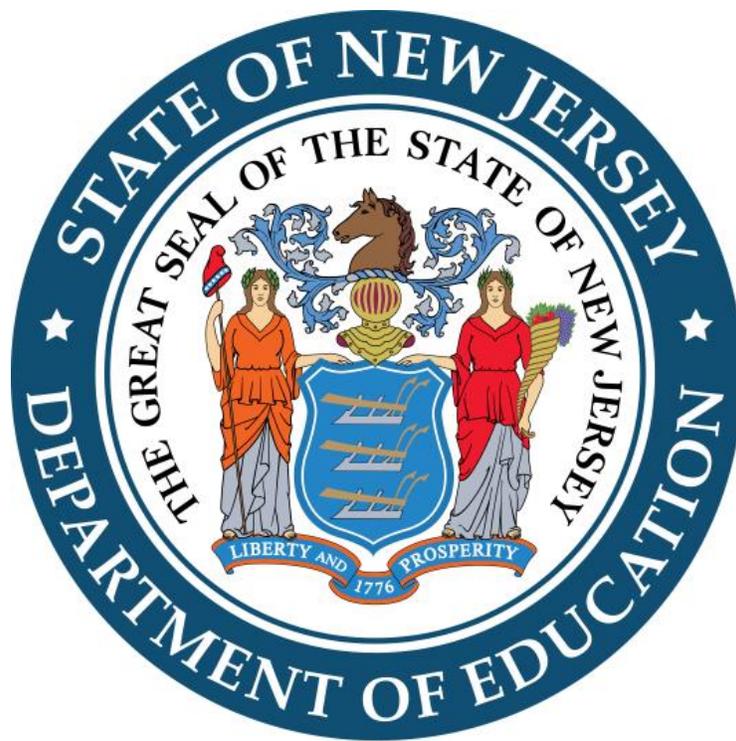


New Jersey Department of Education

Title III and Title III Immigrant Federal Funding Resource Document



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Introduction

The *Every Student Succeeds Act (ESSA)* passed in December 2015 replaced the *No Child Left Behind Act (NCLB)* of 2002 and reauthorized the *Elementary and Secondary Education Act (ESEA)* of 1965. Despite some key changes in the law, the purpose remains the same: to ensure all students have equitable access to high-quality educational resources and opportunities to prepare all students to attain graduation success and be fully prepared to succeed in college, career, and civic participation.

The guidance in this document details the allowable uses of Title III and Title III Immigrant Federal funds. The term English learner (EL) is used by the United States Department of Education; while English language learner (ELL) is used by the New Jersey Department of Education (NJDOE). The two terms are interchangeable. The term ELL will be used in this document to reference students eligible to receive services paid for by Title III and Title III Immigrant funding. This guidance document is intended to help Local Education Agencies (LEAs) better understand how to identify and serve ELLs and immigrant students using Federal funds.

What is Title III?

Title III is a per-pupil formula grant based on the number of ELLs in a Local Education Agency (LEA), including ELLs attending non-public schools. Any student who is identified as an ELL, in accordance with [N.J.A.C. 6A:15](#), must be reported as such in the NJSMART [SID Management](#) collection. The amount of Title III funding an LEA receives is based on the number of ELLs in the district. In addition, ELLs attending a nonpublic school, in the geographic area served by the LEA, are included in the total count. Nonpublic schools may report ELLs on the [Nonpublic Enrollment Report](#). The amount of Title III funding is calculated as follows (note: Title III Immigrant uses a separate formula):

District ELL Count + nonpublic ELL Count \times unrounded per pupil cost (varies by school district)

Note: An LEA must have an allocation of at least \$10,000 or join a consortium of districts that receives over \$10,000 to be eligible to receive the funds. LEAs may not transfer into Title III from other Federal title programs to meet the \$10,000 threshold.

Who is served with Title III funds?

Students identified as ELLs are served with Title III Federal funding. Under *ESSA*, an ELL in New Jersey means an individual who is:

- ✓ Age 3 through 21;
- ✓ Enroll(ed) in elementary or secondary school;
- ✓ Not born in the United States (not including Puerto Rico) or whose native language is a language other than English; and

- ✓ Limited in speaking, reading, writing, and understanding (listening) in the English language as identified by a [New Jersey approved screening assessment](#).

