**English Learners Guidance to Consortia Formed for Title IIIA Subgrant Purposes — School Year 2023-2024**

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| To: | Consortium Fiscal Lead Agencies, Participating LEAs, and Other Interested Parties |
| From: | Simone Lynch, Director of Federal Grant Programs - Office of Resource Allocation Strategy and Planning |
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**Introduction**

Massachusetts generally awards Title IIIA subgrants to local educational agencies with enough students identified as English learners (ELs) in the March student data transmission (SIMS), for which the calculated per-pupil amount adds up to an allocation greater than or equal to $10,000. A local educational agency (LEA) that does not reach this eligibility threshold may apply for a subgrant jointly with other LEAs in a consortium in order to be eligible to apply for a Title IIIA subgrant. Under Title III, section 3201, an "eligible entity," for purposes of receiving a subgrant under section 3114(a), is defined (in part) as "one or more local educational agencies."

Funds under section 3114(a) are allocated to eligible entities on the basis of the calculated per-pupil amount for students identified as English learners (ELs) in each LEA or eligible entity in the State. Subgrants under section 3114(a) must be at least $10,000. A consortium that receives a Title IIIA subgrant is expected to meet the same standards as any Title IIIA subgrantee. A consortium must follow the same Title III requirements in carrying out the subgrant as any other Title IIIA subgrantee: increase the English proficiency of English learners by providing effective language instruction educational programs, effective professional development, and effective activities and strategies that enhance or supplement language instruction educational programs for English learners which include parent engagement activities. Title III, Section 3115(c).

Consortium applicants are required to submit Title IIIA Intent to Participate via GEM$ so that funds may be allocated accordingly by DESE for the upcoming fiscal year. To constitute a consortium for Title IIIA subgrant purposes, participating LEAs must collectively enter into a [Memorandum of Understanding (MOU)](https://www.doe.mass.edu/federalgrants/titleiii-a/resources/sample-consortium-mou.docx) that states their agreement to form a consortium for Title IIIA subgrant purposes and describes the manner in which the consortium will meet all Title IIIA requirements, including, but not limited to, those listed below under "Responsibilities of Fiscal Lead Agencies" and "Responsibilities of Participating LEAs." The consortium must designate one LEA as the fiscal lead agency and state that designation in the MOU (in addition to identifying the other member districts of the consortium). Consortium fiscal lead agencies and their participating LEAs should consult the resources identified at the end of this memo for additional information about Title IIIA requirements.

An entity that receives a Title IIIA subgrant must agree to expend the funds to improve the education of English learners, by assisting the children to learn English and meet the challenging State academic standards. In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

1. Developing and implementing new language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth, including early childhood education programs, 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 instructional programs for English learners and immigrant 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 instructional educational programs and academic content instruction for English learners and immigrant 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 English learners and immigrant children and youth. Title IIIA, Section 3115(a).

Each eligible entity receiving funds under section 3114(a) of Title III for a fiscal year may use not more than 2 percent of such funds for administrative costs. Title III, Section 3115(b). Any funds the consortium reserves for administrative costs may be used only for direct administrative costs.

The Title IIIA Consortium Fiscal Lead must submit the signed and dated MOU with the Title IIIA application.

**Types of Title IIIA Consortia:**

* LEAs may apply as a consortium with one of the LEAs designated as the fiscal lead agency. The fiscal lead agency is responsible for submitting the TIIIA application to DESE, for receiving and managing grant funds, and meeting all responsibilities of fiscal lead agencies listed below.
* LEAs may apply with a collaborative and the collaborative may be designated as fiscal lead agency. Collaboratives generally meet the definition of local educational agency in Title VIII, section 8101. A collaborative that is designated as a fiscal lead agency is responsible for submitting the completed TIIIA application to DESE, for receiving and managing grant funds, and must meet all responsibilities of fiscal lead agencies as listed below.

