

***Elementary and Secondary Education Act (ESEA),
Title III, Parts A & C***



Instructions for 2009-2010 Title III LEP Program Application

Important Deadlines:

- 1) Notify of Intent to Apply: Wednesday, September 16, 2009**
- 2) Deadline for Submission of Application: Friday, October 9, 2009**
Submit electronic copy to: James.Mccobb@state.vt.us
plus 1 hard copy to Jim McCobb at:

Vermont Department of Education
120 State Street
Montpelier, VT 05620-2501

GENERAL INFORMATION

Title III, Part A, Language Instruction for Limited English Proficient and Immigrant Students, is one of the programs included in the No Child Left Behind Act of 2001 (NCLB), the reauthorization of the Elementary and Secondary Education Act (ESEA). One of the primary goals of NCLB, and Vermont's Consolidated State Plan, is that all limited English proficient students will attain English proficiency. In fact, many of the requirements for limited English proficient students are cross-cutting with the Title I program.

Purpose: The purpose of the Title III, Part A is to help ensure that children and youth who are limited English proficient, Native American and/or immigrants, attain English language proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic standards that all children are expected to meet. Title III funds are directed to state education agencies (SEAs) and eligible local education agencies (LEAs) or consortia through a formula grant allocation to:

- develop high-quality language instruction educational programs;
- assist SEAs, LEAs, and schools to build their capacity to establish, implement, and sustain language instruction and development programs, based on scientifically based research on teaching LEP children, that the agencies believe to be the most effective for teaching English;
- promote parental and community participation in language instruction educational programs for the parents and communities of LEP children; and
- hold SEAs, LEAs, and schools accountable for increases in English proficiency and core academic content knowledge of LEP children by: (A) demonstrated improvements in the English proficiency of LEP children each fiscal year; and adequate yearly progress on statewide assessments for LEP children, including immigrant children and youth, as described in Section 1111(b)(2).

Eligible Applicants: State Educational Agencies (SEAs) receive funds from the US Department of Education to support both state and local educational agency activities. The SEA distributes funds for LEAs according to a formula based on the number of LEP and immigrant students within each LEA as compared with the total number of LEP/immigrant students in Vermont.

In 2008-2009, every LEA in Vermont was required to assess *all English Language Learners* with the 2009 *ACCESS for ELLs* test. The *estimated* allocations for 2009-2010 are based on the number of students with an Overall Score (Composite) of less than 5.0 Proficiency Level. **To see how much your LEA is estimated to receive, see APPENDIX A (Pages 7-9 in this document).**

This year funds will be targeted to the 1209 ELLs whose Overall (Composite) Score on the Spring 2009 *ACCESS for ELLs* assessment was lower than Proficiency Level 5.0. [NOTE: A student may score 5.0 or higher and still be classified as LEP based on other criteria, but *Title III funds* are targeted for students scoring lower than 5.0. The Vermont DOE recommends the use of multiple criteria (NOT the single *ACCESS for ELLs* composite score) to determine when to exit students from ELL services—even though the cut score is used to allocate Title III funds.

Independent LEA: To apply independently, an LEA must have enough LEP students to qualify for a subgrant amounting to at least \$10,000. The SEA cannot award a subgrant to a Local Education Agency (LEA) for less than \$10,000 (Title III, Subpart 1, Section 3114). (LEAs that are eligible to apply independently can still choose to form consortia and pool their resources if they believe this is more effective).

Consortia: However, an LEA that does not qualify to apply independently may team up with one or more other LEAs and apply as a Consortium. Between them, the LEAs must qualify for a grant of at least \$10,000. Within each consortium, one of the LEAs must serve as the fiscal agent. **All LEAs in a consortium** must agree to meet the assurances in Title III and are accountable for implementing the required activities. A consortium applicant must include a consortium agreement signed by a representative of each of the supervisory unions comprising the consortium.

SPECIAL INFORMATION SPECIFIC TO CONSORTIA! For a Q & A on Consortia of LEAs under Title III, Part A, see **attached 03/02/2006 memo, *Clarification on Title III Requirements.***

2009-2010 TITLE III APPLICATION INSTRUCTIONS

DEADLINES:

September 16, 2009 Deadline to notify of “intent to apply”

October 9, 2009 Application submission deadline (submit electronic copy plus 1 hard copy)

CONTACT: Jim McCobb, Title III Coordinator PH: 828-0185
EMAIL: James.McCobb@state.vt.us

Instructions for completing Sections A-E:

Section A: LEA Contact Information - The LEA applying directly for Title III funds or the Lead LEA for a Consortium fills out this section.

