



# Massachusetts Department of Elementary and Secondary Education

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**To: Consortium Lead Agencies, Participating LEAs, and Other Interested Parties**  
**From: Office of English Language Acquisition and Academic Achievement**  
**Date: July 27, 2010**  
**Re: Guidance to Consortia Formed for Title III Subgrant Purposes**

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## Introduction

Massachusetts generally awards Title III<sup>1</sup> subgrants to local educational agencies that enroll over 100 LEP students. A local educational agency (LEA) that does not enroll over 100 LEP students may apply for a subgrant jointly with other LEAs in a consortium in order to be eligible to apply for a Title III subgrant. Under Title III, section 3141, an “eligible entity,” for purposes of receiving a subgrant under section 3114(a), is defined (in part) as “one or more local educational agencies.” Title IX, Section 9101 defines “local educational agency” as “a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.”

Funds under section 3114(a) are allocated to eligible entities on the basis of the number of limited English proficient (LEP) students 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 III subgrant is expected to meet the same standards as any Title III subgrantee. A consortium must follow the same Title III requirements in carrying out the subgrant as any other Title III subgrantee: increase the English proficiency of limited English proficient children by providing high language instruction educational programs and provide high quality professional development. *Title III, Section 3115(c)*

Consortium applicants were required to send notices of intent to the Massachusetts Department of Elementary and Secondary Education (ESE) no later than June 30, 2010, so that funds could be allocated accordingly by ESE for fiscal year 2011.

To constitute a consortium for Title III subgrant purposes, participating LEAs must collectively enter into a **memorandum of understanding** (MOU) that states their

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<sup>1</sup> Unless otherwise stated, all references are to the No Child Left Behind Act of 2001, Public Law 107-110 (NCLB).

agreement to be a consortium for Title III subgrant purposes and describes the manner in which the consortium will meet all Title III requirements, including, but not limited to, those listed below under “**Responsibilities of Lead Agencies**” and “**Responsibilities of Participating LEAs.**” The consortium must designate one LEA as the lead agency<sup>2</sup> and state that designation in the MOU (in addition to identifying the other LEA members of the consortium). Consortium lead agencies and their participating LEAs should consult the resources identified at the end of this memo for additional information about Title III requirements.

An entity that receives a Title III subgrant must agree -

to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out activities with such funds, the entity shall use approaches and methodologies based on scientifically based research on teaching limited English proficient children and immigrant children and youth for the following purposes:

- (1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, 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 instruction programs for such children, and such 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 instruction educational programs and academic content instruction for such children, and such 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 such children, and such children and youth. *Title III, 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 the cost of administering the grant. *Title III, Section 3115(b)*

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<sup>2</sup> “Lead agency” and “eligible entity” are used interchangeably in this memo.

### **Types of Consortia:**

- LEAs may apply as a consortium with one of the LEAs designated as the lead agency. The lead agency is responsible for filing the local plan with ESE, for receiving and managing grant funds, and must meet all of responsibilities of lead agencies listed below.
- LEAs may apply with a collaborative and the collaborative may be designated as lead agency. Collaboratives generally meet the definition of local educational agency in Title IX, section 9101 (see above). A collaborative that is designated as a lead agency is responsible for filing the local plan with ESE, for receiving and managing grant funds, and must meet all of the responsibilities of lead agencies as listed below.

### **Responsibilities of Lead Agencies:**

- The lead agency is responsible for taking steps that result in all participating LEAs meeting their responsibilities under Title III to the LEP children they serve.
- The lead agency is responsible for ensuring that consortium members fulfill their fiscal and programmatic responsibilities as sub-grantees under Title III, including, but not limited to, meeting the annual measurable achievement objectives (AMAOs) defined in Section 3122 of Title III<sup>3</sup> and the responsibilities to LEP children and teachers in private schools in the communities served by LEAs participating in the consortium per Section 9501.
- The lead agency of a consortium must file with the Department and must maintain a **memorandum of understanding** (MOU) that indicates that the member LEAs have agreed to form and participate in the consortium, identifies the lead agency, and outlines the manner in which the consortium will meet all Title III 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 III and state law and regulation, including, but not limited to:
    - Needs of partner districts for improving services for LEP students.
    - Needs of partner districts related to professional development to improve instruction for LEP students.
    - The plan to efficiently and effectively use Title III funds to meet the identified needs of the consortium partners.
  - The manner in which the consortium will meet all Title III requirements, including, but not limited to: parental notifications to parents of participating LEP students required by Sections 3302(a) and (b), Title III AMAOs, development of AMAOs improvement plans when required by the SEA and Title III, and the participation of children and teachers in private schools.
- The lead agency is responsible for completing the *Massachusetts Department of Elementary and Secondary Education FY 2011 Grant Assurances Document*.

