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Title III Technical Assistance  
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Florida Department of Education  
Dr. Eric J. Smith,  
Commissioner

# Introduction

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## What is the purpose of Title III?

to help ensure ELLs attain English proficiency, achieve at high academic levels in English, meet the same challenging state academic content and student academic achievement standards as all other students

to help ensure ELLs attain at high levels in the core academic subjects as is expected of all other students

to develop high-quality language instruction educational programs to teach ELLs

to promote parental and community participation in language instruction educational programs for the parents and communities of ELLs.

to assist districts that experience significant increases in their student population due to immigration and enhance educational opportunities

*[Sec. 3102, Title III, NCLB]*

# Potential Funding Streams for Title III

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**Districts may qualify for two types of funding under Title III:  
ELLs and Immigrant Children and Youth**

# ELLs

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- Determined on a per pupil basis.
  
- Limitation:
  - Eligible districts
  - must receive a
  - subgrant of
  - \$10,000 or more

# Immigrant Children and Youth

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- Only those Districts that have experienced a significant increase of immigrant children and youth.
- Applies to ELL and non-ELL immigrant children and youth.

# Requirements

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- Applications for **2009-2010** Federal Funds under *The No Child Left Behind Act of 2001*
- Deadline: **July 1, 2009**
- Method of submission: **Stand Alone**  
Application for 2009-10 is the only option for that school year

## Funding

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**How does a District apply for ELL funds under Title III?**

**The FDOE will provide an online application, which includes forms and instructions to all Districts eligible for a Title III subgrant for ELLs.**

**If eligible, may a District receive a Title III subgrant for both ELLs and eligible immigrant children and youth?**

**Yes, because most (but not all) immigrant children and youth are also identified as ELLs; Districts that are eligible for an immigrant education subgrant will also receive an ELL subgrant under Title III.**

## Required Activities

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- **Provide high-quality language instruction programs based on scientific research on teaching ELLs**
- **Provide high-quality professional development that is designed to improve instruction and assessment of ELLs, scientifically based, and of sufficient intensity and duration.**

*A full list of required and authorized expenditures may be found in Section 3115(c), (d) of Title III.*

## Allowable Activities

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- **Upgrading program objectives and effective instructional strategies**
- **Identifying, acquiring and upgrading curricula and materials**
- **Providing tutorials and intensified instruction**
- **Developing and implementing language instruction programs that are coordinated with other relevant programs and services**
- **Providing community participation programs, family outreach and family literacy programs**

## Suggested Title III Expenditures

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- **As part of the 2% administrative costs allowed, a district may allocate a Title III coordinator to implement and oversee the district's ESOL program.**
- **Provide supplemental bilingual paraprofessional (reminder—if there are 15 or more students speaking the same language at one school site, a bilingual aide must be dedicated and available for language support and paid by local or state funds), but other paras may be hired by Title III.**
- **Provide each school (or share) ESOL resource teachers that ensure compliance, maintain documentation, and assist ELL teachers.**

## Expenditures

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- Provide after school/Saturday/summer tutoring. Included in the cost of these programs are teacher/paras stipends, transportation, supplies, etc.
- Provide parent outreach activities including family literacy programs. Included in the cost of these programs are teacher stipends, translators, printing of materials, supplies, take-home instructional materials, guest speakers, etc.
- Provide supplemental instructional materials, including bilingual/multicultural-themed and level-reader books for classroom libraries and take home use.
- Provide supplemental professional development. Included in the cost of these programs are teacher/facilitator stipends, printing of materials, supplies, instructional/training materials, guest speakers, consultants, etc.

## Funding

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Is there a cap on the amount of Title III funds that can be used for the administration of the ELL program?

Yes, a District may use no more than 2 percent (2%) of an ELL subgrant for administrative costs and indirect costs (Title III, Section 3115[b]).

Program administrative costs include such items as:

- salaries of project personnel,
- clerical support, and
- other costs directly incurred in the administration of the program

The U.S. DOE's *Indirect Cost Determinations, Guidance for State and Local Government Agencies (Blue Book)* states that any "statutory or regulatory limitation applies to the combined claims for indirect costs and direct administration costs."

Go figure...

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**How is the 2% administrative cost calculated for budget purposes?**

- **Take the amount available to earn indirect costs and subtract excluded costs (capital outlay—600 object codes).**

**This is the net amount available for both indirect and direct costs.**

- **Divide the net amount by the applicable approved indirect cost rate plus 100% which will give the direct cost.**
- **Subtract the direct cost amount from the net amount available to get the indirect cost amount for the budget.**

Go figure...

