



# Policy Guidance

## Title III, Part A

### English Language Acquisition, Language Enhancement, and Academic Achievement Act

Texas Education Agency  
Department of School Improvement and Support  
Division of NCLB Program Coordination

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## PROGRAM OVERVIEW

**Intent and Purpose:** Title III, Part A provides supplemental resources to local education agencies to help ensure that children who are English language learners (ELLs), also identified in statute as limited English proficient (LEP), attain English proficiency at high levels in core academic subjects to meet state mandated achievement performance standards.

**Intended Program Beneficiaries:** English language learner (ELL) students, including immigrant children and youth.

**General Program Requirements:** to help ensure that children who are English language learners (ELLs), including immigrant children and youth, attain English proficiency, reach high levels of academic achievement, and meet the same challenging State academic content and student academic achievement standards as are expected of their English-speaking peers.

**The purposes of Title III, Part A are:**

1. to assist all ELL and immigrant students to achieve at high levels in the core academic subjects and achieve standards required in Title I, Section 1111(b)(1);
2. to develop high-quality language instruction educational programs designed to assist state education agencies, local education agencies (LEAs) and schools in teaching ELL and immigrant students;
3. to assist local education agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare ELL and immigrant students enter all-English instruction settings;
4. to assist local education agencies and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development for ELL students;
5. to promote parental and community participation in language instruction educational programs for the parents and communities of (Sec.1302 (b)) ELL students;
6. to streamline language instruction educational programs that help ELL and immigrant students develop proficiency in English while meeting challenging state academic content and student academic achievement standards;
7. to hold local education agencies and schools accountable for increases in English proficiency and core academic content knowledge of ELL students; and
8. to provide local education agencies the flexibility to implement the most effective language instruction programs based on scientifically based research. P.L. 107-110, Section 3102.

## FUNDING AND FISCAL REQUIREMENTS

### Question 1: How is Title III, Part A funding determined?

The USDE distributes Title III, Part A funds to states according to a formula that provides 80% of the funds based on the number of ELL students and 20% based on the number of immigrant students.

Funding allotments for all districts and charter schools are calculated based on the number of ELL students enrolled in the districts, according to the most recent PEIMS data available. Additional funding allotments for districts experiencing a significant increase in immigrant enrollment over the two previous years are determined using a formula that takes into account district size, the number of immigrant students, and the percentage increase over two years.

According to statute, the state may not award a subgrant for less than \$10,000. LEAs that are scheduled to receive less than \$10,000 are required to join a shared services arrangement (SSA) with one or more LEAs in order to receive funding.

The state will set aside a percentage of Title III, Part A funds to allocate to LEAs that have experienced significant increases in the number of immigrant students enrolled in the LEA.

### Question 2: Does Title III, Part A have a “supplement, not supplant” requirement?

Yes. Title III, Part A funds must be used to supplement, and not supplant, any other federal, state, or local funds. They cannot be used to fund programs that are required by state law. Title III, Part A funds must supplement and not supplant state-required programs and services. Example: If an LEA is using state bilingual funds to provide ELL services to students, and now replaces those state funds with Title III, Part A funds, then the LEA has supplanted state funds with federal funds. In order to avoid supplanting funds, the LEA would have to demonstrate that any ELL services provided with Title III, Part A funds are above and beyond any ELL services provided with state funds.

Many of the requirements in Title III, Part A already are implemented in Texas as part of state statutes (TEC §29.051--§29.064) and regulations (19 TAC §89 BB) which address the education of limited English proficient students. Texas requires LEAs to provide bilingual education programs and ESL programs in accordance with state law and regulations.

Bilingual and ESL programs are funded as part of the state's general education fund which provides for teachers, textbooks, classrooms, etc. In order to provide for additional costs associated with these programs, Texas provides a bilingual/ESL allotment to school districts and requires LEAs to use these funds for supplemental expenditures, such as instructional and testing materials, program evaluation, staff development, salary supplements for teachers, supplemental personnel, etc. This allotment is equal to the adjusted basic allotment multiplied by 0.1. The state will continue to fund these programs and to provide the bilingual allotment as required by state law.

## USES OF FUNDS

### Question 3: Given that the funds are supplemental, how may an LEA use Title III, Part A funds?

#### Required Activities

An LEA receiving Title III, Part A funds must use the funds 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
- provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings 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 limited English proficient children;
  - (B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instructional strategies for limited English proficient children;
  - (C) based on documented 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 such teachers; and
  - (D) of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom. This does not include activities such as one-day or short-term workshops and conferences unless this activity 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.

#### Other Allowable Activities

An LEA may also use the funds to achieve one of the program purposes by undertaking one or more of the following activities:

- Upgrading program objectives and effective instructional strategies.
- Improving the instructional program for limited English proficient children by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.
- Providing —
  - (A) tutorials and academic or vocational education for limited English proficient children; and
  - (B) intensified instruction.
- Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.
- Improving the English proficiency and academic achievement of limited English proficient children.
- Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families —
  - (A) to improve the English language skills of limited English proficient children; and
  - (B) to assist parents in helping their children to improve their academic achievement by becoming active participants in the education of their children.
- Improving the instruction of limited English proficient children by providing for —
  - (A) the acquisition or development of educational technology or instructional materials;
  - (B) access to, and participation in, electronic networks for materials, training, and communication; and
  - (C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.
- Carrying out other activities that are consistent with the purposes of this section.

#### **Question 4: May Title III, Part A funds be used for administration?**

Yes, an LEA is restricted to no more than 2% of its Title III, Part A—ELL entitlement for administrative costs. LEAs receiving additional funding based on the increase in immigrant students may use Title III, Part A—Immigrant funds for administration, as reasonable and necessary to implement the activities offered to immigrant students.

