



Oregon Department of Education

Title III: Use of Funds Reference Guide

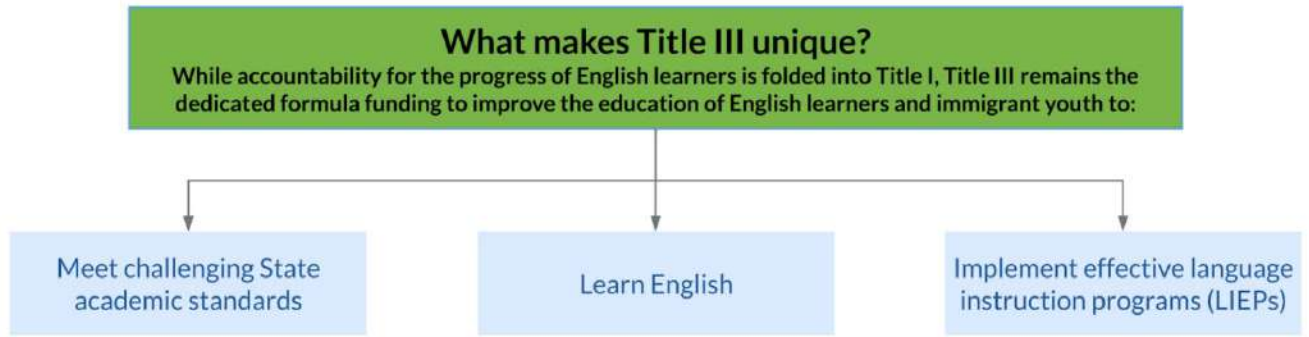
Please contact Tiffany Palaniuk at tiffany.palaniuk@ode.oregon.gov if you see areas needing explanation in this document.

Table of Contents

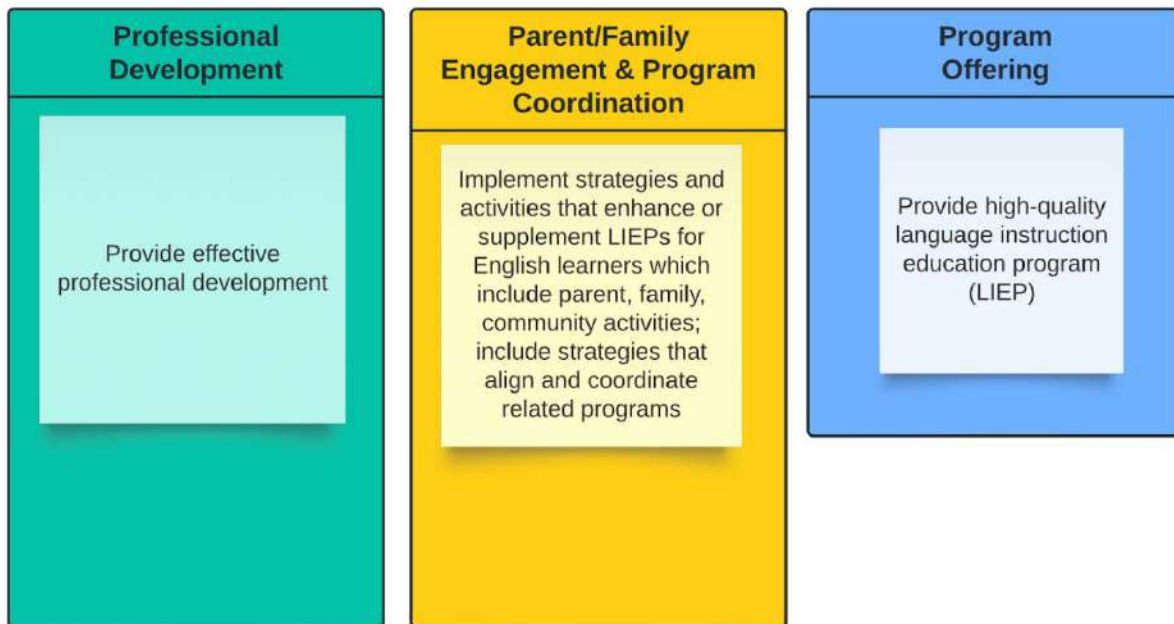
Section 1: General Provisions of Title III	3
Section 2: Title III Frequently-Asked Questions.....	7
Section 3: Scenario-Based Questions on Use of Title III Funds	11
Section 4: Title III Funds Planning Template	14
Section 5: Sources	15

Section 1: General Provisions of Title III

The purpose of this section is to offer general provisions governing the use of Title III funds, to elaborate on the Title III Supplement Not Supplant provision, and to outline the federal requirements related to English learners that are state or locally funded.