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**Example:**

- **Project Amount, \$545,000.00**
- **Less: excluded cost (600 object codes) \$1,445.00**
- **Net amount for direct and indirect cost = \$543,555.00**
- **Divide net amount by 1.02 (combined percentage of 100 percent plus the applicable indirect cost rate percentage)  $\$543,555.00 / 1.02 = \$532,897.00$**
- **Subtract this amount from the net amount  $\$543,555.00 - \$532,897.00$**
- **Equals the administrative cost dollar amount, which is \$10,658.00**

## Professional Development

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How may funds be used to provide professional development in Florida?

**Title III, Section 3115 (c)(2), specifies allowable professional development activities and states specifically that these activities must be of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom. Programs must be designed to:**

- **improve the instruction and assessment of ELLs**
- **enhance the ability of teachers to understand and use curricula, assessment measures, and**
- **instructional strategies.**

## Professional Development

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Because of Florida's Consent Decree, professional development is very specific. Title III funding may NOT be used for funding endorsement or compliance courses required of all primary language arts teachers, content area teachers and others. This would be considered supplanting.

*The law also specifies that professional development shall not include activities, such as one-day or short-term workshops and conferences, unless they are a part of a comprehensive professional development plan that is based on an assessment of the needs of the teacher, the supervisor, and the students.*

## Supplementing versus Supplanting

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Title III uses the terms "supplement" and "supplant." What do they mean?

Title III, Section 3115(g), requires that funds available under a subgrant be used "to supplement the level of federal, state, and local public funds that, in the absence of such availability, would have been expended for programs for LEP students and immigrant students and in no case to supplant such Federal, State, and local public funds.

For example, if a particular activity last year was paid with nonfederal funds, the same activity this year cannot be paid with federal funds. State-mandated activities must be paid with state funds first. In this section, "supplement" means "an addition;" "supplant" means "to take the place of."

**NOTE: Letter to District Superintendents, following slide**

**Memorandum dated December 16, 2008 from Linda Champion, Deputy  
Commissioner, Finance and Operations**

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**A grantee uses federal funds to provide services that the grantee provided with non-federal funds in the prior year; or**

**The second presumption of supplanting arises when a subgrantee uses federal funds to provide services that the grantee provided with non-federal funds in the prior year. This requirement prohibits shifting non-federal funds from one educational program to another, in anticipation of receipt of federal funds. If, for example, a district plans to use federal funds to support a teaching position previously paid by non-federal funds, an auditor will presume that supplanting has occurred. Thus, to overcome this presumption, we advise districts to identify positions or services that, in the absence of federal funds, it would support through non-federal funds, and the reason for eliminating the non-federal support for this position or service.**

## Programs

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### How can Title III funds be used to provide special education services for ELLs?

Special education services, as identified in a student's Individualized Education Plan (IEP), must be provided with eligible non-Title III funds. However, supplementary English learners services may be provided to ELLs who are also identified as special education students (Title III, Section 3115 (g)).

### May Title III funds be used to purchase materials on the state-adopted list?

After core curriculum materials as defined by the District are provided with eligible non-Title III funds, Title III funds may be used to provide additional supplementary materials (Title III, Section 3115 (d) (g)).

## Private Schools

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**Are ELLs in private schools eligible to receive Title III ELL programs, services, and products?**

**Yes, as long as the ELLs are identified in an appropriate manner and the private school has articulation with the district.**

**Private schools (non-profit) may not receive funds directly but must make arrangements through the District to receive programs, services, and products.**

## Identification

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### What process should be used to identify ELLs in private schools?

The FDOE recommends that private schools make an agreement with the District to use the same procedures used by public schools to identify private school students eligible for Title III services (*Education Code* sections 52164, 62002). The District is responsible for the oversight and costs of initial identification. The process is as follows:

Identify those students being considered for participation in the Title III program and administer a Home Language Survey (HLS), to be completed by the parent or guardian. Private schools should use the same version of the HLS used by the district. If a language other than English is indicated on the HLS, an English language proficiency assessment must be administered.

