

# Office for Civil Rights and Title III

Guidance for Charter Schools serving  
English Learners



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# Why know the difference?

- **Funding purposes**
  - OCR requirements are unfunded and create pre-requisites for other federal financial assistance
  - Title III funds may be spent only on Title III requirements
- **Compliance purposes**
  - No waiving of Civil Rights requirements.
  - No Title III money? No Title III requirements.



# Why know the difference?

- Programmatic purposes

- Empowerment!
- Ensures confidence when planning and problem-solving in your school



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# What is the Office for Civil Rights?

The Office for Civil Rights (OCR) in the U.S. Department of Education is a **law enforcement agency** charged with enforcing federal civil rights laws to ensure that educational institutions receiving federal financial assistance do not engage in discriminatory conduct. OCR **enforces the federal civil rights laws that prohibit discrimination** on the bases of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the Department.



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# OCR Activities

- **Complaint Investigation and Resolution**
  - Goal: Promptly handled
  - Obligated to resolve civil rights violations by voluntary and informal means, if possible
- **Proactive Enforcement: Compliance Reviews**
  - Focus on specific compliance issues
  - Compliance sites selected on a variety of factors
- **Monitoring of Resolution Agreements**
- **Technical Assistance**



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# OCR Law / Guidance

- The ***foundation*** of all our services to EL and LEP parents.
- **1964: Title VI of the Civil Rights Act**  
Prohibits discrimination based on race, color, national origin by recipients of federal funds.  
Districts are responsible for “rectifying students’ language deficiencies.”
- **1970 Memorandum**  
Districts must *adequately notify national origin- minority group parents of school activities which are called to the attention of other parents.* In order to be “adequate,” such notice may have to be provided in a language other than English.



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# OCR Law / Guidance

- **1981: Castañeda v. Pickard**

Resulted in the “3-prong” test for ESOL programs

1. Educationally sound
2. Implemented with integrity
3. Evaluated for effectiveness

- **1982: Plyler v. Doe**

Students cannot be denied a (K-12) education due to their immigration status. Schools/districts may not require documents for enrollment that are possessed solely by U.S. citizens.



# How are Charter Schools complying with OCR requirements?

- **Determining students' need for language services**

using a universal needs assessment\*, screener and end-of-year placement tests measuring all language modes



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# • **Communicating in parents' home language**

notification of program placement,  
TransACT documents,  
bilingual support at parent meetings,  
translated critical communications,  
translated assessment results,  
refusal of direct services letter\*



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- **Providing ESOL programs that meet *Castañeda* standards**

(when implemented properly and periodically self-evaluated)

- **Ensuring equal access to all school programs**

ELs are placed appropriately in Special Ed., Gifted/Talented programs, and extra-curricular activities



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# (Why the asterisks?)\*

## CRITICAL DOCUMENTATION

Original universal needs  
assessment  
(Home Language Survey)

Parent-signed “refusal of ESOL  
services” letter



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# How can you work on OCR compliance?

Develop an ESOL Program Plan! For the 2012-13 school year, submission of an OCR-compliant district Program Plan will fulfill the annual Self-Assessment Report required by Title III.

The OCR provides step-by-step guidelines on generating a Program Plan that outlines how YOUR institution works with English Learners from the moment they register in your school to the time they graduate.

A link to these guidelines is posted on our ESOL/Title III website.



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# Title III

- **Expands** already-existing services **or** provides for initiatives that go above and beyond what OCR and the State require.
- Funds 2 separate formula grant programs: **LEP** and **Immigrant**



# Title III

- **LEP:** Law does not permit the State to sub-grant less than \$10,000 to an institution/district – based on EL head count. Mandates two activities and authorizes any of eight optional activities. Has three achievement objectives (AMAOs) and accountability requirements.
- **Immigrant:** No minimum allocation requirement. Any institution may receive immigrant funds, based on continuous growth in immigrant student counts. Authorizes any of seven optional activities. No link to AMAOs.



