

**Title III, Part A:
Language Instruction for Limited
English Proficient and Immigrant
Students**

**Statewide Consortium Application:
Guidelines, Instructions, and
Assurances**

Fiscal Year 2014

Application Submission Date:

Division Applications – July 18, 2014

Statewide Application – August 1, 2014

ESEA Grant Award Period:

July 1, 2014 – September 30, 2015

*Elementary and
Secondary
Education Act of 1965
(ESEA),
as amended by the
No Child Left Behind
Act of 2001(NCLB)
P. L. 107-110*

Virginia Department of
Education

Office of Program
Administration and
Accountability

P. O. Box 2120
Richmond, VA 23218

Title III Statewide Consortium Application Guidance Fiscal Year 2014

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Contact Information:

Kristi Bond, Title I/III Specialist
Kristi.Bond@doe.virginia.gov
(804) 371-2682

TITLE III, Part A, Application Guidance – Fiscal Year 2014

I. Purpose of Title III, Part A

Title III, Part A, known as the *English Language Acquisition, Language Enhancement, and Academic Achievement Act*, is a federal formula grant program that makes supplemental funds available to local school divisions based on the number of English language learner (ELL) students enrolled in the division. The overarching purpose of Title III is to support the provisions outlined under each principle in Virginia's approved ESEA flexibility plan and ensure that ELLs attain English language proficiency and meet the same challenging academic content and achievement standards that other students are expected to meet.

The principles in Virginia's flexibility plan include:

- Supporting student mastery of college-and career- ready reading and mathematics standards, and attainment of proficiency or better on corresponding college and career-ready reading and mathematics assessments;
- Meeting annual measureable objective (AMO) targets for reading and mathematics that demonstrate academic growth for all students and subgroups over time, and, for high schools with a graduating class, meeting the federal graduation indicator; and
- Ensuring that students are taught by highly qualified and effective teachers and providing meaningful professional development and support to promote effective instruction to increase student achievement.

Schools must use funds received to implement language instruction educational programs which carry out activities that use a scientifically-based research approach.

Funding priorities include:

- increasing the English language proficiency and academic achievement of ELLs and immigrant students by providing high-quality language instruction programs;
- providing high-quality professional development to enable classroom teachers to deliver effective content and English language instruction to ELLs and immigrant students; and
- promoting parental, family, and community participation in programs for ELLs and immigrant students.

Division responsibilities under the Title III program include:

- Provide programs and services that reflect scientifically-based research regarding the education of ELL students while permitting flexibility to the extent permitted under state law to select and implement activities in a manner that best reflects local needs and circumstances;
- Ensure that programs and services are of sufficient scope and quality to carry out high-quality language instruction programs that assist ELL students with meeting English language proficiency (ELP) standards, state content and performance standards, and grade-level expectations in reading, writing and mathematics;
- Be accountable for meeting the Title III Annual Measurable Achievement Objectives (AMAOs) for ELL students;
- Annually assess the English language proficiency of all ELL students served through this program;
- Annually assess progress of ELL students toward meeting English language arts (ELA) and mathematics standards;
- Hold timely and meaningful consultation with appropriate private school officials in the geographic area served by the division. Divisions are encouraged to review the resources about Title III Equitable Services to Private Schools provided on the Department's website at: http://www.doe.virginia.gov/federal_programs/esea/titleg/index.shtml; and
- The division plan for addressing the needs of ELL students should be developed in consultation with teachers, researchers, administrators, parents, and the community.

II. Overview of the Statewide Consortium

Under Section 3114(b) of the *Elementary and Secondary Education Act of 1965* (ESEA), states cannot award a Title III subgrant to divisions if the amount of the subgrant is less than \$10,000. Under Section 3247(b) of the ESEA, divisions that do not qualify for a Title III allocation of at least \$10,000 may submit a joint application with one or more divisions within a consortium to receive their allocation.

The Title III consortium makes available to divisions who do not receive Title III funds directly a means by which to access funds for the purpose of enhancing or expanding existing ESL programs, providing professional development to ESL and content teachers for ELLs on best instructional practices for helping ELLs achieve academically, and engaging in ongoing consultation to divisions regarding best practices for their ELL students.

Beginning in 2014-2015, the Virginia Department of Education (VDOE) has formed a statewide Title III consortium for divisions awarded a Title III subgrant under \$10,000 in order to:

- provide increased Title III funding to divisions with low-incidence ELL populations;
- ensure that all divisions receiving a Title III allocation under \$10,000 can access their funds; and
- provide high-quality professional development targeted to the needs of these divisions.

