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April 8, 2016

MEMORANDUM

TO: Superintendents, Charter School Administrators, District Title III Directors, and Business Managers

FROM: Icela Pelayo, PhD, Director 
Bilingual Multicultural Education Bureau

RE: **Required Subgrantee Activities Allowable under Title III, Section 3115(c)(2)(A)-(D)**

The purpose of the following memorandum is to provide clear guidance regarding required subgrantee activities allowable under *supplemental* federal Title III, Section 3115(c)(2)(A)-(D) which states the following:

(c) REQUIRED SUBGRANTEE ACTIVITIES—An eligible entity receiving funds under Section 3114(a) shall use the funds—

- (1) to increase the English proficiency of limited English proficient children [English Learners (ELs)] by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing—
 - (A) English proficiency; and
 - (B) student academic achievement in the core academic subjects; and
- (2) to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is—
 - (A) designed to improve the instruction and assessment of limited English proficient children;
 - (B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;
 - (C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
 - (D) of sufficient intensity and duration (**which shall not include activities such as one-day or short-term workshops and conferences**) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.

The latest federal guidance and resources released by the U.S. Departments of Education and Justice via the *Dear Colleague Letter* dated January 7, 2015 and the accompanying *English Learner Tool Kit for State and Local Education Agencies (SEAs and LEAs)* were disseminated to all district superintendents, state charter school administrators, and district Title III directors via email on January 9, 2015. *Chapter Three of the EL Tool Kit, Tools and Resources for Staffing and Supporting an English Learner Program*, was released in April 2015 and lists five core principles of professional development for teachers instructing ELs, also attached.¹ The five core principles are:

- Principle 1: Build on a foundation of skills, knowledge, and expertise
- Principle 2: Engage participants as learners
- Principle 3: Provide practice, feedback, and follow-up
- Principle 4: Measure changes in teacher knowledge and skills
- Principle 5: Measure changes in student performance

The New Mexico Public Education Department (PED) will use these five core principles as guidance for describing allowable required subgrantee activities specifically addressing professional development in Title III Local Plans in accordance with *supplemental* federal Title III, Section 3115(c)(2)(A)-(D), cited above. Title III Local Plans that do not meet these requirements will not be approved.

All districts are legally obligated to “take affirmative steps to ensure that students with limited English proficiency [ELs] can meaningfully participate in their educational programs and services.”² Beginning with the 2016-2017 school year, all districts submitting Title III Local Plans must *first* describe the EL program/service(s) provided to meet Office for Civil Rights (OCR) requirements in order to ensure that federal Title III funding is only used for *supplementing* the EL program/service(s). **The use of Title III funding as the primary source of support for your district’s existing EL program/service(s) and/or to resolve any OCR complaints constitutes supplanting and is, therefore, not allowed.** Please note that any determination about supplanting is fact-specific and will be based on the district’s contextual factors, which includes meeting the requirements of other federal, state and local laws or regulations.

Our shared responsibility is to ensure New Mexico’s ELs have access to the effective EL programs and/or services that will ensure they attain English language proficiency and parity of participation in the standard instructional program provided by your district and schools within a reasonable length of time.

Should you have further questions and/or required additional guidance, please contact a Specialist in the Bilingual Multicultural Education Bureau.

Enclosure (1): EL Tool Kit, Chapter 3, Tool #1: Professional Development for Teaching ELs

cc: Sam Ornelas, Title I Director
Deb Williamson, Title II Director
Matt Montaña, Educator Quality Division Director

¹ Please refer to *English Learner Toolkit for State and Local Education Agencies (SEAs and LEAs)*, Chapter 3, p. 4-5, which can be accessed directly at: <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap3.pdf>

² *Lau v. Nichols*, 414 U.S. 562 (1974); 42 U.S.C. § 2000d to d-7 (prohibiting race, color, and national origin discrimination in any program or activity receiving Federal financial assistance).

The EL Tool Kit contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other interested parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items does not reflect their importance, nor is it intended to endorse any views expressed, or materials provided.

