visit. Within 45 business days of receipt of the SD DOE Title III monitoring report, the LEA will respond to any findings of noncompliance with a corrective action plan, outlining corrective actions to be implemented. SD DOE will review the corrective action plan to determine if appropriate corrective actions have been developed and will inform the LEA of the status of its monitoring report. SD DOE will work with each LEA to develop approvable corrective actions which are ready for implementation. For each finding of non-compliance, the LEA is required to demonstrate compliance with requirements within one year from the date of the issued report.

A response letter will be sent to the LEA superintendent and EL coordinator. SD DOE will maintain a record of all monitoring reports. Summary analysis of the findings and recommendations of reports will be used to aid SD DOE in providing leadership and technical assistance to LEAs.

Evidence of implementation will be verified in one or more of the following ways:

- Review of most recent Title III self-assessment report
- Review of most recent Title III grants management application
- Review of requested interim reports (desk monitoring)
- Onsite visit to the LEA

Questions can be directed to:

Shari Lord

Title III/WIDA Assessment coordinator

605.280.4011

[shari.lord@state.sd.us](mailto:shari.lord@state.sd.us)



**Appendix A: Checklist and Tips for EL coordinator**

Step	Activities
<b>Step 1: Arranging the Visit</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Complete the EL program description in consultation with appropriate LEA personnel</li> <li><input type="checkbox"/> Complete the self-assessment with appropriate LEA personnel</li> <li><input type="checkbox"/> Submit both the EL program description &amp; self-assessment to SD DOE 10 days prior to onsite visit</li> <li><input type="checkbox"/> Work on draft schedule for onsite visit and work with SD DOE staff to develop schedule</li> <li><input type="checkbox"/> Schedule introductory meeting with LEA staff to discuss objectives and review schedule on day one</li> <li><input type="checkbox"/> Schedule interviews with stakeholders               <ul style="list-style-type: none"> <li>▪ EL teachers, general education/content teachers, business manager, students (grades 4-12), and parents of ELs</li> <li>▪ Interview EL coordinator and go over documentation</li> <li>▪ Interview with administrators</li> </ul> </li> <li><input type="checkbox"/> Classroom observations- Schedule 10-15-minute classroom observations               <ul style="list-style-type: none"> <li>▪ Include a variety of settings such as elementary/secondary, general classrooms/EL classrooms</li> </ul> </li> <li><input type="checkbox"/> Schedule time and secure space daily for SD DOE staff to debrief</li> <li><input type="checkbox"/> Schedule a one-hour exit meeting on the final day following SD DOE work time with district administration, EL coordinator, and other stakeholders as appropriate/available. SD DOE will facilitate the exit meeting and will provide a brief oral summary of the visit. The exit meeting is also an opportunity to answer any questions that may come up during the meeting</li> </ul>
<b>Step 2: Compiling Documentation</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compile documentation for each critical element as described in the self-assessment in consultation with appropriate personnel</li> <li>○ Organize Documentation:           <ul style="list-style-type: none"> <li>▪ Organize by critical element</li> <li>▪ Do not send the documentation to SD DOE prior to onsite review</li> <li>▪ Make one set of copies of the documentation for SD DOE to keep for follow-up after the onsite review</li> </ul> </li> <li><input type="checkbox"/> Compile EL staff schedules</li> </ul>
<b>Step 3: Site Visit</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Facilitate the introductory meeting. Be prepared to present an overview of the LEAs EL program and the visit schedule</li> <li><input type="checkbox"/> Participate in exit meeting</li> </ul>
<b>Step 4: Follow Up</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Provide further documentation to SD DOE upon request</li> <li><input type="checkbox"/> Respond to report findings and participate in the development of the corrective action plan</li> </ul>

**Appendix B: English Learner Program Description**

**Directions:** Please complete this form and submit it to the EL Program Review coordinator at SD DOE at least 10 business days prior to scheduled monitoring visit. The purpose of the forms is to provide an overview for the reviewers to grasp the big picture of the Local Education Agency's (LEA) EL programs. Please be brief in your descriptions of demographics, program of service, staffing, successes, and challenges experienced when addressing the needs of ELs and their parents. The table may be extended to fit the necessary content.

<b>Demographics of English Learners</b>
Provide an overview of the LEA's demographics and a brief history of the most recent changes in the ethnic and linguistic make-up of the student body.
<b>Program Models</b>
Provide an overview of the LEA's program models used to provide services to English learners.
<b>Description of Staff Serving English Learners</b>
Provide an overview of the LEA's staff provides services to English Learners.
<b>Successes and Challenges</b>
Briefly describe the LEA's most recent challenges and the LEA's efforts to overcome them as well as successes in addressing the needs of English Learners and their parents.