Section B: Assurances & Certification - Carefully read the assurances and appendices before signing the assurances and certification:

- **Appendix B—Page 9** (Required Activities and use of Title III funds),
- **Appendix C—Page 11** (Fact Sheet on Private School Participation in Title III Programs),
- **Appendix D—Page 14** (Parent Notification / Participation), and
- **Appendix E—Page 15** (Reporting Requirements)

Also read 3/2/2006 memo, *Clarification on Title III requirements (Q& A regarding Consortia of LEAs under Title III, Part A)*.

By signing, the LEA (or Lead LEA in a Consortium) agrees to meet the requirements under NCLB, State, and Federal law, which are articulated in these appendices.

Section C: Assurances & Certification for Consortium Members / Title III Coordinator Information -

All LEAs that will participate in a Title III Consortium are required to complete this section, sign, and certify that they will also meet the assurances under NCLB, as well as comply with Federal and State laws pertaining to English Language Learners. Therefore, all members of a consortium should read the same appendices mentioned in Section B. Please supply the necessary information pertaining to the Title III Program Coordinator in each LEA, as well.

Section D: Participation of Private Schools - The NCLBA requires LEAs to consult with private school officials in order to find out if they have eligible students and to determine if the schools want to be involved in planning and participation in the Title III program.

Please refer to **APPENDIX C *Private School Fact Sheet Participation in Title III Programs*** in the instructions for further guidelines. In August 2005, the US Department of Education also published new *Non-Regulatory Guidance on Equitable Services to Eligible Private School Students, Teachers, and other Educational Personnel*.

Section E: Data Tables - Provide the information in Tables 1 & 2 for the LEA. Consortia should duplicate this page, complete for each member LEA, and attach to the application.

Instructions for completing Section F: 2009--2010 Title III Plan & Budget Spreadsheet

This section has been simplified into an *EXCEL Spreadsheet* format. The font size is 8 in order to fit the application on regular paper. For larger print while working on the application, you can go to View and click on Zoom.

For technical assistance with the **programmatic decisions** required in the Title III Plan, contact Jim McCobb, Title III Program Coordinator, at 828-0185 or James.McCobb@state.vt.us.

Section F: At a minimum, each application must address:

- **Required Activity #1: Language Instruction Educational Program** (choose from the allowable activities listed under required activity #1);
- **Required Activity #2: Professional Development** (open-ended; use only as many empty boxes as needed).
- **[Note: Activity #3: Authorized Additional Activities** is *authorized* but not required. It cannot be substituted for the required activities.]

Specific Action Steps/Activities:

These should be stated in clear, concise (bulleted) phrases and indicate the projected timeline, responsible persons, and budgeted amounts.

Tentative Allocations:

Appendix A provides the estimated distribution of Title III funds for each LEA. LEAs should use these tentative allocations to begin developing their Title III Plans. As soon as the deadline for notifying the VT DOE of “intent to apply” has passed, LEAs will be told the amount of their final allocations and will need to adjust their specific action steps and budgets accordingly.

Administrative Direct Costs: No more than 2% of Title III funds may be used for Administrative Direct Costs.

Start Date: Your grant award start date will be the date on which your application is received in a “substantially approval form” at the VT DOE. Again, the deadline for submission is **October 9, 2009**.

Unspent or Obligated 2008-2009 Title III Funds:

Any 2008-2009 Title III funds that have not been spent or obligated by 9/30/2009 must be returned to the State for redistribution. LEAs have up to 90 days after the end of the grant year (i.e., until **January 10, 2010**) to submit a **Final SDE 1.1 Report**. After that date, any remaining 2008-2009 funds will be redistributed for use in the remaining months of the 2009-2010 school year.

Any LEA(s) wanting additional Title III funds will be required to submit a grant amendment and should be up-to-date with submission of SDE 1.1 reports.

This policy means that LEAs need a plan that ensures their Title III funds will be used during the one-year grant period.

