**English Learners**

**Guidance to Consortia Formed for Title III Subgrant Purposes — School Year 2017-18**

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| To: | Consortium Lead Agencies, Participating LEAs, and Other Interested Parties |
| From: | Office of English Language Acquisition and Academic Achievement |
| Date: | May 19, 2017 |

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**Introduction**

Massachusetts generally awards Title III subgrants to local educational agencies that enroll 100 English learner students (ELs). A local educational agency (LEA) that does not enroll 100 ELs 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 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 number of English learners 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 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 send letters of intent to join or form a consortium to Melanie Manares, Title III Coordinator, Office of English Language Acquisition and Academic Achievement, Massachusetts Department of Elementary and Secondary Education 75 Pleasant Street, Malden, MA 02148, or [mmanares@doe.mass.edu](mailto:mmanares@doe.mass.edu) no later than June 16, 2017 so that funds may be allocated accordingly by ESE for fiscal year 2018.

To constitute a consortium for Title III subgrant purposes, participating LEAs must collectively enter into a memorandum of understanding (MOU) that states their agreement to form 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 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 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 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 administrative costs. Title III, Section 3115(b). Any funds the LEA reserves for administrative costs may be used only for direct administrative costs. Additionally, Massachusetts limits the amount of Title III funds used for supplies and materials to 10% of the grant amount, and limits travel to 3% of the grant amount if the other limits are met. If the other limits are not met, the limit on travel is 5% of the grant amount. There is a total 15% limit for administrative costs, supplies and materials, and travel.

**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 submitting the local plan narrative to ESE, for receiving and managing grant funds, and meeting all 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 VIII, section 8101. A collaborative that is designated as a lead agency is responsible for submitting the local plan to ESE, for receiving and managing grant funds, and must meet all 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 EL children they serve.
* The lead agency is responsible for ensuring that consortium members fulfill their fiscal and programmatic responsibilities as subgrantees under Title III, 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 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 EL students.
    - Needs of partner districts related to professional development to improve instruction for EL 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: development of Title III 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 2018 Grant Assurances Document.
* The lead agency is responsible for ensuring that all participating LEAs complete the Non-Public Schools Equitable Participation Worksheet and must ensure the participation of private school children and teachers in Title III, per Part E of ESSA (Title VIII, Sections 8501 - 8506).
* The lead agency is responsible for submitting the Local Plan Narrative to ESE, 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 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 English learners 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 Participating LEAs:**

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 English learner (EL) students.
* Needs of partner districts to submit their own, individual description of local EL services.
* Needs of partner districts relating to professional development to improve instruction for EL students.
* The plan to effectively and efficiently use Title III funds to meet the identified needs of the consortium partners.
* Completion of Title III Non-Public Schools Equitable Participation Worksheet.
* The participation of private school children and teachers in Title III, per Part F of the Every Student Succeeds Act (Sections 8501 - 8506).
* Completion of a Title III improvement plan with ESE, when applicable.
* Signed Private School Affirmation forms

**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 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 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 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 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 III 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 III, found at: <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.
* ESSA Title III Guidance – English Learners, found at: <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016>. line