## Private Schools

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**Do the state compliance and Title III accountability measures apply to ELLs in private schools?**

**No, private schools are not required to follow state requirements for ELLs. Private schools are not responsible for meeting the Title III accountability requirements and Annual Measurable Achievement Objectives (AMAOs) will not be computed for private schools.**

**Should private school ELLs be assessed annually?**

**Yes, the English proficiency of private school ELLs should be assessed annually to determine their continued eligibility for Title III services. Districts may use the same instrument used for the initial assessment of private school students.**

## Private Schools

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**Must a Title III program design be the same for both public and private schools?**

**No, if the needs of the private school are different from those of the public school, the District, in consultation with private school officials, must develop a separate program design that is appropriate for their needs.**

**Who maintains control of Title III materials and equipment?**

**NCLB Sec. 9501 states that the Districts maintain control of the federal funds used to provide services to private schools.**

**Does a District report the number of ELLs in Private Schools to the State?**

**No**

# Parental Involvement

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## What are the requirements regarding the role of parents of ELLs?

Each District using funds provided under Title III, to provide a language instruction educational program must implement an effective means of outreach to parents of ELLs.

Districts must inform parents about how they can be active participants in assisting their children to learn English, achieve at high levels in core academic subjects, and meet the same challenging state academic content and student achievement standards that all children are expected to meet (Title III, Section 3302 (1)).

Home/school communication must be in a language parents can understand, unless clearly not feasible.

## Parental Notification

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### Which parents should receive the notifications required under Title III?

Title III requires that the parents of students identified for, or participating in, a Title III program be notified of such participation. Therefore, parents of ELLs in any district using Title III funds shall receive the required notifications.

### When do parents need to be notified?

Students who answer in the affirmative on the HLS must be assessed for English proficiency within 20 school days, per *Consent Decree*.

Section 3302 of NCLB requires that parents be notified of program placement no later than 30 days from the beginning of the school year, or within two weeks of assessment results for mid-year enrollment. Thus, parents/guardians of ELLs must be notified in writing of ESOL placement within 10 school days after assessment results.

## Parental Notification

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### What needs to be included in the parent notification letter?

- (1) The reasons for identifying their child as an ELL and for placing their child in a language instruction educational program for ELLs;**
- (2) The child's level of English proficiency, including how the level was assessed and the status of the child's academic achievement;**
- (3) The instructional model that will be used in the program, including a description of other alternative programs;**
- (4) How the program will meet the educational strengths and needs of the child;**

## Parental Notification

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- (5) How the program will help the child learn English and meet academic achievement standards;**
- (6) The program exit requirements, including the expected rate of transition and the expected rate of graduation from secondary school;**
- (7) How the program will meet the objectives of an individualized education program for a child with a disability;**
- (8) Any failure of the program to make progress on the annual measurable achievement objectives no later than 30 days after this failure occurs.**

The notices must be provided in a language the parent can understand.

## Title III Application Changes for **2009-10**

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Where are the changes located?

### Fiscal Requirements:

Supporting documentation for expenditures is required for all funding methods. Examples of such documentation include:

- invoices with check numbers verifying payment
- bank statements; all or any of which must be available upon request

### Reminder:

**DISTRICTS RECEIVING FUNDS UNDER TITLE III, NCLB MAY NOT USE MORE THAN TWO PERCENT (2%) INCLUDING SALARIES, OF FUNDS FOR THE COST OF ADMINISTERING AND IMPLEMENTING THIS PROGRAM.**

## Additional Assurances 09-10

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- **The District will provide the following information to parents of English Language Learners selected for participation in a language instruction educational program: How determination of the need for ESOL services was made, how the educational needs of their children will be met, including available options of various instructional delivery models and if applicable, the failure of the subgrantee to make progress on the annual measurable achievement objectives for their children. Information must be provided to parents in a language that parents can understand, unless clearly not feasible. The right to comprehensible instruction cannot be waived.**

## Additional Assurances 09-10

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- **The District will ensure that no more than 2% of the Title III grant will be allocated towards administrative (direct and indirect) costs and that documentation to support these costs will be maintained.**
- **The District will make reasonable effort to provide private schools with information and guidance about Title III programs. For those schools that wish to participate, the LEA will provide meaningful and ongoing consultation that includes process for identifying ELLs. The LEA will maintain documentation that includes the number of private schools contacted, the number that participated along with number of ELLs served and services provided.**

## Required Project Design Narrative

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- **Needs Assessment**
- **Activities**
- **Support for Reading/Next Generation/RtI Imperatives**
- **Supplementary Instructional Services to Increase English Proficiency of ELLs**
- **Instructional Services to Increase the Academic Achievement of Current and Former ELLs**
- **Optional District-derived goal**
- **Increasing Supplemental Professional Development Activities**
- **Increasing Parental and Community Participation in the Educational Experience of ELLs**
- **Consultation with Private Schools (Equitable Services for Private School Participation)**
- **Coordination of Services**
- **Collaborative Partners**
- **Accountability for schools with ELLs**
- **Dissemination/Marketing**
- **Reporting Outcomes**