APPENDIX A: ESTIMATED DISTRIBUTION AMOUNTS FOR EACH LEA

The eligibility criteria for Title III applicants are explained in the Title III Program Overview, as well as Page 2 of these instructions. LEAs interested in forming a consortium should contact other LEAs to explore options for writing an application and coordinating educational services under Title III. Funds designated to LEAs that do not apply will be redistributed to LEAs that apply and meet all the grant requirements.

By federal law (Title VI of Civil Rights Law of 1964), all students who are LEP must be identified, assessed, and provided appropriate language instructional and academic support services. Both Title I and Title III of NCLB require that ALL LEP students be assessed annually in listening, speaking, reading, and writing in the manner prescribed by the SEA. In Spring 2009, Vermont required the ACCESS for ELLs as the English language proficiency test for the 2008-2009 school year. This assessment is based on Vermont’s English Language Proficiency (ELP) standards, which are linked to the academic content standards.

This year the LEA count of students eligible for Title III funds includes students who were assessed and received an **overall composite score of less than Proficiency Level 5.0 in Spring 2009.**

These Tentative Title III Allocations are based on the number of students who scored lower than 5.0 Proficiency Level in Spring 2009.

Available Amount	Per Pupil Amount
292,500.00	241.94

Eligible District	LEA	Students	Allocation
Addison Central	S003	15.00	3,629.00
Addison NE	S001	2.00	484.00
Addison NW	S002	6.00	1,452.00
Addison Rutland	S004	6.00	1,452.00
Barre	S061	46.00	11,129.00
Battenkill Valley	S060	-	-
Benn Rutland	S006	9.00	2,177.00
Blue Mountain	U021	-	-
Burlington	T037	432.00	104,518.00
Caledonia Central	S009	-	-
Caledonia North	S008	2.00	484.00
Chittenden Central	S013	51.00	12,339.00
Chittenden East	S012	9.00	2,177.00
Chittenden South	S014	45.00	10,887.00

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Colchester	T050	25.00	6,049.00
Essex Caledonia	S018	1.00	242.00
Essex North	S019	3.00	726.00
Essex Town	T070	15.00	3,629.00
Franklin Central	S023	11.00	2,661.00
Franklin NE	S020	7.00	1,694.00
Franklin NW	S021	13.00	3,145.00
Franklin West	S022	1.00	242.00
Grand Isle	S024	2.00	484.00
Hartford	T093	15.00	3,629.00
Lamoille North	S025	-	-
Lamoille South	S026	14.00	3,387.00
Milton	T126	9.00	2,177.00
Montpelier	T129	16.00	3,871.00
SAU 70	T145	3.00	726.00
Orange East	S027	3.00	726.00
Orange North	S029	2.00	484.00
Orange SW	S028	-	-
Orange Windsor	S030	6.00	1,452.00
Orleans Central	S034	2.00	484.00
North Country	S031	4.00	968.00
Orleans SW	S035	6.00	1,452.00
Rivendell	U146	-	-
Rutland Central	S037	6.00	1,452.00
Rutland City	T173	15.00	3,629.00
Rutland NE	S036	8.00	1,936.00
Rutland South	S033		-
Rutland SW	S038	1.00	242.00
Rutland Windsor	S039	4.00	968.00

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St. Johnsbury	T179	7.00	1,694.00
So. Burlington	T191	82.00	19,839.00
SW Vermont	S005	12.00	2,903.00
Springfield	T193	20.00	4,839.00
Washington Central	S032	10.00	2,419.00
Washington NE	S041	-	-
Washington South	S043	-	-
Washington West	S042	25.00	6,049.00
Windham Central	S046	2.00	484.00
Windham Northeast	S047	6.00	1,452.00
Windham Southeast	S048	44.00	10,645.00
Windham Southwest	S049	-	-
Windsor Central	S051	8.00	1,936.00
Windsor NW	S050	-	-
Windsor Southeast	S052	4.00	968.00
Windsor SW	S053	2.00	484.00
Winooski	T249	172.00	41,614.00
Total		1,209.00	292,509.00 (9.00)

APPENDIX B: PURPOSE AND USE OF FUNDS -- All activities must *supplement* the level of federal, state, and local public funds, *not supplant* them. If the LEA would be required to pay for this service or item in the absence of Title III, then it should use local or state funds rather than Title III funds for this purpose. **LEAs may not use more than 2% of funds for administrative direct costs.**

Required Subgrantee Activities:

- 1) To increase the English proficiency of LEP children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing -
 - English proficiency and
 - 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 -
 - designed to improve the instruction and assessment of LEP children;
 - designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for LEP children;
 - based on scientifically based research¹ 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 of sufficient intensity and duration (which shall not be limited to 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.