**Responsibilities of Fiscal Lead Agencies:**

* The fiscal lead agency is responsible for taking steps that result in all participating LEAs meeting their responsibilities under Title IIIA to the EL children they serve.
* The fiscal lead agency is responsible for ensuring that consortium members fulfill their fiscal and programmatic responsibilities as subgrantees under Title IIIA, including, but not limited to, meeting their responsibilities to EL children and teachers in private schools in the communities served by LEAs participating in the consortium per Section 8501, ensuring all ELs participate in ACCESS and content assessments when applicable, and completing improvement plans when necessary.
* The fiscal lead agency of a consortium must complete and submit to DESE the [Memorandum of Understanding (MOU)](https://www.doe.mass.edu/federalgrants/titleiii-a/resources/sample-consortium-mou.docx) signed by all Title IIIA Consortium LEAs. The MOU is part of the Title IIIA grant application and indicates that the member LEAs have agreed to form and participate in the consortium. The MOU identifies the fiscal lead agency and outlines the manner in which the consortium will meet all Title IIIA requirements and all requirements of Massachusetts law and regulation. The MOU must detail the following:
	+ The manner in which the consortium members will meet to determine a plan for meeting the requirements of Title IIIA and state law and regulation, including, but not limited to:
		- Needs of member districts for improving services for EL students.
		- Needs of member districts related to professional development to improve instruction for EL students.
		- The plan to efficiently and effectively use Title IIIA funds to meet the identified needs of the consortium member districts.
	+ The manner in which the consortium will meet all Title IIIA requirements, including, but not limited to development of Title IIIA improvement plans when required by the SEA and Title III, and the participation of children and teachers in private schools.
* The fiscal lead agency is responsible for completing the Massachusetts Department of Elementary and Secondary Education FY 2024 Grant Assurances Document as a required component of its FY24 application and submit the Grant Assurance signature page with the FY24 Title IIIA grant application.
* The fiscal lead agency is responsible for ensuring that all participating LEAs complete the Non-public Schools [Affirmation of Consultation form](https://www.doe.mass.edu/federalgrants/resources/equitableservices-essa/affirm-consultation.docx) and must ensure the participation of private school children and teachers in Title IIIA, per Part E of ESSA (Title VIII, Sections 8501 - 8506).
* The fiscal lead agency is responsible for submitting the completed TIIIA application, including the MOU, the private school(s) information, the narrative, and the budget to DESE, briefly describing for each member district:
	+ the programs and activities proposed to be developed, implemented, and administered under the subgrant.
	+ how the eligible entity will ensure that elementary schools and secondary schools will assist English learners in achieving English proficiency based on the State’s English language proficiency assessment, consistent with the State’s long-term goals, and meeting the challenging State academic standards.
	+ how the eligible entity will promote parent, family, and community engagement in the education of English learners.
* The fiscal lead agency is responsible for all financial transactions of the consortium (requisitions, purchases, payments, etc.) and for maintaining records of all financial transactions carried out on behalf of the consortium.
* The fiscal lead agency is responsible for ensuring that the Title IIIA funds allocated to the consortium supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and in no case to supplant such Federal, State, and local public funds.

Note: A Title IIIA Consortium fiscal lead agency may not subgrant Title IIIA funds to other members of the consortium.

**Responsibilities of Title IIIA Consortia Member Districts:**

The fiscal lead agency must meet with member districts to discuss and develop a local plan that meets the requirements of Title IIIA and Massachusetts law and regulation including the following:

* Needs of member districts for improving services for English learner (EL) students.
* Needs of member districts to submit their own, individual description of local EL services.
* Needs of member districts relating to professional development to improve instruction for EL students.
* The plan to effectively and efficiently use Title IIIA funds to meet the identified needs of the consortium member districts.
* Completion of Title IIIA Non-Public Schools [Affirmation of Consultation](https://www.doe.mass.edu/federalgrants/resources/equitableservices-essa/affirm-consultation.docx) form.
* The participation of private school children and teachers in Title IIIA, per Part F of the Every Student Succeeds Act (Sections 8501 - 8506).
* Completion of a Title IIIA improvement plan with DESE, when applicable.
* Signed Non-public School [Affirmation of Consultation](https://www.doe.mass.edu/federalgrants/resources/equitableservices-essa/affirm-consultation.docx) forms.

**Federally Mandated Title IIIA Activities:**

Per Title III, section 3115(c), an eligible entity receiving funds under Title III, section 3114(a) shall use the funds-

1. to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing:
	1. English language proficiency; and
	2. student academic achievement;
2. to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:
	1. designed to improve the instruction and assessment of English Learners;
	2. designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English Learners;
	3. effective in increasing children's English language proficiency, or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers;
	4. 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, as appropriate; and
3. to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which:
	1. shall include parent, family, and community engagement activities; and
	2. may include strategies that serve to coordinate and align related programs.

**Federally Authorized Title IIIA Activities:**

Per Title III, section 3115(d), an eligible entity receiving funds under Title III, section 3114(a) may use the funds to achieve any 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 instructional program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.
3. Providing to English learners-
	1. tutorials and academic or career and technical education; and
	2. intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators.
4. Developing and implementing effective supplemental preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.
5. Improving the English language proficiency and academic achievement of English learners.
6. Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families -
	1. to improve the English language skills of English learners; and
	2. to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.
7. Improving the instruction of English learners, which may include English learners with a disability, by providing for -
	1. the acquisition or development of educational technology or instructional materials;
	2. access to, and participation in, electronic networks for materials, training, and communication; and
	3. incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.
8. Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education.
9. Carrying out other activities that are consistent with the purposes of this section.

Applicants should refer to the following documents for detail concerning Title IIIA requirements:

* Title III of the Every Student Succeeds Act, found at: <https://www2.ed.gov/documents/essa-act-of-1965.pdf>.
* Guidance concerning the participation of private school children and teachers in Title IIIA, found at: <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.
* ESSA Title IIIA Guidance – English Learners, found at: <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf>
* TIIIA Quick Reference Guide, (QRG): <http://www.doe.mass.edu/federalgrants/titleiii-a/resources/>
* Non-public Schools Affirmation of Consultation form: form:<https://www.doe.mass.edu/federalgrants/resources/equitableservices-essa/affirm-consultation.docx>
* Sample Title IIIA Consortium Memorandum of Understanding: <https://www.doe.mass.edu/federalgrants/titleiii-a/resources/sample-consortium-mou.docx>