### Appendix C: Onsite Review Sample Schedule

This is a sample schedule only. Schedules will defer depending on size and scope of program as well as areas of programming during the onsite visit.

#### **Day 1- Districts with multiple schools/buildings**

<b>Time</b>	<b>Building</b>	<b>SD DOE Staff 1</b>	<b>SD DOE Staff 2</b>
8:00 am - 8:30 am	District Office	Introductory Team Meeting with district administrators and EL leadership	
8:35 am - 8:55 am		Interview business manager	
9:00 am - 9:30 am		Interview with EL/Assessment coordinators	
9:30 am - 9:45 am	<b>Travel to School A</b>		
10:00 am -10:45 am	School A	Interview with EL teacher and walk-through tour	Interview with content teacher and walk-through tour
10:50 am - 11:35 am		Classroom Observation EL classroom	Classroom Observation content classroom
11:40 am - 12:25 pm		Interview with parents	Interview with students
12:30 pm - 1:30 pm	<b>Lunch, travel to School B SD DOE Work time</b>		
1:30 pm - 2:10 pm	School B	Interview/Document walk-through with EL coordinator	
2:15 pm - 2:45 pm		Interview with building Principal	Interview with EL teacher
2:45 pm - 3:00 pm		Classroom Observation	Classroom Observation
3:05 pm - 3:25 pm		Interview with EL teacher	Interview with liaison
3:25 pm – 3:45 pm		Interview with parents	Interview with students

**Day 2- Districts with multiple schools/buildings**

<b>Time</b>	<b>Building</b>	<b>SD DOE Staff 1</b>	<b>SD DOE Staff 2</b>
8:00 am - 8:30 am	School C High School	Interview with building Principal	Interview with guidance counselor
8:35 am - 8:55 am		Interview with students	Interview with parents
9:00 am - 9:15am		Classroom Observation	Classroom Observation
9:20 am - 9:40 am		Interview with EL teacher	Interview with content teacher
10:00 am -10:45 am	TBD	Time with EL coordinator for any questions/additional information	
10:50 am - 12:25 am		Work time for SD DOE team	
11:40 am - 12:25 pm			
12:30 am – 1:30 pm	<b>Lunch, travel to District Office</b>		
1:30 pm - 3:30 pm	District Office	Exit meeting with SD DOE staff, District administration, and District EL team	

## Component 1: Student Identification, Program Entrance & Exit

*Local educational agencies, must identify, screen, notify parents, enter ELs in effective language instructional educational programs, and exit ELs upon reaching proficiency.*

1.1 The LEA follows South Dakota’s standardized procedures for identifying English learners including data entry procedures for classifying ELs in Infinite Campus.

1.2 The LEA follows South Dakota’s standardized procedures for entering ELs into a LIEP (EL program) and determining ongoing need.

1.3 The LEA communicates with parents the 8 required components regarding their children’s participation in the LIEP in a language and format accessible to parents.

- 30 days at the beginning of the school year  
or  
-2 weeks after the enrollment of the child in a program during the school year

1.4 The LEA follows South Dakota’s standardized procedures for exiting students from EL instruction.

1.5 The LEA has a process for determining which students qualify as “immigrant children and youth”  
Students are properly coded in Infinite Campus.

### Sample Evidence to Support Critical Element 1:

- Completed Home Language Survey
- Written policies and procedures
- LAU Plan (EL Handbook)
- Informational documents for parents
- Sample of parent notification letters with required components (returned to sender)
- Screener results found in WIDA AMS/cumulative folder
- EL data in Infinite Campus

C1.1- Public Law 114-328, Every Student Succeeds Act of 2015, sections 1112(e)(3)(D), 3111(b)(2)(A), and 3113(b)(2)

C1.2- Public Law 114-328, Every Student Succeeds Act of 2015, sections 1111(b)(2)(G), 1112(e)(3)(A), 3111(b)(2)(A)

C1.4-Public Law 114-328, Every Student Succeeds Act of 2015, section 3111(b)(2)(A)

C1.4-Lau versus Nichols, 1973 [Title VI of the Civil Rights Act of 1964]

C1.5-Public Law 114-328, Every Student Succeeds Act of 2015, sections 3114(d) and 3201(5)

## Component 2: Effective Language Instructional Educational Programs

*Local educational agencies must implement effective LIEPs for English learners.*

### 2.1 Programs for English learners must:

1. Address challenging state academic and English language standards.
2. Be based on sound educational theory.
3. Be based on reasonable calculations of the programs and practices, including resources and personnel to implement this theory effectively.
4. Use effective approaches and methodologies
5. Demonstrate successes in increasing English learners':
  - A. English language proficiency
  - B. Academic Achievement.

