

Resource Document for

Title III and Title III Immigrant

Entitlement Grants

Under the Every Student Succeeds Act (ESSA)

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**Introduction**

The *Every Student Succeeds Act* (ESSA) became federal law in December 2015, reauthorizing the *Elementary and Secondary Education Act* (ESEA) of 1965 and replacing the *No Child Left Behind Act* (NCLB) of 2002. Despite some key changes in the law, the purpose remains the same: to ensure all students have equitable access to high-quality educational resources and opportunities to prepare all students to attain graduation success and be fully prepared to succeed in college, career, and civic participation.

The guidance in this document details the allowable uses of **Title III English Learners (ELs) funds (Fund Code 180) and Title III Immigrant student funds (Fund Code 186)** under ESSA. This guidance document is intended to help Local Education Agencies (LEAs) better understand how to use these federal funds to identify and serve ELs and immigrant students.

The term English learner (EL) is used by the United States Department of Education and the Massachusetts Department of Elementary and Secondary Education (DESE); the designation of English language learner (ELL) is also commonly used; in this document, the two terms are interchangeable.

DESE would like to thank the New Jersey Department of Education and the California Department of Education from whom we borrowed extensively in creating this useful document.

# **What is Title III?**

Title III is an annual per-pupil formula grant made to Local Education Agencies (LEAs).

The purpose of the Title III Language Instruction for English learners and Immigrant Students program is to ensure that all English learners attain English language 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.

# **Who can be Served with Title III Funds?**

Students identified as ELs are served with Title III Federal funding. Under ESSA, an EL in Massachusetts means an individual who is:

* Age 3 through 21;
* Enroll(ed) in elementary or secondary school;
* Not born in the United States (not including Puerto Rico) or whose native language is a language other than English; and
* Limited in speaking, reading, writing, and understanding (listening) in the English language as identified by a [Massachusetts approved screening assessment](http://nj.gov/education/bilingual/ells/20/), see [Initial Assessment Guidance](https://www.doe.mass.edu/ele/guidance/?section=guidance)

# **How is Title III Eligibility Determined?**

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. DESE obtains enrollment information by way of the annual Student information Management System (SIMS) data collection. Any student who is identified as an EL must be reported as such in the SIMS data collection. Similarly, private schools are asked to report ELs in the [Non-Public School Report](http://www.state.nj.us/education/nonpublic/) data collection portal. Title III allocations are calculated using the following methodology:

DESE uses certified Student Information Management System (SIMS) data to calculate a per-pupil amount (dividing the total number of ELs in the state into the distribution amount). DESE then determines each district’s preliminary allocation by multiplying the number of ELs in each district by the per-pupil amount. Any entity that would receive less than $10,000 is then deemed ineligible and drops out of the calculation. Those freed-up funds are then redistributed among the eligible entities by calculating a final per pupil amount where only ELs in eligible districts are used.

An LEA must have an allocation of at least $10,000 in order to receive a grant award. LEAs may not transfer funds from other ESSA title programs (i.e. Title IIA) into Title III to meet the $10,000 threshold.

An LEA may join with other LEAs to form a consortium of LEAs to receive Title III funds. Under this arrangement, one of the LEAs must serve as the fiscal agent for the consortium and is legally responsible to the Department for the grant. The option of joining a consortium may be especially relevant to a small LEA that does not, on its own, have a sufficient number of ELs to meet the requirement in that a Title III subgrant be at least $10,000. Such a small LEA could, for example, form a consortium with other small LEAs to receive Title III funds or enter into an agreement with a neighboring larger LEA to receive services provided by the larger LEA. Some examples of consortia models in place include:

* The LEA fiscal agent provides consortium-wide services, such as professional development and supplemental instructional materials, directly to all LEAs in the consortium.
* The LEA fiscal agent enters into a contract with another entity to provide services to all of the member LEAs.
* The LEA fiscal agent distributes a portion of the consortium’s allocation to each member LEA based on the number of ELs in each LEA.

Finally, further adjustments are made to the calculation to account for any new and expanding charter schools.