## 2.1 Performance Indicators

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- The percentage of K-12 students making gains (moving up a proficiency level(s) or proficient in each of the CELLA three domains. Applications should include the most recent data by domains: Listening/Speaking, Writing, and Reading.
- Goal: The percentage of K-12 students making gains (moving up at least one proficiency level) or becoming proficient in each of the CELLA three domains will increase.
- Objectives: Based on the most current CELLA scores available, the percentage of ELLs making progress on the listening/speaking assessment was XX%. On the 09-10 CELLA administration, the percentage of ELLs making progress on the CELLA listening/speaking assessment will increase to XX%.

## Performance Indicators

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- **Based on the most current CELLA scores available, the percentage of ELLs making progress on the writing assessment was XX%. On the 09-10 CELLA administration, the percentage of ELLs making progress on the CELLA writing assessment will increase to XX%.**
- **Based on the most current CELLA scores available, the percentage of ELLs making progress on the reading assessment was XX%. On the 09-10 CELLA administration, the percentage of ELLs making progress on the CELLA reading assessment will increase to XX%.**
- **Strategies (activities): must be aligned to needs assessment and budgeted items; resources may focus on specific domain, if applicable.**

## Additional Changes to 09-10 Title III

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- **Optional District-Derived Goal - For example: Improve ELL graduation rate. Must be in the SMART goals format.**
- **Increasing Supplemental Professional Development – narrative only**
- **Increasing Parental and Community Participation in the Educational Experience of ELLs – narrative only**

# Immigrant Student & Youth Grant NCLB (Title III, Section 3115)

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## Purpose:

- to assist Districts that experience **significant increases** in their student population due to immigration
- to enhance educational opportunities for immigrant children and youth

## Definition of Immigrant Children and Youth

- are aged three through 21
- were not born in the U.S or any of its territories (does not include children born on U.S. military bases), and
- have not been attending one or more schools in any one or more states for more than **three full academic years**

*[Public Law 107-110, Section 3301,(6)]*

## Determining Allocations for Immigrant Children and Youth Funding

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A discretionary allocation is given to Districts with a significant increase in immigrant children and youth.

- Districts that receive an immigrant allocation must use these funds for immigrant children and youth.

### NOTE: **IMPORTANT TO REPORT**

- Beginning in the 2009-10 school year, the allocation will be based on the *Immigrant Student Data Element*.
- For the last 3 years, the allocation was based on the calculation of the definition of immigrant children and youth.

## Allowable Activities for Immigrant Children and Youth

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- **Activities that provide enhanced instructional opportunities for immigrant children and youth.**
- **Family literacy, parent outreach and training activities to assist parents to become active participants in their children's education.**
- **Support for personnel, including teacher aides specifically trained (or are being trained) to provide services to immigrant children and youth. Tutorials, mentoring and academic or career counseling.**
- **Other instructional services designed to assist children to achieve in elementary and secondary schools in the U.S.**
- **Activities coordinated with community-based organizations, institutions of higher education, private sector entities or other entities to assist parents by offering comprehensive community services. [Section 3115]**

# Implementation Requirements

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## Title III and Immigrant Grants

- District applications must be implemented as approved by FDOE
  - the only exception is if an amendment has been submitted by the school District and it has been approved by FDOE.

### **NOTE:**

If the federal application is not implemented as approved by FDOE and the school District has not submitted an amendment, the school District will have to return federal funds provided to the District to the State.

# Accountability and Administration

## Section 3121. Evaluations

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**An annual evaluation provided by an entity shall be used for:**

- Improvement of instructional program and activities**
- Determine the effectiveness of instructional programs and activities implemented**
- Determine whether or not to continue funding for specific programs and activities**

## Federal Title III Audits or Annual Self-Monitoring

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- During on-site Title III audits or self-monitoring reporting, it is expected that Districts provide evidence of purchase orders for activities that have been approved by FDOE.
- Federal funds used for activities that have not been approved by the State will have to be returned.
  - Since ALL activities sponsored by federal funds must be tied to the goals and objectives for the grant application as required by federal guidelines, using funds for activities that have not been authorized may constitute misuse of federal funds.

## Contacts at the Florida Department of Education

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**Please, do not hesitate to contact the SALA staff!**

- Lori Rodriguez [lori.rodriguez@fldoe.org](mailto:lori.rodriguez@fldoe.org)
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# Questions?