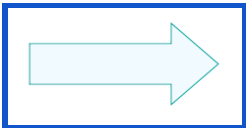
What are the three required activities for the use of Title III subgrants?



What is the Supplement Not Supplant Provision under Title III?

Citation	Supplement, Not Supplant Provision
ESEA of 1965, as amended by ESSA, Title III, Part A - English Language Acquisition, Language Enhancement, and Academic Achievement [(Section 3115(g))]	Federal funds made available under this subpart shall be used so as 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 limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds. *Title III funds are supplemental and must only be used to carry out activities considered to be supplementary to the district's core programs for English learners.*

Are there conditions under which supplanting is generally assumed under Title III?

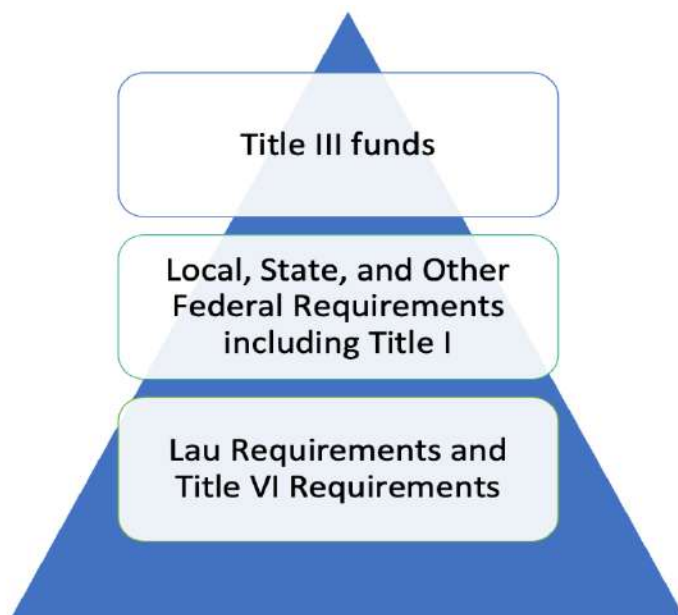
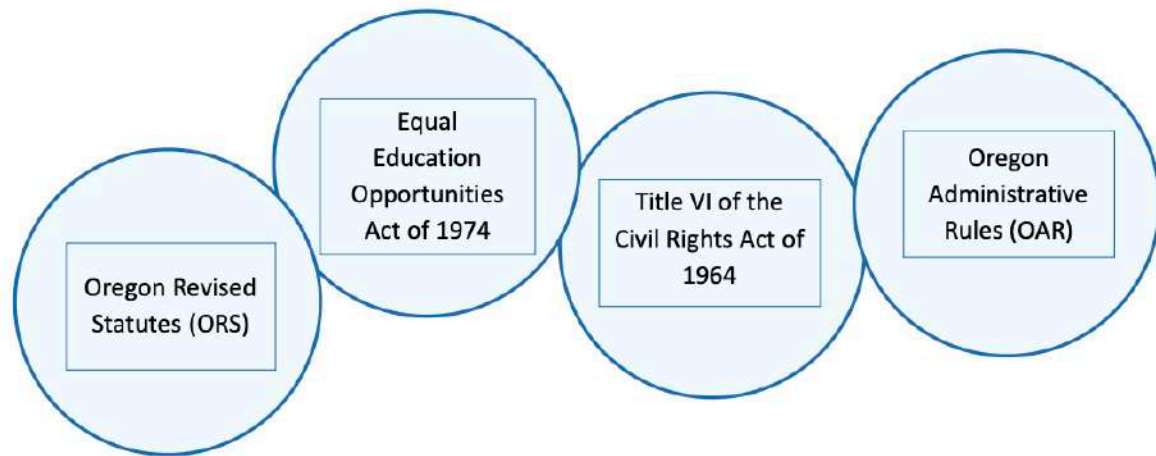
If a district uses Federal Title III funds to provide services that the district was required to make available under other laws...		supplanting is generally assumed
If a district uses Federal funds to provide services that the district provided with non-Federal funds in the previous year...		supplanting is generally assumed

What are some guiding questions to consider to help determine if a proposed expenditure is supplemental or supplanting?