TOOL #1 PROFESSIONAL DEVELOPMENT FOR TEACHING ELS

Effective PD must be ongoing, interesting, and meet the needs of participating personnel. The five core principles of PD for those teaching ELs, presented here, are based on the tenets of adult learning theory, the published work of several researchers, and “the fundamental belief that all teachers bring strengths to their profession and want their students to achieve and feel successful.” SEAs and LEAs can use these principles to structure PD opportunities to facilitate successful outcomes for EL teachers and their students.

CORE PRINCIPLES FOR PROFESSIONAL DEVELOPMENT OF TEACHERS OF ELS

- ★ **Principle 1: Build on a foundation of skills, knowledge, and expertise.** Professional development must build upon the current foundation of basic skills, knowledge, and areas of expertise of the educational personnel involved. Professional development will link new knowledge and activities with what the practitioners already know and are able to do, and will extend their thinking. Those attending any professional development activity will bring with them different experiences, knowledge, and skills. The individual(s) providing the activity must determine the current level of expertise, the needs of participants, and develop appropriate materials and activities. Professional development activities that do not target a specific audience must, at a minimum, offer basic knowledge to ensure that practitioners are operating from the same foundation.
- ★ **Principle 2: Engage participants as learners.** Professional development should include rich and varied opportunities that engage educational personnel as learners and offer the opportunity to apply new skills and knowledge. Professional development is effective when the materials are presented in a hands-on manner using techniques that suit various learning styles. In addition, practitioners need time to try out new methods in a safe environment before either moving to another topic or attempting the method in the classroom.
- ★ **Principle 3: Provide practice, feedback, and follow-up.** Professional development should offer educational personnel opportunities for (1) practicing the new skills, strategies, and techniques; (2) providing feedback on performance; and (3) continuing follow-up activities. A constructivist approach to staff development precludes the didactic presentation of decontextualized knowledge and skills. Principle 3 reinforces the precept that information about skills and knowledge must be presented to educational personnel in a manner that allows them to link new information to their current knowledge and skills, and allows them to construct their own meanings. Interactive, hands-on approaches to professional development make use of sound principles of adult learning. Modeling specific skills with practice sessions also will allow practitioners actively to make meaning out of the new information. Finally, a period of classroom application followed by formal observation and feedback should be used to reinforce the development of new skills.
- ★ **Principle 4: Measure changes in teacher knowledge and skills.** Successful and effective professional development should be manifested by measurable increases in participant knowledge and skills. The evaluation of a participant's knowledge and skills is essential to the effectiveness of the professional

You can access **Tools and Resources for Staffing and Supporting an English Learner Program** at <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>.

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TOOL #1: PROFESSIONAL DEVELOPMENT FOR TEACHING ELs (CONTINUED)

development program. In order to evaluate the participant, an appropriate amount and variety of information about what participants do and their effect on people should be collected. Assuming that the participants are teachers, then a variety of evidence of the genuine teaching work and performance of the teacher should be collected.

- ★ **Principle 5: Measure changes in student performance.** Professional development should be linked to measurable outcomes in student performance, behavior, and/or achievement. A direct link to student outcomes is necessary to determine what types of professional development activities are effective within specific contexts. The local level district involved in focused, long-term professional development activities must first identify what measurable student outcomes it wants to change. The problem for which professional development is sought may provide the type of outcome to be assessed. For example, a school district recently wished to link professional development more closely to student outcomes. The outcomes this district identified as important to change were the number of EL students (1) placed in pull-out English as-a-second language (ESL) programs; (2) who received low grades in reading, math, and science; and (3) who dropped out of school. Principle 5 states that a link must be established as evidence that professional development contribute to significant improvement in the quality of educational programs or student achievement.

Source: Casteel, C. J., & Ballantyne, K. G. (Eds.). (2010). *Professional development in action: Improving teaching for English learners*. Washington, DC: National Clearinghouse for English Language Acquisition (NCELA). Retrieved from http://www.ncele.us/files/uploads/3/PD_in_Action.pdf