A. Consortium Requirements:

- A fiscal agent must be identified as the consortium lead. The fiscal agent may be a division, non-profit organization, or institute of higher education (IHE). For the 2014-2015 grant award period, Virginia Polytechnic Institute (VA Tech) has been identified as the fiscal lead.
- The consortium must develop a plan that outlines how the consortium will meet all Title III requirements, including, but not limited to: achievement of Title III AMAOs; Title III AMAO notification to parents; private school participation procedures; and participation in an improvement plan for members of the consortium that fail to meet Title III AMAOs for two consecutive years. See attachment B "Accountability Determinations for Consortia" for more information on the requirements around failure to meet AMAOs.
- The Department will consider consortium memberships finalized by May 30. Requests to join or exit a consortium will not be accepted after May 30, except in the case of divisions with a final allocation of \$10,000 or more that choose to exit the consortium and manage its Title III allocation independently.

B. Fiscal Lead Requirements:

- The fiscal lead will be responsible for acting as the fiscal and programmatic agent for the consortium, and will submit reimbursements on behalf of itself and participating divisions and maintain appropriate fiscal records.
- The fiscal lead of the consortium must retain copies of each division's local plan, as submitted through the individual funding application, that outlines how the division will meet all Title III requirements, including, but not limited to, Title III AMAO targets and parental notifications to the parents of participating ELLs. Each plan must be signed by the superintendent and school board chair of the division indicating approval of division membership in the consortium.

C. Division Member Requirements:

- Consortium members must contribute to the development of a common plan that meets the requirements of Title III, including:
 - Needs of member divisions for improving services to ELLs; and
 - Needs of member divisions relating to professional development to improve instruction to ELLs.
- Each member division is responsible for notifying parents of ELLs served under Title III that the consortium failed to meet Title III AMAOs and implement an improvement plan, if applicable.
- Each member division is responsible for ensuring that all nonpublic schools within its boundaries are consulted and given the opportunity to participate in Title III activities in accordance with Title IX, Part E, Sections 9501-9506.

III. Appropriate Uses of Title III Funding

Title III is a federal formula grant program that makes **supplemental** funds available to local school divisions based on the number of ELLs enrolled in the division. The purpose of the program is to ensure that these students attain English proficiency as well as meet the same challenging state academic content and performance standards and grade-level expectations expected of all other students.

Required *supplemental* expenditures under Title III include:

- professional development to all teachers of ELLs, including ESL teachers and assistants, and content area teachers of ELLs; and
- enhanced instructional opportunities, including specific instructional interventions to meet the academic needs of ELLs, or extended day, summer or ramp-up programs.

Allowable *supplemental* expenditures under Title III include:

- parental support and information services that are not provided to the parents of all students; and
- linguistically appropriate materials beyond core curriculum and core English language instructional programs, particularly those that address academic language development.

A. Supplement, Not Supplant, Provisions Under Title III, Part A:

Title III is a **supplemental** program to provide services in addition to, but not to replace, core curriculum and core English language instructional programs. States, divisions, and schools are required to provide core and core English language instructional programs and services for ELLs based on Title VI of the *Civil Rights Act of 1964*, and its implementing regulations as interpreted by the 1974 U.S. Supreme Court ruling in *Lau v. Nichols*, and the *Equal Educational Opportunities Act of 1974*. A division may not use Title III funds to pay for services that are necessary and required to be provided by other federal, state, or local funds. Therefore, Title III funds **must** supplement all other federal program funds, such as Title I; IDEA funding; other federal requirements such as *Lau* or *Castañeda* provisions; state requirements such as the Standards of Quality; and any local/division requirements.

The following questions should be used to guide decisions about whether Title III is an appropriate source for expenditures:

1. What core services/programs does the division provide to *all* students?
2. How are additional core English language instructional services provided or funded for all ELLs?
3. Is the division required to provide the service or activity based on federal, state, or local law (not including Title III)?
4. Was the service or activity funded in the previous school year by a source other than Title III?

As a general rule, the use of Title III funds to pay for services to ELLs that were paid for in the prior year with state, local, or other federal funds is assumed to be a violation of the supplement, not supplant, requirement.

Activities associated with the core English language instructional programs which are required by the above referenced acts and should **NOT** be funded by Title III include (but are not limited to):

- Identifying, screening, placing, and assessing ELLs;
 - Implementation of identifying questions or a Home Language Survey;
 - Substitutes or stipends to administer and score the initial screening of English proficiency;
 - The cost of purchasing and administering of any state assessment for ELLs including the annual ELP assessment or providing training to administer any assessment to ELLs; and
 - Substitutes or stipends for administering the ELP assessment.
- Implementing effective, scientifically-based instructional programs and services to meet the academic and language needs of ELLs;
- Salaries of ESL teachers to provide English language instructional services;
- Providing school-level, division-level, state, or federal information that is not specific to Title III to the parents of ELLs; and
- Implementing effective monitoring of formerly LEP students (Level 6, Year 1 and Year 2).