What are allowable activities under Title III?

Under ESSA sections 3114(a) and 3115, LEAs must use Title III funds for effective approaches and methodologies for teaching ELLs. LEAs must spend their Title III allocations to support, at minimum, the following **three required activities**:

Required Activities	Purpose
Enhance effective language instruction educational programs (LIEP).	<ul style="list-style-type: none"> • Increase the English language proficiency of ELLs • Improve student academic achievement
Provide effective professional development (PD) to classroom teachers who work with ELLs including: <ul style="list-style-type: none"> • general education teachers; • principals; • school leaders; • administrators; and • other school or community-based organizational personnel. <i>*Must include activities that apply to a long-term, comprehensive PD plan.</i>	<ul style="list-style-type: none"> • Improve the instruction and assessment of ELLs • Enhance the ability of teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for ELLs • Increase the English proficiency of ELLs by substantially increasing the subject matter knowledge, teaching pedagogy, and teaching skills of those working with ELLs
Provide and implement other effective activities and strategies that enhance or supplement Language Instruction Educational Programs (LIEPs) for ELLs.	<ul style="list-style-type: none"> • Must include parent, family, and community engagement activities • <i>May</i> include strategies and/or activities that serve to coordinate and align related programs

In New Jersey, when an eligible LEA receives funds under sections 3114 and 3115, it must use its Title III funds for one of the above authorized activities, and it must also ensure the funds are supplemental to [state requirements](#), including the requirements that the funds not be used to meet civil rights obligations under Title VI and the Equal Educational Opportunities Act (EEOA). In addition, an LEA may use the funds on other supplemental activities for ELLs. All activities must be connected to improving the English language skills of ELLs and/or assisting parents and families in helping their children to improve their academic achievement and become active participants in the education of their children. Examples of other supplemental activities are provided in the chart below.

Additional Allowable Uses	Supplemental Activity Example	Supplanting Activity Example
Upgrade program objectives and effective instructional strategies	<ul style="list-style-type: none"> • Software that helps educators analyze ELL data • Stipends for teachers to create scaffolds for the upcoming school year over the summer • Consultants for professional development 	<ul style="list-style-type: none"> • Salary of an additional ESL teacher
Enhance the instructional program through supplemental resources	<ul style="list-style-type: none"> • Grades K-1 Phonemic awareness activities for independent center • Grades 2-3 intervention kit • Grades 4-8 afterschool program • Grades 9-12 digital translators for newcomers 	<ul style="list-style-type: none"> • A second set of books for the standard curriculum. • Individual/Classroom Dictionary • Math calculators
Upgrade curricula, instructional materials, educational software	<ul style="list-style-type: none"> • Computer program for accelerating student performance in reading, math, English language acquisition • iPads, subscription to online programs students can use at home to practice skills 	<ul style="list-style-type: none"> • An updated Spanish reading curriculum
Tutorials, academic, career, and or/ technical education	<ul style="list-style-type: none"> • SAT prep courses for ELLs • Supplemental resource guide for the curriculum • A bilingual aide to support with translations during computer lab • Stipends for teachers to offer homework support during a study hall period 	<ul style="list-style-type: none"> • Salary of the general education computer lab teacher • Tuition toward teacher certification
Intensify instruction, including materials in a language that the student can understand, interpreters, and translators	<ul style="list-style-type: none"> • Multilingual classroom libraries • A magazine subscription from students' native countries of students to add to libraries throughout the school 	<ul style="list-style-type: none"> • Guided Reading books for the bilingual class
Provide community participation programs, family literacy services, parent and family outreach and training activities	<ul style="list-style-type: none"> • ESL classes for Bilingual parents • Salary of a Parent Coordinator for ELL parent outreach 	<ul style="list-style-type: none"> • Costs affiliated with back to school night or other district mandated parent meetings.