The acronym ACRE is helpful in determining what constitutes supplemental.

	Stands for...	Questions to Ask
A	All students?	What is the instructional program/service provided to all students?
C	Civil rights?	What does the district do to meet civil rights requirements for English learner students (including the Lau obligation) and families of English learner students?
R	Regulations?	What services is the district required to provide, according to federal, state and local laws or regulations?
E	Existed previously?	Was the program or service previously provided with federal, state or local funds?

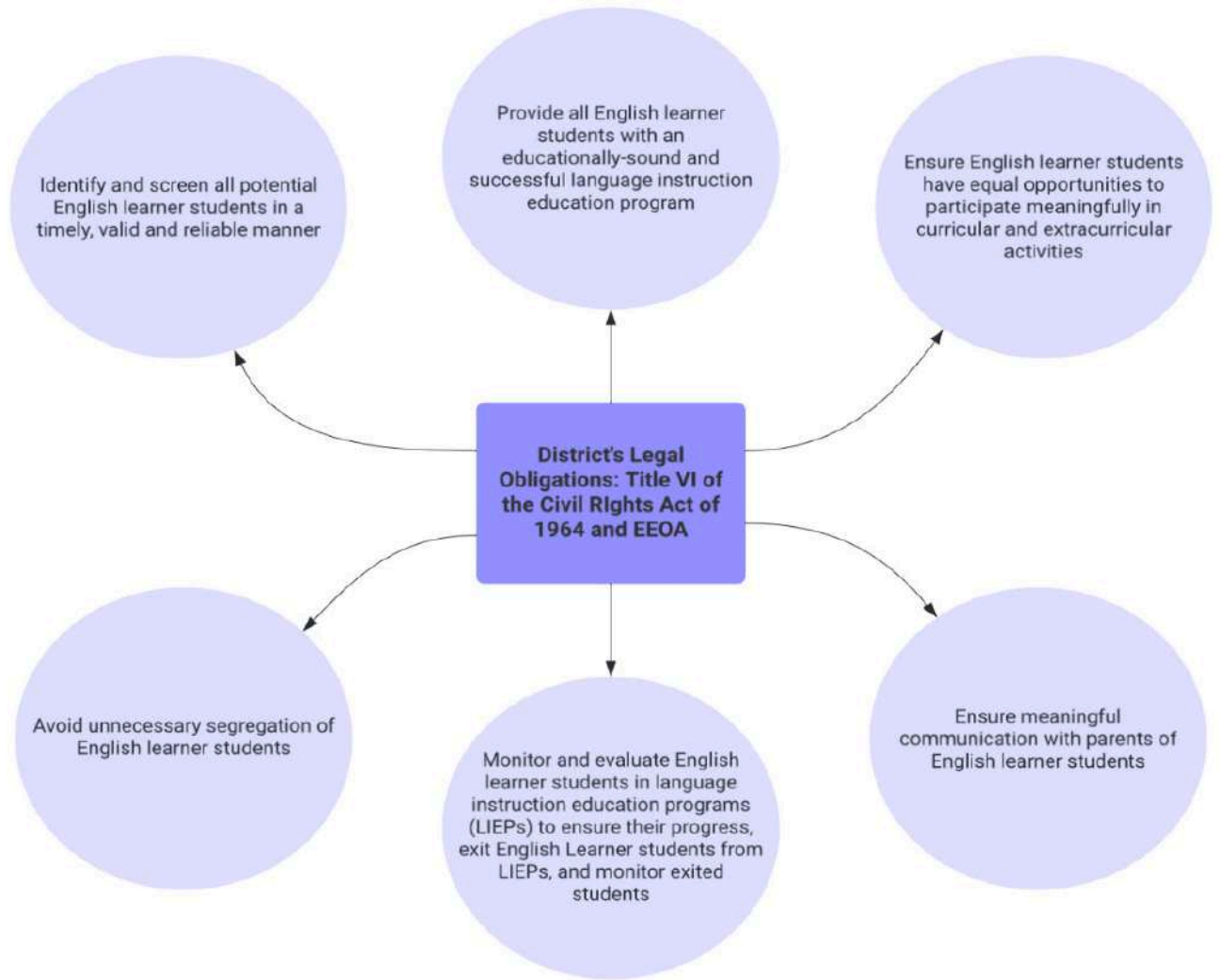
What are some federal civil rights laws, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) in place in respect to English learners? (For a more complete list of Federal and State Laws governing the implementation of English Learner programs, see page 45 of the [Oregon's English Learner Program Guide](#))



