

Elementary and Secondary Education Act (ESEA),
**Title III: Language Instruction for Limited English Proficient and Immigrant
Students**
**Part A--English Language Acquisition, Language Enhancement, and
Academic Achievement Act & Part C—General Provisions**



2011-2012 Title III Application Instructions

Important Deadlines:

- 1) Notify of Intent to Apply: Monday, September 19, 2011**
- 2) Deadline for Submission of Application: Friday, October 7, 2011**
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 is that all limited English proficient students will attain English proficiency.

Purpose: 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 proportional to the total number of eligible LEP/immigrant students statewide. Title III projected allocations are determined by the number of students who meet the Title III eligibility criteria, based on the spring 2011 administration of *ACCESS for ELLs*®.

Single LEA: An LEA must have enough eligible 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). An LEA that receives a subgrant award becomes an “eligible entity” in the Title III accountability system.

Consortia: An LEA that does not qualify to apply independently may team up with one or more other LEAs and apply as a Consortium. The combined number of students within the LEAs must qualify the consortium for a grant of at least \$10,000. Within each consortium, one of the LEAs must serve as the fiscal agent. (LEAs that eligible to apply independently may still choose to form a consortium and pool their resources with other LEAs.)

Projected allocations for 2011-2012 are posted on the (Department of Education) DOE website. Please click on the “Allocations” link (http://education.vermont.gov/new/html/pgm_esl/grant_application_resources.html) under “2011-2012 Title III Application” on the English Language Learner web page. LEAs can 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, eligible LEAs will be told the amount of their final allocations and should adjust their steps/budgets accordingly at that time.

2011-2012 TITLE III APPLICATION INSTRUCTIONS

DEADLINE for notification of “Intent to Apply”: Monday, September 19, 2011
DEADLINE for submission of application: Friday, October 7, 2011

CONTACT: Jim McCobb, Title III Director Phone: (802) 828-0185
Email: James.McCobb@state.vt.us

Section A: LEA Contact Information – An LEA that is applying as a single district/supervisory union for Title III funds, *or* as the Fiscal Agent for a Consortium, fills out this section.

Section B: Title III Assurances & Certification – Please read the assurances and appendices carefully. By signing, the LEA (or Fiscal Agent in a Consortium) agrees to meet the requirements under NCLB, State, and Federal law, which are articulated in these appendices.

Section C: Title III Assurances & Certification for Consortium Members -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 (ELLs). Therefore, all members of a consortium should read the same assurances and appendices mentioned in Section B. **Note:** An Authorized Representative is a Superintendent or Assistant Superintendent, not an ELL Coordinator.

Please fill in the name(s) of the Title III Coordinator in each LEA, as well.

Section D: Private School Participation - 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 III** 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 – Complete the information in Tables 1 & 2 for the LEA (or each member of the Consortium). Duplicate the form and attach page(s) to the application.

Section F: 2011--2012 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.]

At a minimum, each application must address the following **two required activities in Section F:**

- **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).

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

The applicant is also authorized, *but not required*, to address **Activity #3: Authorized Additional Activities** in its Title III application. This activity cannot be substituted for either of the required activities.

Specific Title III Action Steps/Activities -

Even though the Title III Plan itself does not provide enough space for *elaboration* of how the LEA or Consortium will meet each of the required Title III program components, you should keep them in mind as you develop, implement, and administer the specific action steps and activities outlined in your LEA Title III Plan. Your LEA or Consortium should also be prepared to demonstrate, through written reports, documentation, and onsite monitoring, *how these requirements are being met by the specified action steps/activities in the plan*:

- The programs and activities that are developed, implemented, and administered with the Title III grant funds;
- How the funds will be used to meet all the annual measurable achievement objectives (AMAOs);
- How the LEA will hold elementary and secondary schools accountable for meeting the AMAOs;
- How the LEA will hold elementary and secondary schools accountable for making adequate yearly progress for LEP students;
- How the LEA will hold elementary and secondary schools accountable for annually measuring the English proficiency of LEP students served by the programs so that children develop proficiency in English while meeting State academic content and student academic achievement standards;
- How the LEA will promote parental and community participation in programs for LEP students;
- How the language instruction educational programs will ensure that LEP students develop English proficiency.