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<sup>3</sup> The ESE will develop and issue further guidance concerning AMAOs for LEAs participating in Title III as part of consortia as soon as possible.

- The lead agency is responsible for ensuring that all participating LEAs complete *Forms 4 and 5 - Equity & Access & Equitable Participation of Students & Educators in Private Schools*, and must ensure the participation of private school children and teachers in Title III, per Part E of NCLB (Title IX, Sections 9501 – 9506).
- The lead agency is responsible for submitting the local plan to ESE. The local plan shall, per section 3116(b) of Title III—
  - describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;
  - describe how the eligible entity will use the subgrant funds to meet all annual measurable achievement objectives described in section 3122 of Title III;
  - describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—
    - (A) meeting the annual measurable achievement objectives described in section 3122;
    - (B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and
    - (C) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);
  - describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;
  - contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing such plan; and
  - describe how language instruction educational programs carried out under the subgrant will ensure that LEP children being served by the programs develop English proficiency.
- The lead agency is responsible for taking steps that result in all participating LEAs completing the *Form 8* section of the local plan. (Separate *Forms 8* must be completed for each LEA.)
- The 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 lead agency is responsible for ensuring that the Title III 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 limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

**Note:** A lead agency **may not** subgrant Title III funds to other members of the consortium.

**Responsibilities of LEA partners:**

LEA partners must meet to discuss and develop a local plan that meets the requirements of Title III and Massachusetts law and regulation including the following:

- Needs of partner districts for improving services for limited English proficient (LEP) students.
- Needs of partner districts relating to professional development to improve instruction for LEP students.
- The plan to effectively and efficiently use Title III funds to meet the identified needs of the consortium partners.
- Completion of *Forms 8* (attached to the budget workbook).
- Completion of *Forms 4 and 5 - Equity & Access & Equitable Participation of Students & Educators in Private Schools*.
- The participation of private school children and teachers in Title III, per Part E of the No Child Left Behind Act (Sections 9501 – 9506).
- Completion of an AMAOs improvement plan with ESE, when applicable.

**Federally Mandated Title III 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 proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing—

- (A) English proficiency; and
  - (B) 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 setting of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel that is:

- (A) designed to improve the instruction and assessment of LEP students;
- (B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for LEP children;
- (C) based on scientifically based research 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 teachers;

(D) of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom (excluding activities such as one-day or short-term workshops and conferences unless the activity is a component of an established comprehensive professional development program for an individual teacher).

**Federally Authorized Title III Activities:**

Per Title III, section 3115(d), an eligible entity receiving funds under Title III, section 3114(a) may use the funds to achieve one of the purposes of the subgrant by undertaking one or more of the following activities –

- (1) Upgrading program objectives and effective instruction strategies.
- (2) Improving the instruction program by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.
- (3) Providing –
  - (A) tutorials and academic or vocational education; and
  - (B) intensified instruction.
- (4) Developing and implementing elementary school or secondary school 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 for LEP children and their families –
  - (A) to improve the English language skills of LEP children; and
  - (B) 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 –
  - (A) acquiring or developing educational technology or instructional materials;
  - (B) access to, and participation in, electronic networks for materials, training, and communication; and
  - (C) incorporation of resources.

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

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

- Title III of the No Child Left Behind Act of 2001, found at: <http://www2.ed.gov/programs/sfgp/legislation.html>. **Eligible entities, consortia lead agencies and participating LEAs are responsible for compliance with all portions of Title III.**
- Title III Notice of Final Interpretations, found at: <http://www2.ed.gov/legislation/FedRegister/other/2008-4/101708a.html>. **Eligible entities, consortia lead agencies and participating LEAs are responsible for compliance with all portions of the Notice of Final Interpretations.**
- General information about AMAOs, found at: <http://www.doe.mass.edu/ell/amao/2009/>
- Guidance concerning the participation of private school children and teachers in Title III, found at: <http://www2.ed.gov/policy/elsec/guid/equitableserguidance.doc> and <http://www2.ed.gov/about/offices/list/oii/nonpublic/title3-factsheet.html>.
- Further guidance about English Language Acquisition state grants can be found at <http://www2.ed.gov/programs/sfgp/index.html>.