Why is it important to understand the legal obligations to English Learner students?

Title III funds are strictly supplementary. Districts are required to first meet the legal obligations of Title VI of the Civil Rights Act of 1964 and the EEOA. Districts must use Title III funds for activities that expand upon and/or improve the delivery of core English learner program offerings implemented to meet the legal obligations.

What are the legal obligations of school districts to English learner students under Title VI of the Civil Rights Act of 1964 and the EEOA? (Title III funds cannot be used to meet the following obligations)



The following legal obligations are also required under Title VI of the Civil Rights Act of 1964 and the EEOA:

Ensure that English learner students who have or are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 are identified, located, and evaluated	Meet the needs of English learner students who opt out of language instruction education programs (LIEPs)
Provide sufficiently well-prepared and trained staff and support the language assistance programs for English learner students	Evaluate the effectiveness of a school district's language instruction education program; ensure program is reasonably calculated

Section 2: Title III Frequently-Asked Questions

The purpose of this question is to provide a list of frequently-asked questions related to the use of Title III funds.

Category	Question	Response
Coordinating Title I and Title III Funds	Can school districts use Title III funds for activities relating to English learner students that were previously required under Title III and are now required under Title I?	Yes, assuming the following conditions are met: • The specific use of funds is consistent with the purpose of Title III and meets federal guidelines for “reasonable and necessary” costs • The specific use of funds is supplemental to the school district’s civil rights legal obligations to English learner students • The school district can demonstrate that it is also using Title III funds to conduct activities required under Title III
Coordinating Title I and Title III Funds	May school districts consolidate Title III subgrants with other funds as part of a schoolwide program under Title I?	Yes. A school district may consolidate its Title III funds in a schoolwide program pursuant to the requirements of Section 1114(a) of the ESEA. Under that Section, the school district is not required to maintain separate fiscal accounting records by program if it maintains records that demonstrate that the schoolwide program (considered as a whole) addresses the intent and purpose of each Federal program from which it consolidates funds. In addition, in a school that consolidates Title III funds in a schoolwide program, the Title III supplement-not-supplant provision would not apply to the Title III funds; rather, the specific non-supplanting provision in Section 1114(a)(2)(B) of the ESEA would apply.

Coordinating Title I and Title III Funds	May school districts spend funds under both Title I and Title III on the same activities for English learner students?	Yes. It is possible for a school district to combine Title I and Title III funds for the same EL-related purpose, even if it is not in a schoolwide program. However, note that most Title I funds are allocated to schools, while Title III funds are allocated to districts (and not schools). As an example, a school district could use a combination of Title III and Title I funds for the salary of a supplemental EL math specialist for a Title I high school to serve low-achieving English learner students, assuming that supplement-not-supplant guidelines are met.
Using Title III for Professional Development	Which teachers and principals are eligible to receive or participate in professional development and preparation funded under Title III?	All teachers of English learner students and administrators in schools in which English learner students are enrolled can receive and/or participate in professional development under Title III. Thus, a school district may provide training not only to those who exclusively teach English learner students, but to teachers who may only have a few English learner students in their classrooms. Title III funds may also be used to provide professional development for other educators who work with English learner students including paraprofessionals, counselors, and special education teachers.
Using Title III Funds for Staffing	How may a school district use Title III funds for staffing purposes, consistent with the supplement-not-supplant requirement in Title III?	Title III funds must be used for <i>supplemental</i> purposes and a school district may not use Title III funds to meet obligations to English learner students under Title VI and the EEOA. However, Title III funds may be used to provide supplemental staff to support English learners, as long as a school district has already met its civil rights obligations, including the <i>Castañeda</i> standards. For example, a school district may use Title III funds to hire a specialist on EL students with interrupted formal education or English learners with disabilities to provide <i>supplemental</i> support to these unique