Authorized Subgrantee Activities

Subject to the requirements above, LEAs may use the funds to achieve one of the purposes described previously by undertaking one or more of the following activities:

- 1) Upgrading program objectives and effective instruction strategies;
- 2) Improving the instruction program for LEP children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures;
- 3) Providing tutorials and academic or vocational education and intensified instruction;
- 4) Developing and implementing elementary or secondary language instruction educational programs that are coordinated with other relevant programs and services;
- 5) Improving the English proficiency and academic achievement of LEP children;
- 6) Providing community participation programs, family literacy services, and parent outreach and training activities to LEP children and their families to improve the English language skills of LEP children, and to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children;

¹ "**Scientifically-based research**" is defined as research that employs systematic, empirical methods that draw on observation or experiment; involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; and relies on measurements or observational methods that provide reliable and valid data across evaluators and observers. (NCLB, Title IX, Definitions)

- 7) Improving the instruction of LEP children by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication, and incorporation of such resources into curricula and programs such as those funded by this subpart;
- 8) Carrying out other activities that are consistent with the purposes of this section.

APPENDIX C: PRIVATE SCHOOL PARTICIPATION IN TITLE III PROGRAMS

Authorities

No Child Left Behind Act of 2001, Title IX, Part E, Sections 9501-9506

Education Department General Administrative Regulations (EDGAR), Part 76, Sections 76.650-76.662

Statutory/Regulatory Requirements

- After timely and meaningful consultation with appropriate private school officials, local educational agencies (LEAs) receiving Title III funds must provide educational services to limited English proficient (LEP) children and educational personnel in private schools that are located in the geographic area served by the LEA.
- To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of the Title III program on issues such as:
 1. how the LEP children's needs will be identified;
 2. what services will be offered;
 3. how, where, and by whom the services will be provided;
 4. how the services will be assessed and how the results of the assessment will be used to improve those services;
 5. the size and scope of the services to be provided to the private school children and educational personnel;
 6. the amount of funds available for those services;
 7. how and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.
- Title III services provided to children and educational personnel in private schools must be equitable and timely and address their educational needs.
- Funds provided for educational services for private school children and educational personnel must be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children.
- Title III services provided to private school children and educational personnel must be secular, neutral, and non-ideological.
- LEAs may serve private school LEP children and educational personnel either directly or through contracts with public and private agencies, organizations, and institutions.
- The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the LEA.
- Services for private school children and educational personnel must be provided by employees of the LEA or through a contract made by the LEA with a third party.
- Providers of services to private school children and educational personnel must be independent of the private school and of any religious organization, and the providers' employment or contract must be under the control and supervision of the LEA.
- Funds used to provide services to private school children and educational personnel must not be commingled with non-Federal funds.

Frequently Asked Questions

What is meant by “equitable” participation by public and private school students and educational personnel in a Title III program?

Participation is considered to be equitable if the LEA (1) assesses, addresses, and evaluates the needs and progress of public and private school students and educational personnel in the same manner; (2) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs; (3) spends an equal amount of funds to serve similar public and private school students and educational personnel; and (4) provides both groups of students and educational personnel equal opportunities to participate in program activities.

Must an LEA’s Title III program design be the same for both public and private school students and educational personnel?

No. Consultation and coordination between LEA and private school officials are essential to ensure a high-quality program that meets the needs of the students being served and assists those students in attaining English proficiency and meeting the same challenging State academic content and student academic achievement standards as all children are expected to meet. The LEA must assess the needs of private school students and educational personnel in designing a program that meets their needs. If their needs are different from those of public school students and educational personnel, the LEA, in consultation with private school officials, must develop a separate program design that is appropriate for their needs.

What recourse is available if an LEA will not use its Title III funds to provide equitable services to private school children and educational personnel?

Complaints about an LEA’s failure to provide equitable services to private school children and educational personnel must first be submitted to the State educational agency for resolution. The State’s resolution or failure to make a resolution may be appealed to the U.S. Department of Education. If after due process a by-pass determination is made, the Department arranges for the services for eligible private school children and educational personnel and pays the cost of those services from the LEA’s Title III allocation.