# **What are Allowable Activities under Title III?**

Under ESSA sections 3114(a) and 3115, LEAs must use Title III funds for effective approaches and methodologies for teaching ELs. LEAs must spend their Title III allocations to support, at minimum, the following **three required activities:**

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| **Required Activities** | **Purpose** |
| Enhance effective language instruction educational programs | * To increase the English language proficiency of ELs * To improve student academic achievement |
| Provide effective professional development (PD) to classroom teachers who work with ELs including:   * general education teachers * principals * school leaders * administrators * other school or community-based organizational personnel | * To improve the instruction and assessment of ELs * To enhance the ability of teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs * To increase the English proficiency of ELs by substantially increasing the subject matter knowledge, teaching pedagogy, and teaching skills of those working with ELs |
| Parent, family, and community engagement programs, services, and activities to improve English language skills for English learners | * To enhance educational programs for English learners which include parent, family, and community engagement |

Based on the statute, an LEA may use up to 2% of its Title III funds for direct administrative costs. Please note, indirect costs are not part of the 2% limitation. Also note that Title III funds may not be used to support or provide either the Sheltered English Immersion (SEI) Teacher or SEI Administrator Endorsement course or to meet the requirements under Massachusetts’ [LOOK Act](https://www.doe.mass.edu/ele/look-act.html).

# **Does the ESSA “Supplement, Not Supplant requirement apply to Title III?**

Title III is subject to the “supplement not supplant” (SNS) requirement that affects how Title III and Title III Immigrant funds are spent. SNS requires both Title III and Title III Immigrant funds to add to (supplement) and not replace (supplant) other Federal, state, and local funds. An LEA may use program funds only to supplement and, to the extent practical, increase the level of funds that would, in the absence of the Federal funds, be made available from non-Federal sources. See [2 CFR 200, Appendix XI, Compliance Supplement](https://www.whitehouse.gov/wp-content/uploads/2022/05/2022-Compliance-Supplement_PDF_Rev_05.11.22.pdf) for more information.

In Massachusetts, an eligible LEA must use its Title III funds for the above authorized activities, and it must also ensure the funds are supplemental to state requirements as required by the [LOOK Act](https://www.doe.mass.edu/ele/look-act.html) including the requirements that the funds not be used to meet civil rights obligations under Title VI and the Equal Educational Opportunities Act (EEOA). In addition, an LEA may use the funds on other supplemental activities for ELs. Please see the [Supplement, Not Supplant Quick Reference Guide](https://www.doe.mass.edu/federalgrants/resources/qrg-sns.docx) for more information.

Funds must be used for the following supplemental services as part of the language instruction program for English learners and immigrant children and youth:

* Developing and implementing new language instruction educational programs, and academic content instructional programs including early childhood education programs, elementary school programs, secondary school programs, and dual enrollment programs
* Highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs
* Implementing schoolwide programs for restructuring, reforming, and upgrading language instruction educational programs and academic content instruction
* Implementing agency-wide programs for restructuring, reforming, and upgrading programs, activities relating to language instructional education programs and academic content instruction

All activities must be connected to improving the English language skills of ELs and/or assisting parents and families in helping their children to improve their academic achievement and become active participants in the education of their children. Further examples of supplemental activities are provided in the chart below, as well as on the [Title III Allowable/Unallowable Costs Quick Reference Guide](https://www.doe.mass.edu/federalgrants/titleiii-a/resources/qrg.docx). The chart on the next page illustrates some, but not all, of the possible activities, with examples of supplemental (allowable) activities, and examples of supplanting (unallowable) activities.

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| **Additional Allowable Uses** | **Supplemental Activity Example** | **Supplanting Activity Example** |
| Upgrade program objectives and effective instructional strategies | * Software that helps educators analyze EL data from supplemental Title III programs * Stipends for teachers to create upgraded or enhanced curriculum for the upcoming school year outside of normal work hours * Consultants for professional development | * Salary of an additional ESL teacher |
| Enhance the instructional program through supplemental resources | * Supplemental science kits and math kits for use in EL classrooms * After school programs for all grades | * A second set of books for the standard curriculum * Individual and or classroom dictionary * Math calculators |
| Update curricula and educational software | * Computer programs for accelerating student performance in reading, math, and/or English language acquisition supplemental to what is provided by the district to all other classes * iPads, supplemental to what is provided by the district * Subscription to online programs students can use at home to practice skills | * Updated world languages curricula |
| Tutorials, academic, career, and or/ technical education | * Dual enrollment courses for ELs * Supplemental resource guide for the curriculum * A paraprofessional aide to support EL students in an ESL or SEI class * Stipends for tutors to provide assistance to EL students during a study hall period | * Salary of the general education teacher * Tuition costs toward teacher licensure |
| Intensify instruction, including materials in a language that the student can understand | * Multilingual classroom libraries * Magazine subscription(s) from students’ native languages to add to libraries throughout the school | * Guided reading books for the ESL class * Translation and/or oral interpreters |
| Provide community participation programs, family literacy services, parent and family outreach and training activities | * ESL classes for parents * Salary of a Parent Coordinator for Title III EL parent outreach | * Costs affiliated with back-to-school night or other district mandated parent meetings * Parent coordinators for district outreach to all EL parents |
| Improve the instruction of ELs with a disability | * Manipulatives for use in the classroom | * The salary of an additional Special Education teacher due to new enrollment or identification of ELs with a disability |
| Acquisition or development of educational technology or instructional materials | * Computer cart for ESL, used to transport supplemental laptops to after school Title III program | * Computers for the ESL class if all classrooms in the building have computers provided |
| Access to, and participation in, electronic networks | * Access to, and participation in, electronic networks with services beneficial to ELs and their families, unless the district is supplying network access to all students | * A vendor used to maintain or service all the computers in the district cannot be funded by Title III |