		populations; a school district could also use Title III funds to hire staff that would provide <i>supplemental</i> district-wide instructional support to teachers of ELs.
Using Title III Funds for Staffing	Can Title III funds be used for extra duty pay for staff to carry out Title III-specific activities?	Yes, as long as the activity is Title III-specific and supplemental (and meets all other supporting conditions, such as necessary and reasonable, etc.), it is allowable. The district will need to have the employee complete Time and Effort paperwork
Using Title III Funds for Staffing	Can Title III funds be used for extra duty pay for staff to assist with assessments to determine language proficiency of English learners?	No. Initial Assessment of Proficiency: Title III funds should not be used for the initial assessment to determine if a student is an English learner. Annual Assessment of Proficiency - It is never allowable to use Title III funds for an annual assessment of the English learners' language proficiency.
Using Title III Funds for Administrative Costs	How much of a school district's Title III formula subgrant may the school district use for administrative costs?	A school district may use no more than 2 percent of its district funds for administrative costs. However, any funds the school district reserves for administrative costs may be used only for direct administrative costs. This provides a school district with flexibility to apply its restricted indirect cost rate to the portion of its subgrant that it does not reserve for administrative costs.
Using Title III Funds to Implement Comprehensive Support and Improvement Plans under ESEA	May a school district use Title III funds to implement all or part of the Comprehensive Support and Improvement plan it is required to develop and implement under Section 1111(d)(1) of the ESEA?	A school district may use Title III funds to implement part of a Comprehensive Support and Improvement plan under ESEA Section 1111(d)(1) to the extent that the activities are allowable under Title III and do not violate the supplement-not-supplant provision. For example, it may be appropriate for a school district serving a school that is identified for Comprehensive Support

		and Improvement under ESEA Section 1111(c)(4)(D)(i)(III) due to chronic low performance of the English learner student subgroup in that school, to use a portion of its Title III funds to provide supplemental academic support to English learner students and additional professional development to teachers of English learner students, if these uses of Title III funds do not violate the Supplement Not Supplant provision.
Using Title III Funds to Acquire Technology Devices	Can Title III funds be used to purchase computers/tablets for the district's English Language Lab? These labs are used only during small group Designated ELD instruction.	Yes, a school district may use funds to acquire technology devices assuming these devices will be accessible only to English learners and thus are supplemental. If the district proposed to use Title III funds to purchase many computers/tablets for a specific school site and the technology devices will be used by all classrooms (classrooms with ELs and non-ELs), this would not be an allowable use of funds. The technology devices cannot be used for activities that are required (i.e. state assessments)

Section 3: Scenario-Based Questions on Use of Title III Funds

The purpose of this section is to analyze various ways in which districts might intend to use Title III funds and to offer an explanation as to whether the proposed uses are generally allowable under Title III. This document does not guarantee an activity is allowable under Title III.

Determining if a proposed expenditure is allowable under Title III is situation-specific for every district and consortium. These scenarios assume the activities were not previously funded by other federal, State or local funding sources. If an activity was previously funded by other funding sources, Maintenance of Effort rules apply and Title III cannot be used to fund the activity.