The *specific action steps/activities* should be stated in clear, concise (bulleted) phrases and indicate the projected timeline, responsible persons, and budgeted amounts. For questions and/or technical assistance in writing the plan, contact Jim McCobb, Title III Program Coordinator, at 828-0185 or James.McCobb@state.vt.us.

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.

APPENDIX I: ALLOCATIONS

The eligibility criteria for Title III applicants are explained in the Title III General Information page which precedes the 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 allocated to LEAs that do not apply will be reallocated to LEAs that apply and meet all the grant application 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. Starting in 2005, all VT LEAs have used the **ACCESS for ELLs** as the English language proficiency test. This assessment is based on Vermont’s English Language Proficiency (ELP) standards, which are linked to the academic content standards.

This year the count of Title III eligible students includes all ELLs in Grades K-12, who took Spring 2011 *ACCESS for ELLs*® and have not yet met the State's definition of "proficiency", i.e., required Overall Score (composite proficiency level) of 5.0 or higher on a Tier B or Tier C test, plus a *minimum* proficiency level of 4.0 in both the reading and writing domains. Students who meet the definition of "proficiency" in 2011 are: 1) *not* be eligible for **Title III** funds/services in 2011-2012; 2) considered as exited from the **LEP** subgroup for both Title III and Title I accountability; and 3) should be counted as "*Monitored Former Limited English Proficient*" in the both the Title III and Title I accountability for two years after exit from Title III services.

Projected allocations for 2011-2012 are posted on the DOE website:

http://education.vermont.gov/new/html/pgm_esl/grant_application_resources.html.

APPENDIX II: PURPOSE AND USE OF TITLE III 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.

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)

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;
- 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; and
- 8) Carrying out other activities that are consistent with the purposes of this section.

APPENDIX III: 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; and
 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 IV: PARENTAL NOTIFICATION & PARTICIPATION
Title III, SECTION 3302

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 meet the educational strengths and needs of the child;
- (5) how the program will specifically 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.

Note: The LEA must inform parents annually of their child's continuing placement in a Title III program.

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 V: TITLE III REPORTS, EVALUATION AND ACCOUNTABILITY

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

Monitoring Report -The VT DOE Title III Program will monitor the progress of LEAs in implementing programs and activities on an annual basis and work with them to identify technical assistance and training necessary to build an effective program for LEP students. LEAs should be prepared to submit reports and documents as requested by the State Title III office. The State office, in turn, will send a monitoring report to the LEAs after onsite monitoring has been completed.

Annual Program Activity Report - LEAs must submit an annual report (form will be sent to all 2010-2011 Title III subgrantees) that documents program accomplishments as well as any barriers to implementation of Title III-funded activities. To be eligible for continued funding, all 2010-

2011 Title III subgrantees, including Consortium member districts, will be required to submit an annual report by **October 31, 2011**. Failure to complete this report will result in interruption of funding.

Data Collection and Evaluation Reports - LEAs must provide data for program evaluation and accountability. These data will be compiled 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.

1. LEAs are responsible for collecting, verifying, and reporting LEP student demographic and assessment participation data in a timely manner, as required by the VT DOE for completing federal reports and making Title III accountability determinations.
2. LEAs must administer the annual ACCESS for ELLs® test to all LEP students.
3. LEAs must administer the annual NECAP State assessment to LEP students in the required grades (with the exception of the reading/language arts section for LEP students who have been enrolled for one academic year or less in US schools).

Title III Accountability:

Improvement Plan - If an LEA or Consortium fails to meet one or more Annual Measurable Achievement Objectives (AMAOs) for two or four consecutive years, the entity must develop an improvement plan, as described in Sections 3122(b)(2) and (b)(4) of Title III law. The improvement plan must specifically address the factors that prevented the LEA from achieving the AMAOs. *See Appendix IV for parental notification requirements.*

Further Actions - Title III, Section 3122, describes **further actions** the State must take if it determines that a Title III subgrantee has failed to meet the annual measurable achievement objectives for four consecutive years. These actions include –

“(A) require such entity to modify the entity’s curriculum, program, and method of instruction; or
“(B) make a determination whether the entity shall continue to receive funds related to the entity’s failure to meet such objectives; and “(ii) require such entity to replace educational personnel relevant to the entity’s failure to meet such objectives.”