# **What is Title III Immigrant Grant?**

Title III Immigrant grant is a subgrant of Title III. The priorities of Title III Immigrant grant are to provide enhanced instructional opportunities for immigrant children and youth that it serves. Immigrant grant funds are distributed to those districts who experience a significant increase in the number of immigrants. These students may not be English learners.

These funds must include these students and can be used for any immigrant student who meets the criteria outlined below. A district who qualifies for a Title III Immigrant grant must use the grant to provide enhanced instructional opportunities for immigrant children and youth. We encourage a district that receives these funds to prioritize activities that will meet the unique needs of the immigrant children and youth enrolled in the district, as well as families of these students.

Title III funds, including the Immigrant grant, must be used to supplement the level of local, state, and federal funds that, in the absence of Title III funds, would otherwise be expended for programs for EL and immigrant children and youth and in no case supplant such federal, state, and local funds.

# **Who can be served with Title III Immigrant funds?**

Students identified as immigrant students are eligible to be served with Title III Immigrant funding. The Federal definition of an immigrant student is:

* A student not born in any state (defined as 50 states, Washington D.C. and Puerto Rico);
* A student who has not attended one or more schools in any one or more state for more than three full academic years;
* Age 3-21.

# **How is Title III Immigrant Grant Eligibility Determined?**

Title III Immigrant is a targeted subgrant DESE awards to LEAs experiencing a significant increase (2% or more) in immigrant students, both public and private, over the average of the last two years. Any student who is identified as an immigrant must be reported as such on the SIMS data collection. The amount of Title III Immigrant funding an LEA receives is based on the eligible number of immigrants taken from the fall SIMS data collection. In addition, immigrant students attending a private school in the geographic area served by the LEA are included in the total count. This amount of Title III Immigrant funding for a district is calculated as follows:

The allocation of funds is balanced equally to eligible districts across three factors: the overall number of immigrant students in the district (“size factor”), the change in the number of immigrant students over the average of the prior two fiscal years (“influx factor A”), and the change in percentage of immigrant students over the average of the prior two fiscal years (“influx factor B”).

Since the spirit of the law is to get resources to districts that have seen recent large influxes of immigrant students, DESE balances the size factor with the two influx factors (both raw number increases, and % increases of immigrant students in a district over the prior two fiscal years).

Immigrant grant funds are intended to provide enhanced instructional opportunities for immigrant children and youth. This incudes, but is not limited to, activities such as family literacy, parent and family outreach, recruitment of personnel who have been trained to provide services to immigrant children and youth, including other activities that will enhance the learning experience and lead to academic success.

# **What are Allowable Activities under Title III Immigrant Grant?**

Under Section 3114(d) of the ESEA, LEAs must use Title III Immigrant funds to pay for activities that provide enhanced instructional opportunities for immigrant students and their families. An LEA must use Title III Immigrant funding for purposes that are separate and distinct from Title III English Learners funding. Please review the [U.S. Department of Education guidance](https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf) for additional information.

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| **Allowable Activities** | **Purpose** |
| Enhance effective instruction and educational programs for immigrant students and youth | * Assist immigrant students in succeeding in elementary and secondary schools in the United States * Differentiate and scaffold curriculum and materials to provide immigrants with greater access to information (cannot include information on Federal or state social services or immigration) |
| Recruit and support subject matter experts to address specific needs of the immigrant population, including activities that promote social/emotional awareness | * Provide immigrant students with caring adults who can connect to their experiences, including: * Trauma-trained social worker/psychologist * Paraprofessionals with fluency in students’ native language * School counselors specifically trained to help immigrants adapt to a new school * Social worker, particularly one with trauma training |
| Parent and family engagement programs, services and activities for families of immigrant students and youth | * Assist parents and families of immigrant students and youth in becoming active participants in their children’s education |