### 2.2 The LEA writes Language Acquisition Plans for all identified English learners on an annual basis.

### 2.3 The programs and activities are evaluated to determine effectiveness. The evaluation is conducted annually.

### 2.4 Students receive all services for which they are eligible and have access to programming in which all other children are eligible to participate.

### Sample Evidence to Support Critical Element 2:

- A description of the EL program that includes a description of the types of services provided.
- Evidence of English language proficiency standards implementation
- Evidence of the alignment of ELD and content standards, especially for those courses or services that are credit bearing
- Sample student schedules and teacher schedules
- Completed Language Acquisition Plans
- Rationale and data that informed decisions regarding the EL program design
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C2.1-Lau versus Nichols, 1973 [Title VI of the Civil Rights Act of 1964]

C2.1-Castañeda versus Pickard, 1982 [648 F.2d 989 (5th Cir. 1981)]

C2.2-Public Law 114-328, Every Student Succeeds Act of 2015, sections 1112(e)(3) and 3116(b)(4)(C)

C2.3-Public Law 114-328, Every Student Succeeds Act of 2015, sections 3113(b)(8), 3115(d)(1-2), and 3121(b)

C2.4-Public Law 114-328, Every Student Succeeds Act of 2015, sections 3124(1)-(2) and 3126

C2.4-The Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241

## Component 3: Staffing & Professional Development

*Local educational agencies must adequately staff the language instructional educational program and train all staff working with English learners.*

3.1 The LEA assures that all EL teachers are licensed and hold the ENL endorsement (highly qualified) for their teaching assignment.

3.2 The LEA has a process in place to ensure that all teachers in any language instruction educational program are fluent in English and any other language used for instruction, including having written and oral communications skills.

3.3 The LEA assures that instructional paraprofessionals assisting the licensed teacher, including individuals employed in the LIEP have:

Insert here

3.4 The district assures that, professional development enhances the educational experience of ELs, is based on accepted sound educational theory and best practices and meets criteria for sustained, intensive, collaborative, job-embedded, data-informed, classroom-focused (ESSA, 2015)

3.5 The district assures that professional development explicitly related to ELs is available to all school staff, including general education staff in order to support language development across the curriculum.

### Sample Evidence to Support Critical Element 3:

- Teacher 411
- Schedules of paraprofessionals and teachers
- Agendas and PowerPoint presentations or handouts from trainings
- Sign-in sheets from trainings
- Emails or flyers inviting all staff to EL-related trainings
- 

C3.1-Public Law 114-328, Every Student Succeeds Act of 2015, section 1111(g)(2)(J)

C3.1-Lau versus Nichols, 1973 [Title VI of the Civil Rights Act of 1964]

C3.2-Public Law 114-328, Every Student Succeeds Act of 2015, section 1116 (c)

C3.3-Public Law 114-328, Every Student Succeeds Act of 2015, sections 3201(11) and 8101(42)(B)(xvi)

C3.4-Public Law 114-328, Every Student Succeeds Act of 2015, sections 3115(c)(2)

C3.4-Castañeda versus Pickard, 1982 [648 F.2d 989 (5th Cir. 1981)]

## Component 4: Parent, Family, & Community Engagement

*Local educational agencies must ensure parent, family, and community participation and engagement in language instructional educational programs.*

4.1 The LEA has implemented a continuous improvement process to engage families that includes: a culture that engages every family, effective communication and relationship building, empowering every family, family participation in decision-making and engagement of the greater community (Constantino, 2016).

4.2 The LEA sends parents of English learner's notices of such meeting in an understandable and uniform format, and, to the extent practicable, provided in a language that the parents can understand.

4.3 The LEA solicits the views of parents about the program and its effects upon their children and involves family and community in the planning, development, and implementation of programs for English learners.

