

**Virginia Department of Education
Office of Program Administration and Accountability**

Procedures for Reallocation of Title III, Part A, Funds

In accordance with Section 3114(c) of the *No Child Left Behind Act of 2001* (NCLB), the Virginia Department of Education (VDOE) is required to reallocate excess Title III, Part A, funds to school divisions that demonstrate a need for additional funds in accordance with criteria established by the state educational agency (SEA). The VDOE established procedures for reallocation to include determining: 1) identification of excess funds; 2) areas of eligibility; and 3) timeline for reallocation.

1. Identification of Excess Funds

Excess Title III, Part A, funds are identified as Title III, Part A, funds from a local educational agency (LEA) that has:

- a. Not submitted an application for Limited English Proficient (LEP) or Immigrant and Youth (IY) funds by February 1, 2012, following the deadline for submission of the application, and the superintendent has indicated the LEA will not accept these funds*;
- b. Had its allocation reduced because it failed to meet the maintenance of effort requirements;
- c. Had funds recovered by the SEA after determining that the LEA failed to spend Title III, Part A, funds in accordance with applicable law; or
- d. Excess funds for other reasons.

* Superintendents are given a deadline to notify the VDOE regarding plans for the submission of an application. If no response is received by the deadline, funds are reallocated.

2. Reallocation Based on Ability to Expend the Funds

The SEA may reallocate excess Title III, Part A, funds on a per pupil basis to eligible LEAs who have the ability to expend the funds within the grant award period.

3. Determination of Eligibility

LEAs eligible for reallocation are the ten LEAs with the largest LEP enrollment based on the prior year.

4. Reallocation Procedure

Funds are reallocated on a per pupil basis to the ten LEAs with the largest LEP enrollment based on the prior year.

5. Establishment of Timeline

The SEA must reallocate funds on a timely basis, and funds should be made available to eligible LEAs within the allowable obligation period in which the funds were appropriated. The following guidelines apply:

- a. By January 30, 2012, the SEA shall send an Intent to Not Apply form to each school division that has not submitted an application to determine if they will be applying for the funds allocated.
- b. By February 1, 2012, the SEA will determine the ten LEAs with the largest LEP enrollment based on the prior year.
- c. By February 15, 2012, the LEAs will submit to the SEA documentation regarding intent to submit an application. If the LEA chooses not to apply, the funds will be reallocated. If an LEA fails to respond by the deadline, the funds will be reallocated.
- d. By March 1, 2012, the SEA will reallocate all unused funds.

A standard timeline for reallocation of funds allows the SEA to maintain current timelines for interim and final obligation and expenditure reports and other variables that influence fiscal management of funds.

If you have questions or need additional information, please contact Marsha Granderson, grants and reports manager, at Marsha.Granderson@doe.virginia.gov or (804) 786-1993.