B. Allowable Uses of Title III Funds:

Activities that are directly attributable to Title III requirements and are allowable Title III expenditures *could** include (but are not limited to):

- professional development for classroom teachers, ESL staff, and administrators on effective instruction for ELLs , ELP standards implementation, or “alignment” of curricula and state standards;
- peer coaching to develop teacher expertise in providing instruction to ELLs;
- upgrade program objectives and effective instruction strategies;
- improve the instruction program for ELLs by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures;
- additional enhancements to ESL services beyond the general education program and core ESL program including supplemental staff and instructional materials to support additional language instruction services;
- provide tutorials and academic or career and technical education and intensified instruction;
- afterschool, summer, and Saturday programs which do not supplant existing programs;
- develop and implement elementary or secondary language instructional educational programs that are coordinated with other relevant programs and services;
- parent communications which exceed required general education communications and state or federal parent communication requirements;
- support for parental resource centers to address the needs of parents above and beyond state and federal parent-related requirements;
- provide community participation programs, family literacy services, and parent outreach and training activities to ELLs and their families; and
- carry out other activities that are consistent with the purposes of this section.

** Any determination about supplanting is case-specific; therefore, it is difficult to provide general guidelines without examining the details of a situation. What is allowable in one division *may be considered supplanting in another division* due to specific division requirements and previous use of funding.*

IV. Application Details

The statewide consortium will function as a single entity to meet programmatic and fiscal requirements under Title III, Part A of the ESEA. In order to develop a single, unified plan, consortium member divisions will submit to the consortium lead a description of local efforts to meet requirements under Sections 3116 and 3121 of the ESEA. The consortium lead will compile the survey information received from Forms A and B (described below) to develop a single *Statewide Consortium Plan*. Consortium member divisions will be provided with an opportunity to review and provide additional input into the *Statewide Consortium Plan* prior to the submission deadline.

The Statewide consortium plan will address all of the following requirements under a single plan:

1. The use of consortium Title III funds to supplement the core programs and services and core language programs and services for ELLs;
2. The instructional programs and services utilized by consortium member divisions designed to help ELLs make progress in learning English and attain English proficiency, while meeting the state's academic content standards;
3. The use of funds to meet the Title III Annual Measurable Achievement Objectives (AMAOs) and a description of how consortium divisions will be held accountable for meeting the Title III AMAOs;
4. Promotion of parental and community participation in programs for ELLs; and
5. The high-quality professional development to be provided for educators of ELLs.

Division participation in the plan development process:

Each consortium member division must complete and submit the following forms to the consortium fiscal lead for review, approval, and inclusion into the statewide consortium application for submission to the VDOE:

1. **Form A – Division Member Program Overview**
2. **Form B – Division Budget Workbook**
3. **Form C – Statewide Consortium - Division Assurances Affirmation**

A. Instructions for Form Completion

1. **Form A – “Division Member Program Overview”** – Completion of this form provides an overview of the division's programs and services for ELL students, including:
 - Core instruction and core language programs provided to ELLs in the division (Lau and civil rights provisions) – *responses to these questions should detail how the division supports ELLs to access instruction in core content areas (SOLs) and the provision of core language instruction to support student attainment of academic English proficiency.*
 - Supplemental Title III programs and services to enhance English language acquisition and proficiency of ELLs – *responses to these questions should detail how the division goes beyond the core requirements to provide additional/supplemental/enhanced language acquisition supports to ELLs.*

- Use of funds to meet the Title III AMAOs – *responses in this section should correlate with items/activities requested for funding in Form B, and describe how schools will be held accountable for meeting the Title III AMAOs.*
- The division’s approach to parent and community participation in programs for ELLs – *responses to this section should indicate the meaningful engagement opportunities offered to the parents and community partners to support ELLs in attaining English language proficiency. Activities must supplement other federal, state, local parent engagement requirements for all students.*
- Professional development offerings to educators of ELLs in the division, which are in addition to the *Statewide Consortium Conference* offerings in late winter/early spring of the school year.

➤ **Please use the following file naming convention when saving this form: “FormA-ProgramOverview_divisionname(2014-15)”.**

Example: FormA-ProgramOverview_Alleghany(2014-15)

2. **Form B – Statewide Consortium Division Budget Workbook** – The program budget must reflect the programs and services described in the program overview in Form A and the resources needed to achieve the Title III AMAO targets. Please note that administrative costs are limited to two (2) percent of the Title III subgrant award.