Additional Allowable Uses	Supplemental Activity Example	Supplanting Activity Example
	<ul style="list-style-type: none"> • Civics and Know Your Rights workshops for parents 	
Improve the instruction of ELLs with a disability	<ul style="list-style-type: none"> • Tactile resources for a cool down corner in the bilingual classroom 	<ul style="list-style-type: none"> • The salary of an additional Special Education teacher due to new arrival of ELLs with a disability
Acquisition or development of educational technology or instructional materials	<ul style="list-style-type: none"> • Computer cart for ESL class 	<ul style="list-style-type: none"> • Computers for the bilingual class if as a standard provision all classroom in the building have computers
Access to, and participation in, electronic networks	<ul style="list-style-type: none"> • Access to, and participation in, electronic networks with services beneficial to ELLs and their families 	<ul style="list-style-type: none"> • Vendor to maintain computers free of viruses

The activities listed above are examples only.

How can LEAs fund ELL-related activities now under Title I?

Under ESSA, several provisions regarding ELLs moved from Title III to Title I. LEAs may continue to use Title III funds for these activities as long as:

- ✓ The use of funds is consistent with the purpose of Title III and are “reasonable and necessary costs;”
- ✓ The use of funds is supplemental to the LEA’s civil rights obligations to ELLs under Title VI and the EEOA; and
- ✓ The LEA can demonstrate it is also using Title III funds to conduct activities required under Title III.

Examples of such activities include:

- ✓ Notification to parents of ELLs regarding Language Instruction Educational Programs (LIEPs) and related information (ESEA Section 1112(e)(3)); and
- ✓ Parental participation (ESEA Section 1116(f)).

What is Title III Immigrant funding?

Title III Immigrant is a targeted subgrant the NJDOE awards to LEAs experiencing a significant increase (2% or more) in immigrant students, both public and nonpublic, over the average of the last two years. Any student who is identified as an immigrant must be reported as such on the NJSMART State Submission collection. The amount of Title III Immigrant funding an LEA receives is based on the eligible number of immigrants taken from the fall NJSmart data collection. In addition, immigrant students attending a nonpublic school in the geographic area served by the LEA are included in the total count. Nonpublic schools may report immigrant students on the [Nonpublic Enrollment Report](#). This amount of Title III Immigrant funding for a district is calculated as follows:

Immigrant counts from all eligible LEAs are added together to get a statewide eligible immigrant count. The overall statewide allocation is divided by the total number of eligible students. The per-pupil amount is then multiplied by the eligible district’s immigrant count (public and non-public) to obtain an allocation amount for the LEA.

Note: An LEA must have 20 or more immigrant students, either public or nonpublic, and meet the eligibility test to qualify for Title III Immigrant funding.

Who can be served with Title III Immigrant funds?

Students identified as immigrant students are eligible to be served with Title III Immigrant funding. The Federal definition of an immigrant student is:

- ✓ A student not born in any state (defined as 50 states + D.C. and Puerto Rico);
- ✓ In a U.S. school for less than 3 **cumulative** years; and

✓ Age 3-21.

What are allowable activities under Title III Immigrant?

Under Section 3114(d) of the ESEA, LEAs must use Title III Immigrant funds to pay for activities that provide enhanced instructional opportunities for immigrant students and their families. An LEA must use Title III Immigrant funding for separate and distinct purpose than Title III funding. Some examples include:

Allowable Activities	Purpose	Examples
Parent and family outreach and training activities	<ul style="list-style-type: none"> Assist parents and families in becoming active participants in their children’s education 	<ul style="list-style-type: none"> Family Literacy ESL classes for adults Second Language “classes” taught by parents to teachers
Specifically, trained personnel, including teachers and paraprofessionals	<ul style="list-style-type: none"> Recruit and support subject matter experts to address specific needs of the immigrant population. 	<ul style="list-style-type: none"> Trauma-trained social worker/psychologist Paraprofessionals who have fluency in student’s native language
Counseling for immigrant students	<ul style="list-style-type: none"> Provide immigrant students with caring adults who can connect to their experiences 	<ul style="list-style-type: none"> School counselors specifically trained to help immigrants adapt to new school Social worker Activities that promote social/emotional awareness (e.g. yoga and mindfulness awareness)
Identification, development, and acquisition of curricular materials, educational software, and technologies	<ul style="list-style-type: none"> Differentiate and scaffold curriculum and materials to provide immigrants with greater access to information 	<ul style="list-style-type: none"> Linguistically, culturally, and developmentally appropriate materials specific to the needs of newcomers and students with limited/interrupted formal education (SLIFES)
Basic instructional services that are directly attributable to the presence of immigrant students in the LEA	<ul style="list-style-type: none"> Assist immigrant students in succeeding in elementary and secondary schools in the United States 	<ul style="list-style-type: none"> Transportation Classroom supplies Introductory programs to the educational system and civics education in the U.S. Student ambassador programs
Activities coordinated with community-based organizations, institutions of higher education, private sector entities, or other	<ul style="list-style-type: none"> Assist parents and families of immigrant students and youth by offering comprehensive community services 	<ul style="list-style-type: none"> “Know Your Rights” workshops Legal resources for immigrant families