### Sample Evidence to Support Critical Element 4:

- Meeting or training schedules, agendas and meeting minutes
- Screen shots of texts (emails or other social media) sent to parents
- Process for communicating to parents on how they access the district's EL program
- A description of the LEA's parent involvement initiatives as related to English learners
- Copies of notices sent to parents, translated if applicable into languages represented in the district

CP4.1-Public Law 114-328, Every Student Succeeds Act of 2015, sections 1112(e)(3)(C), 3115(d)(6), 3116(b)(3)

CP4.2-Public Law 114-328, Every Student Succeeds Act of 2015, section 1112(e)(4)

CP4.3-Public Law 114-328, Every Student Succeeds Act of 2015, sections 1112(e)(3)(c)(ii) and 3116(b)(4)



## Component 5: Accountability Requirements

**Local educational agencies must adhere to state and federal accountability requirements.**

5.1 The Local Educational Agency ensures that all English learners are annually assessed for their English language proficiency and assessment is in accordance with state and federal requirements.

5.2 The LEA ensures that all ELs in grades 3-8 and 11? participate in the state assessment (except for students that are eligible for the one-time exemption of the Language Arts portion of the state assessment).

### Sample Evidence to Support Critical Element 5:

- Test Administrators completed training
- Evidence that all students were accessed
- Evidence that score reports are shared with families
- Documentation of data collection procedures
- District guidance on allowable accommodations and procedures for use

C5.1-Public Law 114-328, Every Student Succeeds Act of 2015, sections 1111(b)(2)(G), 1111(c)(4)(A), and (ii) 3113(b)(3)(A)(B)

C5.2-Public Law 114-328, Every Student Succeeds Act of 2015, sections 1111(c)(4)(ii), 3116(b)(1)(2), 3121(2), and 3121(a)(5).

## Component 6: Fiscal Requirements

**Local educational agencies (LEAs) must adhere to state and federal fiduciary requirements.**

6.1 State and Local funds are used to fund LIEP.

*6.2 Section ONLY applies to LEAs that receive their own Title III Grant.*

The LEA can demonstrate that it does not use Title III funds to provide services that are required to be made available under state or local laws or other federal laws; and it does not use Title III funds to provide services that it provided in the previous year with state, local or other federal funds. (supplement, not supplant)

6.3 The LEA spends Title III funds on all three required Title III activities (Improving Education of ELs (language and content), Professional Development & Family Engagement).

6.4 Title III expenditures match the approved Title III budget.

6.5 Fiscal management procedures and effective internal controls ensure federal requirements are met.

6.6 District administrators are clear about the required and allowable uses to federal funds.

6.7 If Title III new immigrant funds are granted, district administrators are clear about the allowable uses of funds.

### Sample Evidence to Support Critical Element 6:

- Evidence of implementation of required and authorized activities
- Documents which describe what is provided with the state funded EL program and what is provided with Title III funding
- A description of how Title III and other funding sources are integrated, including a breakdown of line item expenditures
- Inventory lists
- Data justifying the purchase was to benefit ELs
- Maintenance of Effort documentation
- Records of expenditures
- Evidence that not more than 2 percent of Title III allocation is reserved for Title III administration
- Evidence that both direct and indirect costs are included in 2 percent for administration
- All equipment purchased with Title III and state LIEP funding is properly labeled and inventoried

C6.1-Lau versus Nichols, 1973 [Title VI of the Civil Rights Act of 1964]

C6.2-Public Law 114-328, Every Student Succeeds Act of 2015, section 3115(g)

C6.3Public Law 114-328, Every Student Succeeds Act of 2015, section 3115(c)

## Component 7: Private School Participation

*The local educational agency must allow for nonpublic school participation in the language instruction educational program.*

*7.1 Section ONLY applies to LEAs that have Private School within district boundaries.*

The LEA conducts a timely and meaningful consultation with private schools that are located within the boundaries of the public school district and has documentation on file from this meeting.

*7.2* The LEA has documentation of the process in which the private school(s) and the LEA have agreed upon to identify and screen potential ELs within the local school district's boundaries.

### Sample Evidence to Support Critical Element 7:

- A description of the consultation process
- Timeline of district-initiated consultation with nonpublic schools
- Copies of meeting agendas
- Letter of Intent to Participate, if applicable
- Affirmation of Consultation With Nonpublic School Officials Including Student Selection Criteria
- Evidence of process for providing technical assistance to nonpublic schools on how to:
  - Identify English learners
  - Determine Size and scope of services
  - Administer English language proficiency assessments and statewide assessments with accommodations
- Written agreements with nonpublic schools regarding equitable service to eligible students
- Evidence of assessment of nonpublic students and evaluation of effectiveness of services
- Documentation of how nonpublic students are identified
- Documentation of how teachers' needs were identified
- Program description
- Budget reflecting previous year's actuals on Title III spending
- Receipts