#### **Question 5: If the LEA has experienced a significant increase in the percentage and number of immigrant children and receives additional Title III, Part A funds because of this increase, how is its Title III, Part A program affected?**

LEAs that have experienced a significant increase in the percentage and number of immigrant children and are eligible to receive funds under Title III, Part A, section 3114(d)(1) shall use these additional Title III, Part A—Immigrant funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth. In Part 7 of the PS3106 of the NCLB Consolidated Application for Federal Funding, the LEA will indicate what SUPPLEMENTAL activities and services will be carried out using program funds. These activities shall use approaches and methodologies based on scientifically based research on teaching ELL and immigrant children and youth.

Authorized activities for immigrant children and youth include—

- family literacy, parent outreach, and training activities for parents;
- support for personnel to provide services to immigrant children and youth;
- provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- curricular materials, educational software, and technologies;
- additional classroom supplies, costs of transportation, or such other costs as are directly attributable to additional basic instructional services for immigrant children and youth;
- other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States; and
- activities coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants and whose objective is to assist parents of immigrant children and youth by offering comprehensive community services.

## **ASSESSMENT AND ACCOUNTABILITY**

#### **Question 6: How will the progress of ELL and immigrant students be assessed?**

Title III, Part A requires testing of ELL and immigrant students to measure growth in acquiring the English language and to measure academic achievement consistent with the state accountability system. Title III, Part A requires annual testing for English proficiency that measures progress of learning the English language in listening, speaking, reading and writing as well as inclusion of ELL students in state accountability systems.

The Texas English Language Proficiency Assessment System (TELPAS) was designed to address these requirements. The TELPAS is used to assess the English language proficiency of K–12 ELLs in four language domains—listening, speaking, reading, and writing. The assessment components for grades K–1 and 2–12 differ in the following ways:

- Grades K–1: TELPAS includes holistically rated listening, speaking, reading, and writing assessments based on ongoing classroom observations and student interactions.
- Grades 2–12: TELPAS includes multiple-choice reading tests, holistically rated student writing collections, and holistically rated listening and speaking assessments. The listening and speaking assessments are based on ongoing classroom observations and student interactions.

Additional information concerning the assessment of ELL students can be found at:

[www.tea.state.tx.us/student.assessment/ELL](http://www.tea.state.tx.us/student.assessment/ELL).

## EVALUATION

### Question 7: Does Title III, Part A have an evaluation component?

Each LEA receiving funds under Title III, Part A is required to submit an evaluation to the Texas Education Agency every fiscal year that includes:

- a description of the programs and activities conducted during the immediately preceding fiscal year; and
- a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.

The evaluation shall be used by the LEA for the improvement of programs and activities and to determine the effectiveness of approaches used.

An annual compliance report form for Title III, Part A is available to LEAs on eGrants at the end of each school year.

## PARTICIPATION OF STUDENTS ATTENDING PRIVATE, NONPROFIT SCHOOLS

### Question 8: Are ELL and immigrant students who attend private schools eligible to receive services under Title III, Part A?

Yes. The private school provisions in Title IX, Section 9501 apply to Title III, Part A and require that (after consultation with appropriate private nonprofit school officials) an LEA that receives Title III, Part A funds provide services for eligible children attending a private school within its boundaries and assure **equitable** participation in services, materials and equipment, and in training programs for teachers of such children.

Consultation for Participating Private Nonprofit Schools: If private nonprofit school officials are interested in participating in the program, the applicant LEA must involve the participating private school officials during all phases of the development and design of the program through ongoing

communication between appropriate parties. The applicant must consult with private nonprofit school officials prior to making any decision that affects the opportunities of those students, teachers, and other educational personnel to participate in the project. The applicant must provide private nonprofit school officials a genuine opportunity to express their views regarding each matter subject to the following consultation requirements:

- How the children's needs will be identified;
- What services will be provided;
- How, where, and by whom the services will be provided;
- How the services will be assessed and how the results of the assessment will be used to improve those services; and
- How services will be delivered.

Such consultation shall include a discussion of service delivery mechanisms that the LEA or shared services arrangement could use to provide equitable services to eligible private nonprofit school children, teachers, administrators, and other staff.

If services, materials, and equipment are not feasible or necessary in one or more such private nonprofit schools as determined by the applicant after consultation with appropriate private schools officials, the applicant shall provide such other arrangements as will meet the needs and assure equitable participation of such children in the purposes and benefits of this program. Expenditures of funds for participating private nonprofit school children and their teachers must be equal on a per-pupil basis to the amount of funds expended for participating public school children and their teachers, taking into account the number and educational needs of those children and their teachers and other educational personnel.

In no case are funds actually transferred to participating private nonprofit schools. The LEA must keep title to, and exercise continuing administrative control of, all property, equipment, and supplies that the LEA acquires with funds for the benefit of eligible private school children and their teachers and other educational personnel.

The LEA shall ensure that equipment and supplies placed in a private nonprofit school are used only for proper purposes of the program and can be removed from the private school facility without remodeling the private school facility. The LEA must remove equipment and supplies from a private school if the equipment and supplies are no longer needed for the purposes of the program. No funds may be used for repairs, minor remodeling, or construction of private school facilities.

Services to private nonprofit school children shall be provided by employees of a public agency or through contract by such public agency with an individual, association, agency, or organization independent of any private school and of any religious organization. Such employment or contract shall be under the control and supervision of the public agency.

Before determining equal expenditures for participating private nonprofit schools, the LEA shall pay for the reasonable and necessary administrative costs of providing services to public and private school children and their teachers and other educational personnel from the LEA's total allocation of funds under the applicable program.