Tab 1 – Budget Cover –

- Program Name, Fiscal Agent, and Grant Award Period are pre-populated with statewide consortium.
- Enter the LEA Name and the LEA allocation listed on Tab 6 – *Division Allocations*.
- As budget requests are entered into **Tab 2**, subtotals by object code will automatically populate into **Tab 1**.
- Upon completion, the budget file must be reviewed/approved by the division’s superintendent for submission to the consortium lead.
- File naming convention should follow this format: **“FormB-BudgetCover_divisionname(2014-15)”.**

Example: FormB-BudgetCover_RichmondCo(2014-15)

Tab 2 – Budget Detail – This tab contains the line item detail for each budget request.

- The content is organized by object code. Definitions for each object code are provided in **Tab 5** for your reference.
- In the cell under the heading “Request Description”, provide a name for the item or activity being requested. Example Request Descriptions can be viewed on **Tab 3** “Ex. Justif & Cost Basis”.
- In Object Code 1000, indicate the number of FTEs for which funding is being requested.
- Please note there is a 2 percent cap on administrative costs. See **Tab 4** “Use of Funds” for more information on determining administrative costs.
- In the cells under “Justification and Cost Basis”, provide a description of the supplemental item/activity supported by Title III dollars. ***The items requested in the budget detail must have a clear link to supporting the successful implementation of the Title III activities outlined in your program narrative (Form A) in order to be approved.***

- The cost basis should provide sufficient information to show how the cost was determined. Generally this is a formula such as, 2 teachers at \$20/hr for 40 hours ($2*20*40$). Example Justifications and Cost Basis can be viewed in **Tab 3**.
- The amount entered for each line item request should correlate with the cost basis provided.
- Requested items should meet the federal cost principles of *reasonable, necessary, allowable, and allocable* to Title III.

➤ **Please use the following file naming convention when saving this form: "FormB-Budget Request_divisionname(2014-15)".**

Example: FormB -BudgetRequest_Bristol(2014-15)

- The completed workbook will be submitted via email, along with Forms A and C, to the consortium lead for review and approval in accordance with federal cost principles and supplemental expenditures under Title III, Part A.
- Budget requests from Form B from all division members will be compiled into a consortium master budget for submission to the VDOE.
- The consortium lead, as the fiscal agent, will retain documentation to be available upon request to the VDOE.

3. Form C – Statewide Consortium Division Assurances Affirmation - Assurances represent policies, procedures, and activities that must be developed by the school division to carry out the provisions of the law. The superintendent's/designee's and board chairperson's signatures on the application cover/signature page certify that the local educational agency will implement the general and program specific assurances.

- A completed and signed original of the division Certification (**Form C, cover/signature page**) must be submitted to the consortium lead along with Forms A and B. The consortium lead will retain documentation to be made available to the VDOE upon request.
- A copy of the assurances must be retained at the division level along with a copy of the signed original cover/signature page.

➤ **Please use the following file naming convention when saving this form: "FormC-Assurances_divisionname(2014-15)".**

Example: FormC-Assurances_CarolineCo(2014-15)

B. Application Submission and Approval Deadlines

- ❖ **Forms A, B and C must be submitted by participating divisions via email to T3StatewideConsortium@doe.virginia.gov no later than Friday, July 18, 2014.**

The consortium lead will review each division application for approval. Outreach for clarifying information will be conducted with divisions as necessary. The information obtained from participating divisions' applications will be compiled by the consortium lead into a single consortium application inclusive of a consortium program description, consortium budget request and consortium assurances affirmation.

The following section is provided for informational purposes only, and represents the responsibilities of the fiscal lead. Member divisions do not have to take action on the information below.

- ❖ **The statewide consortium application submission date is Friday, August 1, 2014.**

The consortium fiscal lead will submit a final application on behalf of member divisions to the Virginia Department of Education. Submission will be made electronically to kristi.bond@doe.virginia.gov.

An approvable consortium-wide application received by the deadline specified above will have the Fiscal Year 2014 funds available to the consortium on a reimbursement basis as of July 1, 2014. An approvable application received after the deadline, will have the Fiscal Year 2014 funds available on a reimbursement basis as of the date the approvable application is received at the Department.

Release of Federal Funds and Grant Award Period

- At the conclusion of the approval process, Title III, Part A, funds are available to the consortium on a reimbursement basis. The grant award period is July 1, 2014, through September 30, 2015. Under the Tydings Amendment, the consortium has until September 30, 2016, to encumber Fiscal Year 2014 funds.
- Divisions will submit reimbursement requests to the consortium fiscal lead. Detailed instructions on this reimbursement process will be provided to divisions in subsequent communications.
- Final reimbursements must be submitted by the consortium fiscal lead to the Department by November 15, 2016.
- If the Fiscal Year 2014 allocation amounts are not available to the consortium by the application submission date, the preliminary allocations provided by the Department should be used for budget purposes.
- When the final Fiscal Year 2014 allocations become available, the consortium lead will be provided with instructions for the preparation and submission of necessary amendments.

