

**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.

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