# LEP vs. Immigrant

## Limited English Proficient

- Grades K - 12
- A non-English language listed on the HLS
- W-APT screener indicates student is an EL

## Immigrant

- Born outside the U.S., Washington, D.C. or Puerto Rico
- In U.S. schools less than 3 full years
- Aged 3 – 21

***Place of birth is not a factor.***

***Language is not a factor.***



# Let's look at the law...

## ❖ Sec. 3115: District Requirements

- ✓ 2% administrative expenses cap
- ✓ Provide research-based programs effective in improving English and content area skills
- ✓ Provide EL-related professional development to teachers & administrative personnel
- ✓ Offers additional options for LEP activities
- ✓ Offers options for Immigrant activities



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## ❖ Sec. 3116: District Title III Program Plan

- ✓ Describe the LEA's language program, how it will meet AMAOs and how it will ensure English development
- ✓ Describe how schools will be held accountable for meeting AMAOs
- ✓ Describe how the LEA promotes parent participation in Title III programs
- ✓ Provide assurances that the plan was developed with parent and community input



## ❖ Sec. 3121: District Evaluations

✓ Biennially, LEAs must submit to the state an evaluation of its Title III program

- % of ELs making progress
- % of ELs meeting proficiency
- % of Monitored ELs
- % of ELs making AYP



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## ❖ Sec. 3122: AMAOs

- ✓ AMAO 1: Annual increase in the % of ELs making progress in English
- ✓ AMAO 2: Annual increase in the % of ELs
  - % of ELs making progress
  - % of ELs meeting proficiency
  - % of Monitored ELs
  - % of ELs making AYP
- ✓ AMAO 3: Meet Title I AYP for EL subgroup



## ❖ Sec. 3122: Accountability

- ✓ District fails to make progress toward meeting any AMAOs for 2 consecutive years ➡ Develop and submit to the State a “District Improvement Plan” (DIP)
- ✓ District fails to meet any AMAOs for 4 consecutive years ➡ The State must require program modifications **or** decide upon continuation of funds and require replacement of certain educational staff



## ❖ Sec. 3302: Parental Notification

- ✓ 8-points required (**use TransACT!**) in placement letter. Send within 2 weeks for new placements, 30 days from the start of school for returning students.
- ✓ District didn't meet AMAOs? Within 30 days after learning so, send **Title III parents** notification of 'failure to meet'.



## ❖ Sec. 3302: Parental Notification

### Parental Participation

- outreach to inform parents how to be involved in their child's education and their learning of English & content skills.

Outreach must include notification about, and holding of, meetings to formulate and respond to LEP parents' recommendations.



able and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

**(7) ACADEMIC ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.**—Each State plan shall demonstrate that local educational agencies in the State will, beginning not later than school year 2002–2003, provide for an annual assessment of English proficiency (measuring students' oral language, reading, and writing skills in English) of all students with limited English proficiency in the schools served by the State educational agency, except that the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of this paragraph by that deadline and that the State will complete implementation within the additional 1-year period.

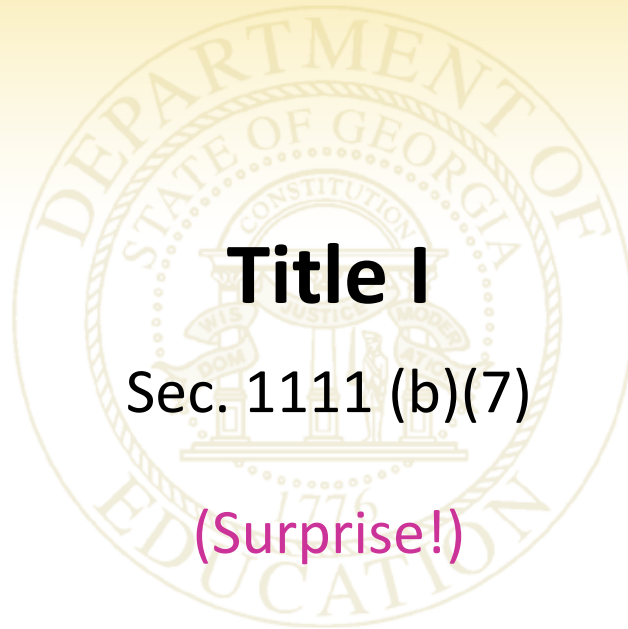
**(8) REQUIREMENT.**—Each State plan shall describe—

**(A)** how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(b), and 1115(c) that is applicable to such agency or school;

**(B)** how the State educational agency will assist each local educational agency and school affected by the State plan to provide additional educational assistance to individual students assessed as needing help to achieve the State's challenging academic achievement standards;

**(C)** the specific steps the State educational agency will take to ensure that both schoolwide programs and targeted assistance schools provide instruction by highly qualified instructional staff as required by sections 1114(b)(1)(C) and 1115(c)(1)(E), including steps that the

In what part of the NCLB Act is the English Language Proficiency assessment (ACCESS) mandated?



# Title I

Sec. 1111 (b)(7)

(Surprise!)



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# Questions?

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