- School divisions should not include immigrant and youth (IY) funds in the estimation. Applications for IY funds will be processed separately from the statewide consortium application. The application for IY funds can be accessed and submitted through OMEGA.

Appendix

**Appendix A – Required and Authorized Activities for Title III Funding:
Selected Provisions of Title III of the No Child Left Behind Act**

**Selected provisions of Title III of the No Child Left Behind Act:
Purposes of Title III Subgrants (Section 3115(a)); Required and Authorized Activities Using Title III
Funds (Sections 3115(c) and (d)); Supplement, Not Supplant Requirement (Section 3115 (g));
Administrative Expenses (Section 3115(b)); Contents of Local Plan (Section 3116(b))**

PURPOSES OF SUBGRANTS: The state may make Title III subgrants to eligible entities that agree to use subgrants to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out activities with Title III funds, the entity shall use approaches and methodologies that are based on scientifically based research on teaching limited English proficient children and immigrant children and youth for the following purposes:

1. Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.
2. Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such children and youth.
3. Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.
4. Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

Section 3115(a)

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 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.

Section 3115(c)

AUTHORIZED SUBGRANTEE ACTIVITIES - Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

- (1) Upgrading program objectives and effective instruction strategies.
- (2) Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.
- (3) Providing —
 - (A) tutorials and academic or vocational education for limited English proficient children; and

- (B) intensified instruction.
- (4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.
- (5) Improving the English proficiency and academic achievement of limited English proficient children.
- (6) Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families —
 - (A) to improve the English language skills of limited English proficient children; and
 - (B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.
- (7) Improving the instruction of limited English proficient children by providing for —
 - (A) the acquisition or development of educational technology or instructional materials;
 - (B) access to, and participation in, electronic networks for materials, training, and communication; and
 - (C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.
- (8) Carrying out other activities that are consistent with the purposes of this section.

Section 3115(d)

SUPPLEMENT, NOT SUPPLANT-Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

Section 3115(g)

ADMINISTRATIVE EXPENSES – Each eligible entity receiving funds under section 3114(a) for a fiscal year may not use more than 2 percent of such funds for the costs of administering this subpart.

Section 3115(b)

LOCAL PLAN REQUIREMENTS.

CONTENTS.—Each plan submitted under subsection (a) shall—

- (1) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;
- (2) describe how the eligible entity will use the subgrant funds to meet all annual measurable achievement objectives described in section 3122;
- (3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—
 - (A) meeting the annual measurable achievement objectives described in section 3122;
 - (B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and
 - (C) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);
- (4) describe how the eligible entity will promote parental, and community participation in programs for limited English proficient children;
- (5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing such plan; and
- (6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.

Section 3116 (b)

Appendix B – Title III Compliance Overview

Compliance with Title III Requirements

The purpose of Title III of the *No Child Left Behind Act of 2001* (NCLB) is to help ensure that children who are limited English proficient (LEP), including immigrant children and youth, attain English language proficiency, develop high levels of academic achievement in English, and meet the same challenging state academic content and student academic achievement as all children are expected to meet.
[NCLB, Section 3102(1)]

Identification, Screening, and Placement of Limited English Proficient (LEP) Students	Timeframe for Completion
Initial identification of LEP students is required as part of the enrollment process under <i>Title VI</i> of the <i>Civil Rights Act of 1964</i> .	Ongoing as part of the enrollment process for all students
Assess students who have been identified as LEP for English language proficiency. [<i>Title VI</i> of the <i>Civil Rights Act of 1964</i>] The Virginia Department of Education recommends the use of the W-APT™ or WIDA MODEL as the ELP screening assessment. However, school divisions may determine the ELP assessment screening tool. [Testing Memorandum 840 , dated June 14, 2010]	Ongoing as part of the enrollment process
Place LEP students in an appropriate English language instructional program based on the results of the English language proficiency assessment screening. [NCLB, Section 3115 (c)(1)]	Ongoing as part of the enrollment process
Inform parents annually regarding their child’s placement in a language instruction education program within 30 days after the beginning of the school year, or within two weeks of the child’s placement within a program. The letter must include the following components: <ul style="list-style-type: none"> • Level of English proficiency and how level was assessed; • Method of instruction and other available methods of instruction; • How the program will meet the educational needs of the student; • Graduation requirements; • Exit requirements; • LEP students and special education; and • Parental right to remove student from program or refuse services. [NCLB, Section 3302(a)]	30 days after the beginning of the school year OR within 2 weeks after ESL placement
Assessing the English Language Proficiency of LEP Students	Timeframe for Completion
Assess the English language proficiency of all LEP students using a state approved assessment. [NCLB, Section 3113(3)(D)] The state-approved English language proficiency assessment in Virginia is the ACCESS for ELLs®. The Division Director of Testing (DDOT) will notify division personnel of the state-approved division testing window for the annual English language proficiency assessment.	February through May (state-approved testing window selected by school division)

