# Purpose

Under federal civil rights obligations for English learner (EL) education, specifically Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA), school divisions are required to ensure that ELs can meaningfully and equally participate in the educational programs and services provided to all students. As part of the core curriculum, school divisions must provide locally funded language instruction educational program (LIEP) services to ELs to help them attain English proficiency to ensure this meaningful and equal participation.

Title III, Part A, is a USED grant program that provides supplemental funding to help support ELs and immigrant children and youth (IY) students attain English proficiency and develop high levels of academic achievement in English. Title III funds must be used in addition to, and not in place of, locally funded LIEP services to develop and/or implement effective approaches and methodologies in teaching ELs and IY students.

Title III are allowable for the following purposes:

1. Developing and implementing new LIEP and academic content instructional programs for ELs and IY students, including early childhood education programs, elementary school programs, and secondary school programs. These new programs and services must supplement existing, locally funded programs and services for ELs.
2. Carrying out highly focused, innovative, locally designed activities to expand or enhance the existing LIEP and academic content instructional programs for ELs and IY students.
3. Implementing schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to LIEP and academic content instruction for ELs and IY students.
4. Implementing LEA-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and IY students.

## Federal Civil Rights Obligations for ELs

Title III funds cannot not be used to meet the federal civil right obligations for ELs provided in the list below:

* Identify and assess all potential ELs in a timely, valid, and reliable manner,
* Provide ELs with LIEP services that are educationally sound and effective, consistent with the *Castañeda v. Pickard* and *Lau v. Nichol* U.S. Supreme Court decisions
* Provide sufficiently well prepared and trained staff to support LIEP services
* Ensure that ELs have equal opportunities to meaningfully participate in all curricular and extracurricular activities
* Ensure that ELs who have or are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are identified, located, and evaluated in a timely manner and that the language needs of students who need special education and disability related services because of their disability are considered in evaluations and delivery of services,
* Meet the language and academic needs of ELs who opt out of the LIEP and monitor their academic achievement and language progress,
* Monitor and evaluate ELs in the LIEP to ensure they are progressing in acquiring English proficiency and grade level content knowledge
* Exit ELs from the LIEP when they have met the state established English proficiency criteria, and monitor these exited students to ensure they were not prematurely exited and that any academic deficits incurred in the LIEP have been remedied,
* Evaluate the effectiveness of the LIEP to ensure that ELs acquire English proficiency and the LIEP allows ELs to attain parity of participation in the standard instructional program within a reasonable period of time, and
* Ensure meaningful communication with limited English proficient (LEP) parents.

### Supplement, Not Supplant, Requirements

Title III is subject to strict supplement, not supplant requirements that affect how Title III funds are spent. Title III funds must add to (supplement) and not replace (supplant) other federal, state, and local funds. Therefore, the following questions are helpful when determining whether the use of Title III, Part A, funds violates supplement, not supplant, requirements:

1. What instructional programs and services are provided to all students using funds other than Title III?
2. What programs and services are in place to meet requirements under **Title VI, the EEOA, *Lau*, *Castañeda*, and Title I?**
3. What services is the division required to provide by other federal, state, and local laws or regulations?
4. Was the program/service previously provided with federal, state, and/or local funds?

#### Required Uses of Title III EL Funds at the LEA-Level

LEAs must use Title III EL funds for three activities:

1. Providing effective language instruction educational programs (LIEPs) that meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement.
2. Providing effective professional developmentto classroom teachers (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:

* Designed to improve the instruction and assessment of ELs,
* Designed to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs,
* Effective in increasing children’s English language 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 include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom.

1. Providing and implementing other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which must include parent, family, and community engagement activities, and may include strategies that serve to coordinate and align related programs.

As with all Title III costs, these three required Title III EL activities – effective LIEPs, effective professional development, and effective parent, family, and community engagement activities – must be supplemental to state and locally funded programming the LEA is delivering to meet its civil rights obligations to ELs.

#### Authorized Uses of Title III Funds at the LEA-Level

In addition to spending on the required three activities above, LEAs may spend their Title III EL funds on other supplemental activities, including:

* Upgrading program objectives and effective instructional strategies,
* Improving the instructional program for ELs by identifying, acquiring, and upgrading supplemental curricula, instructional materials, educational software, and assessment procedures (not including divisionwide adoption initiatives),
* Providing to ELs tutorials and academic or career and technical education, and intensified instruction to ELs, which may include materials in a language that the student can understand, interpreters, and translators,
* Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services,
* Improving the English language proficiency and academic achievement of ELs,
* Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children,
* Improving the instruction of ELs, which may include ELs with a disability, by providing for the acquisition or development of supplemental educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs (not including divisionwide adoption initiatives),
* Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education, and
* Carrying out other activities that are consistent with the purpose of Title III subgrants.

If an LEA uses its Title III EL funds for one of the above authorized activities, it must ensure the funds are supplemental, including the requirement that the funds not be used to meet its civil rights obligations under Title VI of the Civil Rights Act and the EEOA.

#### Title III IY Funds at the LEA-Level

LEAs that experience a significant increase in IY students from the previous year receive Title III IY funds. IY funds must be spent on programs and services for IY students and/or their families. Activities should enhance instructional opportunities for IY students, and 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 IY students,
* Provision of tutorials, mentoring, and academic or career counseling for IY students,
* Identification, development, and acquisition of supplemental curricular materials, educational software, and technologies to be used in the program (not including divisionwide adoption initiatives),
* Basic instruction services that are directly attributable to the presence of IY students in the LEA, 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 instruction services that are designed to assist IY students to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education, and
* 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 IY students by offering comprehensive community services.