Allowable Activities	Purpose	Examples
entities with expertise in working with immigrants		

Does the ESSA supplement not supplant requirement apply to Title III and Title III Immigrant funds?

Title III is subject to a strict “supplement not supplant” (SNS) requirement that affects how Title III and Title III immigrant funds are spent. SNS requires both Title III and Title III Immigrant funds to add to (supplement) and not replace (supplant) other Federal, state, and local funds. An LEA may use program funds only to supplement and, to the extent practical, increase the level of funds that would, in the absence of the Federal funds, be made available from non-Federal sources. (2 CFR 200, Appendix XI, Compliance Supplement). According to the compliance supplement,

- Except as noted below, in the following instances, it is presumed that supplanting has occurred:
- a. The LEA used Federal funds to provide services that the LEA was **required** to make available under other Federal, State or local laws.
 - b. The LEA used Federal funds to provide services that the LEA provided with non-Federal funds in the prior year.

If the LEA can demonstrate that it would not have provided the services in question with non-Federal funds had the Federal funds not been available, then the use of the funds would not be considered supplanting. (2 CFR 200, Appendix XI, Compliance Supplement).

The question of whether funds are “supplemental” may depend on the type of program an LEA is required to implement under [N.J.A.C. 6A:15](#). In other words, the same activity may be allowable in one situation and supplemental in another situation. For example, an LEA that has less than 10 students is required to provide English language services (ELS) to its ELLs. This LEA wants to use Title III monies to provide Sheltered English Instruction (SEI) Professional Development (PD) for teachers working with ELLs. This activity is allowable because its teachers are not **required** to be SEI trained, thus the activity is supplemental. However, an LEA that has more than 20 ELLs in one language **must** implement a bilingual program. This LEA requests and receives approval for a bilingual program waiver to implement an alternative instructional program; the LEA chooses SEI. In this scenario, this LEA may not use Title III monies to provide SEI PD training to its teachers because SEI is the required state program type. In this instance, using Title III monies for SEI PD is supplanting.

What is my districts Title III and Title III Immigrant Allocation?

The amount a district received in federal allocations to provide services to distinct student populations can be accessed by the public. Access the [Electronic Web Enabled Grant](#) (EWEG) system [Public Access](#) portal with the following steps:

- Click on ‘GMS Access/Select’
- Enter district name
- Select and/or confirm district code
- Click ‘Open’ for ESEA Consolidated application name

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- Select Title III or Title III Immigrant from the drop-down list
 - Click on 'Budget' Tab
 - View allocations

Other Spending Considerations

- **Requirement for Stakeholder Consultation**
 - Title III requires LEAs to meaningfully consult with a wide array of stakeholders on the LEA's plan for carrying out Title III activities.¹
- **LEA-Level Administrative Costs**
 - LEAs may use up to 2% of their Title III funds for direct administrative costs.² Indirect costs are not part of the 2% cap.³
- **Maintenance of Effort**
 - LEAs that receive Title III funds must comply with a maintenance of effort requirement.⁴ In short, maintenance of effort ensures districts maintain a consistent level of state and local funding for a free public education from year-to-year.⁵
- **Equitable Services**

Title III funds are subject to an equitable services requirement.⁶ Essentially, the LEA must ensure that eligible private school students, their teachers, and other educational personnel are served by Title III.⁷

For additional questions please contact the [NJDOE Bureau of Bilingual/ESL](#).

¹ Section 3116(b)(4)(C)

² Section 3115(b).

³ *ED 2016 Title III, Part A Guidance*, Question A-10.

⁴ Section 8521.

⁵ *ED 2016 Title III, Part A Guidance*, Question A-17.

⁶ Section 8501(b)(1)(C).

⁷ *ED 2016 Title III, Part A Guidance*, Question C-6.