Funding	Timeframe for Completion
<p>Apply for Title III grant funding. School divisions may qualify for two types of funding under Title III:</p> <ul style="list-style-type: none"> □ LEP subgrants □ and/or Immigrant and Youth (IY) subgrants <p>Divisions must receive \$10,000 to apply for LEP funds. School divisions that receive less than \$10,000 must enter into a consortium to receive funds. [NCLB, Sections 3114(b) and 3115(a)]</p> <p>Funds must be used for:</p> <ul style="list-style-type: none"> □ Programs that increase English language proficiency and student achievement in core content classes; and □ Providing high-quality professional development to classroom teachers, principals, administrators, and other school personnel. <p>[NCLB, Section 3212(A)(i-ii)]</p>	<p>Superintendent’s memo announcing federal applications released annually around March</p> <p>Deadline to submit federal application: July 1</p>
Accountability	Timeframe for Completion
<p>Title III requires subgrantees to meet three Annual Measurable Achievement Objectives (AMAOs). Calculations for AMAO 1 (Progress) and AMAO 2 (Proficiency) are based on the results from the statewide administration the ACCESS for ELLs[®] test. AMAO 3 (AYP) is calculated by using the LEP students’ performance results on the Standards of Learning (SOL) assessments. [NCLB, Sections 1111(b)(7) and 3113(5)(B)]</p> <p>Divisions have the opportunity to review the data in the Title III Summary Report on the Single Sign-On for Web Systems (SSWS).</p>	<p>Fall AMAO results released to the field</p>
<p>Year One: In first year of not meeting any one or more AMAO(s), divisions: Provide separate notification of failure to meet any Title III AMAOs to parents of LEP students. [NCLB, Section 3302(b)]</p>	<p>Within 30 days after failure occurs</p>
<p>Year Two:</p> <ul style="list-style-type: none"> • After two years of not meeting any one or more AMAO(s), divisions: • Provide separate notification of failure to meet any Title III AMAOs to parents of LEP students [NCLB, Section 3302(b)] • Enter Year 1 of Title III Division Improvement [NCLB, Section 3122 (b)(2)] 	<p>Within 30 days after failure occurs</p>

Accountability	Timeframe for Completion
<p>Year Four:</p> <ul style="list-style-type: none"> • After four years of not meeting any one or more AMAO(s), divisions: • Provide separate notification of failure to meet Title III AMAOs to parents of LEP students [NCLB, Section 3302(b)] • Revise Title III improvement plan with technical assistance provided by the state [NCLB, Section 3122(b)(4)] • Modify the existing curriculum, program, and method of instruction to include technical assistance provided by the state. [NCLB, Section 3122(b)(4)] 	<p>Within 30 days after failure occurs</p> <p>Upon receipt of letter from the state notifying the division superintendent of the failure to meet the Title III AMAOs for four consecutive years</p>
<p>Monitoring: Students classified as formerly LEP (Level 6 Year 1 and 6 Year 2) must be monitored for two full academic years to ensure that they are able to participate meaningfully in the regular educational program. [NCLB, Section 3121(a)(4)]</p>	<p>Ongoing as part of instructional process</p>
<p>To meet the requirements of NCLB, the Virginia Department of Education will monitor Title III subgrantees.</p> <p>Federal policy requires every state educational agency to monitor subgrantee compliance with program-specific requirements.</p>	<p>Five year cycle</p>

Appendix C – Title III, Supplement, Not Supplant, Provisions

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

Title III, Supplement, Not Supplant, Provisions

The purpose of Title III, Part A, known as the *English Language Acquisition, Language Enhancement, and Academic Achievement Act*, is to ensure that English language learners (ELLs), as well as immigrant children and youth, attain English language proficiency and meet the same challenging state academic content and achievement standards that other students are expected to meet.

Under Section 3115(g) of the *Elementary and Secondary Education Act of 1965* (ESEA), Title III, Part A, funds must be used to provide programs and services, staff, or materials to ELLs and immigrant students, or their parents/families, that could not be provided by local, state, or other federal funds in the absence of Title III funding. Title III, Part A, funded programs and services must supplement core instruction or core language instruction programs and services for ELLs required under Title VI of the *Civil Rights Act of 1964*, the *Lau v. Nichols* Supreme Court Decision of 1974, and Title I of the ESEA.