An eligible entity receiving immigrant grant funds could use the grant to provide enhanced instructional opportunities for immigrant children and youth, which may include:

* Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children
* Recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth
* Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth
* Identification, development, and acquisition of curricular materials, educational software, and technologies to be used for eligible students
* Basic instructional services that are directly attributable to the presence of immigrant children and youth in the LEA involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services
* Other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education
* Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services
* Recommended direct administration expenses for a fiscal year may not exceed two percent

All activities must be connected to improving the educational experiences of immigrant students and/or assisting parents and families in helping their children to improve their academic achievement and become active participants in the education of their children. Further examples of supplemental activities are provided in the chart below, as well as on the [Title III Immigrant grant Quick Reference Guide](https://www.doe.mass.edu/federalgrants/titleiii-a/resources/fc186-qrg.docx). The chart on the next page illustrates some additional supplemental and supplanting activities.

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| **Additional Allowable Uses** | **Supplemental Activity Example** | **Supplanting Activity Example** |
| Assist parents and families in becoming active participants in their children’s education | * Family Literacy/numeracy events * ESL classes for adults * Second language classes for teachers to enable the teachers to communicate with parents and enhance the learning experience and establish community | * Funding family literacy/numeracy events, if similar events are funded with other Title III funds (i.e., FC 180) * PD for teachers, if similar training is already funded by Title III funds (i.e., FC 180) |
| Recruit and support subject matter experts to address specific needs of the immigrant population, (Note that specific information cannot include information on Federal or state social services or immigration) | * Trauma-trained social worker/psychologist to work with immigrant students * Paraprofessionals who have fluency in student’s native language | * Salary of an additional ESL teacher |
| Provide immigrant students with caring adults who can connect to their experiences | * School counselors specifically trained to help immigrants adapt to a new school * Social worker, particularly one with trauma training to work with immigrant students * Activities that promote social/emotional awareness (e.g. yoga and mindfulness awareness) | * A district proposes to use Title III Immigrant funds for the services of a counselor that would work at multiple sites with all students traumatized by events experienced during a pandemic |
| Differentiate and scaffold curriculum and materials to provide immigrants with greater access to information | * Linguistically, culturally, and developmentally appropriate materials specific to the needs of newcomers and students with limited/interrupted formal education | * Use of Title III Immigrant funds to provide supplemental educational software focused on English proficiency for immigrant students |
| Assist immigrant students in succeeding in elementary and secondary schools in the United States | * Transportation * Introductory programs to the educational system and civics education in the U.S. * Student ambassador programs | * Use of Title III Immigrant funds to provide transportation for civics-themed field trip for an entire grade |
| Assist parents and families of immigrant students and youth by providing access to some community services | * Employment resources for immigrant families | * Use Title III funds immigrant grant to translate materials and resources provided to all parents of Spanish-speaking students in the school district |

# **Equitable Services**

ESSA requires the equitable participation of students and educators in private, non-profit schools for federally funded programs and services. The public school district is required to have "timely and meaningful consultation" with private school officials regarding the participation of private school students and educators in ESSA-funded programs and services. The public school district is responsible for providing equitable services and must retain control of the federal funds used to provide such services. Therefore, equitable services are provided by either an employee of the district or through a contract by the district with an individual, association, agency, or organization. Reimbursement to participating private schools is not allowable.

Title III funds are subject to an equitable services requirement. All students attending nonprofit private schools inside district boarders are eligible. Please refer to the [ESSA Equitable Services for Private Schools Resource Guide](https://www.doe.mass.edu/federalgrants/resources/equitableservices-essa/rg-eqserv.docx) for more information.

# **Application Information**

The RFP for Title III is typically released in July and is listed on the DESE [Grants Management website](https://www.doe.mass.edu/Grants/). The RFP includes the information on how LEAs can apply for the grant, including the ESSA Consolidated Application for Titles I, IIA, III, and IV. The Federal Grants Office will send out an email to district contacts when the RFP and allocations are available.

The Title III Immigrant RFP is typically available in late winter and is listed on the DESE [Grants Management website](https://www.doe.mass.edu/Grants/). The RFP includes the information on how LEAs can apply for the grant, including application. The Federal Grants Office will send out an email to applicable district contacts when the RFP and allocations are available.

Please contact your [Federal Grant Liaison](https://www.doe.mass.edu/federalgrants/liaisons.xlsx) if you have any other questions.