Are private school students receiving Title III services required to participate in the English language proficiency assessments that are required of public school students receiving Title III services?

Yes. Private school students receiving Title III services, like participating public school students, must be assessed annually for their level of English proficiency in the domains of speaking, listening, reading, writing, and comprehension. The State assessments may be used, if they are appropriate, or other assessments, such as those administered by the private school, may be used. In any case the assessments must be comparable to those used for the public school students and aligned with the achievement of the academic content and student academic achievement standards established by the State or by the private school.

Does the Title III requirement on language qualifications for teachers providing Title III services to public school students apply to teachers providing these services to private school students?

Yes. Like teachers serving public school LEP students, teachers providing Title III services to private school students, whether LEA employees or third-party contract employees, are subject to the requirement that teachers in a Title III program must be fluent in English and any other language used for instruction.

APPENDIX D: Title III, SECTION 3302. PARENTAL NOTIFICATION & PARTICIPATION.

Parental Notification –

Within 30 days of start of school year, or within two weeks of placement if not identified prior to the beginning of school, the LEA must notify the parent(s) of LEP students participating in Title III programs [*in an understandable and uniform format and, to the extent practicable, in a language that they can understand*] of:

- (1) the reasons for their child’s identification as LEP and for placement in a language instruction educational program;
- (2) the child's level of English proficiency, how assessed, and status of the child's academic achievement;
- (3) the method of instruction used in child’s program;
- (4) how the program will help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;
- (6) the specific exit requirements for such program, expected rate of transition, and expected rate of graduation (if Title III funds are used for children in secondary school);
- (7) how such program meets the objectives of the child’s IEP (in the case of a child with a disability); and
- (8) the rights of the parent(s):
 - to remove their child from such program upon their request; and
 - to decline to enrollment in the program or to choose another program, if available; and
 - to be assisted in selecting from among various programs and methods of instruction, if more than one program or method is offered.

The LEA must also separately inform a parent if the district’s program has failed to make progress on the annual measurable achievement objectives (Section 3122), not later than 30 days after such failure occurs.

PARENTAL PARTICIPATION -

In general, **each LEA** shall implement an effective means of outreach to inform parents of LEP children of how they can —

- (A) be involved in the education of their children;
- (B) be active participants in assisting their children learn English, achieve at high levels in core academic subjects, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

This outreach shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents.

Section 3126. Legal Authority under State Law - Nothing in this part shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

Section 3127. Civil Rights - Nothing in this part shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

APPENDIX E: REPORTING REQUIREMENTS

A condition of receiving Title III funds is that an LEA or Consortium agree to provide the State with evaluation and accountability data.

Monitoring and Progress Reports -

The Vermont Department of Education will periodically monitor the progress of LEAs in implementing programs and activities under Title III and work with them to identify technical assistance and training necessary to build an effective program for LEP students.

Grantees will be asked to submit an annual report that documents accomplishments and problems.

Annual Evaluation Report -

LEAs must provide an evaluation as prescribed by the SEA. The SEA and the LEA must use the evaluation to determine the effectiveness of programs and activities in helping LEP students attain English proficiency and meet the same challenging State academic content and student achievement standards as all other students are expected to meet.

The SEA will require LEA's to submit an annual report which includes:

- (1) A description of the programs and activities conducted during the year;
- (2) A description of the progress made by LEP students in learning English and meeting challenging State academic content and student achievement standards;
- (3) The number and percentage of children in the programs attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency;
- (4) A description of the progress made by students in meeting challenging State academic content and student academic achievement standards for each of the two years after students are no longer receiving services.
- (5) the percentage of students who are meeting the same challenging State content and student academic achievement standards as all other children;
- (6) the percentage of students who are not receiving waivers for the reading or language arts assessments required under Section 111(b)(3)(C) of the No Child Left Behind Act; and
- (7) any other information the SEA may require.

Improvement Plan -

If the SEA determines, based on the annual measurable achievement objectives, that an LEA has failed to make progress toward meeting such objectives for 2 consecutive years, it must require the LEA to develop an improvement plan that will ensure that the LEA meets the objectives. The improvement plan must specifically address the factors that prevented the LEA from achieving the annual measurable objectives.