The following questions should be considered when determining whether the use of Title III, Part A, funds violates supplement, not supplant, provisions:

1. What instructional programs and services are provided to all students?
2. What does the division do to meet requirements under **Title VI, Lau, and Title I?**
3. What services is the division required to provide by other federal, state, and local laws or regulations?
4. Was the program/service previously provided with federal, state, and/or local funds?

Examples of *allowable* expenditures under Title III, Part A, include, but are not limited to:

- Parental notification letters regarding the placement of ELLs in instructional programs and services. Costs may include translation and mailing;
- Separate notification letters notifying the parents of ELLs that a division (or consortium) did not meet Title III Annual Measurable Achievement Objectives (AMAOs). Costs may include translation and mailing;
- Implementation of the World-Class Instructional Design and Assessment (WIDA) English language development (ELD) standards;
- Language instruction programs and services, including staff and materials, that are supplemental to core language instruction programs and services required under *Lau*;
- Professional development for educators on Title III specific topics such as effective instructional practices for ELLs or including the WIDA ELD standards in existing instructional frameworks. Costs may include teacher stipends and consultant fees;
- Peer coaching to develop teacher expertise in providing effective instruction to ELLs;
- Title III specific programs and services for the parents/families of ELLs such as understanding the division or school ESL program or the English language proficiency levels; and
- Costs for data analysis related to the performance of ELLs for the purposes of improving instructional practices for ELLs, developing a Title III improvement plan, or meeting Title III AMAOs. The data analysis cannot be part of a divisionwide or schoolwide initiative.

Examples of programs and services, required by Title VI and *Lau*, that *cannot be funded* by Title III, Part A, include, but are not limited to:

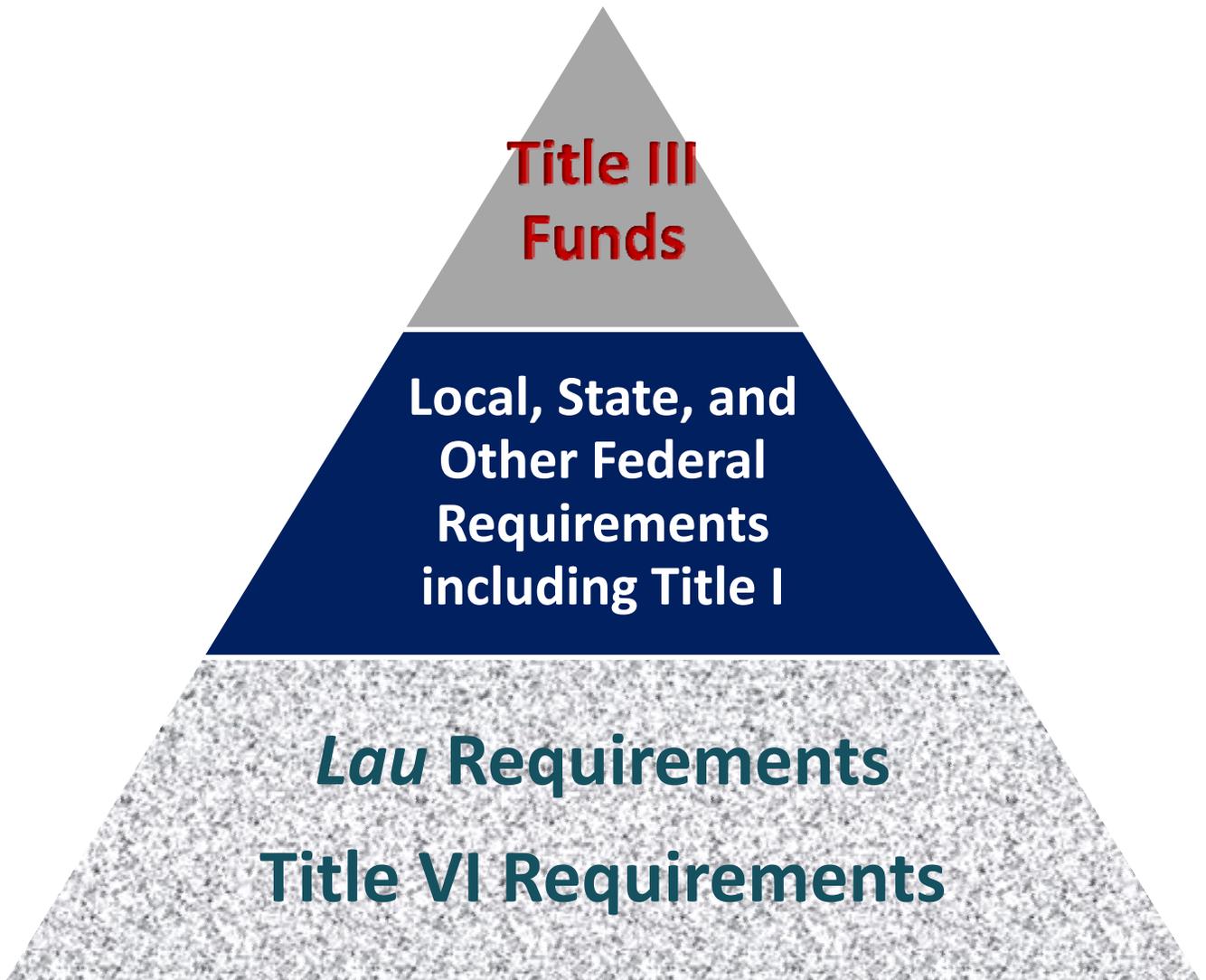
- The process to identify ELLs enrolling in the school division;
- The process to screen incoming ELLs to obtain an English language proficiency (ELP) level;
- The process to place incoming ELLs into instructional programs;
- Salaries of teachers to provide core instruction programs and services to ELLs;
- Salaries of teachers, paraprofessionals, or tutors, to provide core language instruction programs and services to ELLs;
- Salaries of resource or student services personnel or program costs to provide the same programs and services to ELLs that are provided to non-ELL students using local, state, or other federal funds;
- Materials, software, or equipment that will be used as part of the core instruction program for ELLs or core language instruction program for ELLs;
- Non-instructional programs and services for ELLs that are provided to non-ELL students using local, state, or other federal funds;
- Supplies for ESL classrooms or an ESL administrative office that are provided to non-ESL classrooms or offices using local, state, or other federal funds;
- Programs and services for the parents/families of ELLs that are provided to the parents/families of non-ELL students using local, state, or other federal funds; and
- Programs and services for ELLs that do not meet the purpose of Title III.

Examples of services, required by Title I, that *cannot be funded* by Title III, Part A, include, but are not limited to:

- Providing accommodations on Standards of Learning (SOL) assessments to ELLs or training educators of ELLs about accommodations on SOL assessments; and
- Purchasing or administering the annual English language proficiency (ELP) assessment (ACCESS for ELLs) or providing training to administer the ELP assessment.

For further assistance, please contact Stacy Freeman, Title III specialist, at (804) 371-0778 or Stacy.Freeman@doe.virginia.gov.

Title III Supplement, not Supplant, Provisions



Appendix D – Title III Accountability Determinations for Consortia

**Virginia Department of Education
Office of Program Administration and Accountability
Title III Accountability Determinations for Consortia**

Status	Accountability Consequences
School Divisions in Consortia	
If a consortium meets all Title III AMAOs...	<ul style="list-style-type: none"> • No divisions in the consortium need to send separate parental notification letters, as required under Section 3302(b) of the <i>Elementary and Secondary Education Act of 1965</i> (ESEA), including divisions that did not meet the Title III AMAOs on their own. • No divisions in the consortium will receive a data point toward entering or remaining in Title III division improvement, including divisions that did not meet the Title III AMAOs on their own.
If a consortium does <i>not</i> meet one or more Title III AMAOs...	<ul style="list-style-type: none"> • <i>All</i> divisions in the consortium must send separate parental notification letters, as required under Section 3302(b) of ESEA, indicating the consortium, as a whole, did not meet one or more Title III AMAOs. The letter may clarify whether an individual division met the Title III AMAOs. • Divisions that <i>missed the same Title III AMAO(s)</i> the consortium missed will receive a data point toward entering or remaining in Title III division improvement.
If a consortium has <i>not</i> met one or more Title III AMAOs for two consecutive years...	<ul style="list-style-type: none"> • Only the division(s) in the consortium that have <i>not met the same Title III AMAO(s) the consortium missed for two consecutive years</i> will enter into Title III division improvement and submit a Title III division improvement plan as required under Section 3122(b) of the ESEA. • Consortium-level improvement plans are <i>not</i> required.
School Divisions <u>NOT</u> in Consortia*	
If a division does not meet any one or more Title III AMAOs...	<ul style="list-style-type: none"> • The division sends separate parental notification letters as required under Section 3302(b) of the ESEA.
If a division has not met any one or more Title III AMAOs for two consecutive years...	<ul style="list-style-type: none"> • The division goes into Title III division improvement and must submit a Title III division improvement plan as required under Section 3122(b) of the ESEA.

*Consequences apply only to those divisions accepting Title III funds.