Category	Scenario	Explanation
Curriculum	District B intends to use Title III funds to compensate personnel to serve on a committee to align state content standards with English Language Development standards. District B intends to offer extra duty pay to personnel to work outside of contract hours to serve on this committee.	Never allowed. The Oregon State Board of Education adopted the English Language Proficiency Standards (ELP Standards). The adoption of the ELP Standards means school districts serving English learners must implement the ELP Standards. Thus, Title III funds cannot fund the proposed activity as districts are required to adopt, align and implement the ELP Standards by the state of Oregon.
Curriculum	District C intends to support English learners' home language and allow English learners to make connections between their home languages and English. District C intends to use Title III funds to provide newcomer English learner students with novels used in the Language Arts class in the students' home language(s).	It depends. If the textbooks in the newcomers' home language are considered supplemental to the core-adopted instructional materials, this could be an allowable use. However, providing the same instructional materials as the core instructional materials but in a different language is not considered supplemental (i.e. using Title III funds to buy the novel <i>Animal Farm</i> in another language is not considered supplemental if the novel is a core-adopted instructional material.) The district would have to demonstrate that it has not previously used local, state, or other federal funds for these instructional materials.
Curriculum	District D proposes to use Title III funds for supplemental ELD curriculum development that is not required by the school, school district, or State for core instruction. Several teachers will pilot the curriculum this year and provide feedback to inform decisions regarding actual implementation.	Almost always allowed. If the curriculum development is new or supplemental and is not required by the school, school district, or State for core instruction, then it is authorized.

English Language Development Coaches	District E proposes to use Title III funds to support the salary of an English Language Development instructional coach whose duty is to facilitate conversations amongst educators using analysis of formative and summative EL achievement data to drive instructional decisions and effective implementation of EL instructional strategies.	Almost always allowed. Title III funds can be used to support supplemental activities that are aligned with the purposes and goals of Title III but are unrelated to ELP assessment administration. If the district wanted to use Title III funds to support the salary of an English Language Development coach whose duty is to administer English Language Proficiency assessments for the identification and placement of English learners, Title III funds could not be used. School districts are obligated to assess newly-enrolled students for English Language Proficiency.
Parent Engagement	District F intends to use Title III funds to offer parent/family engagement nights specifically for parents/families of secondary-age English learner students. District F expects strong attendance, and families may bring children who need childcare. Families may also need interpretation and translation services.	It depends. Title III funds may be used for supplemental translation and interpretation activities linked specifically to English learners and English learner services. Title III funds may not be used to pay for translation and interpretation costs on state academic achievement assessments or parent-teacher conferences. Title III funds may not be used to provide translation or interpretation services to meet civil rights obligations to ensure meaningful communications with LEP parents/guardians. Title III may be used to provide childcare, assuming the costs are reasonable and necessary. District F should coordinate related programs by braiding Title III funds with Title I-A.
Parent Engagement	District G intends to use Title III funds to offer district-wide family literacy nights. At the events, families will participate in a literacy event connected to student learning. A few schools in District G receive Title I-A funds, and District G intends to braid Title I-A funds and Title III funds to offer the family literacy nights.	Almost always allowed. Title III funds may be used to offer district-wide family literacy nights. District G should coordinate related programs by braiding Title III funds with Title I-A.
Administrative Activities	District H intends to charge a portion of the salary for a site administrator of district Title III-funded activities as direct administrative costs. These costs do not exceed the two percent cap.	It depends. Title III funds may be used to charge a portion of the salary if the support is only for Title III duties beyond contract or contract-type activities for site administration. Title III funds may not be used to support the entire salary of a site administrator who administers district Title III-funded activities as part of their duties. Site administrators are core to the educational program. Any part of their salary charged to Title III for supplemental administrative duties must be beyond the scope of the contractual duties, calendar, and job description and must not exceed the two percent cap on direct administrative costs.

English Language Proficiency Assessment	District I proposes to use Title III funds to provide a stipend to teachers to assess previously identified English learners for English Language Proficiency throughout the year using a supplemental ELP assessment.	Almost always allowed. Title III funds can be used for the administration of assessments that are supplemental to the state English Language Proficiency assessment and used to inform instruction. These supplemental assessments must only be used to inform instruction and not be used for identification.
Access to Rigorous Coursework	District J intends to use Title III funds to support dual/concurrent programs or early college high schools for English learner students. These dual/concurrent programs or early college high schools are designed to help English learners achieve success in postsecondary education.	Almost always allowed. The ESEA now explicitly allows a school district to support dual or concurrent enrollment programs or early college high schools for English learner students. (ESEA Section 3115(d)). This new provision presents a valuable opportunity to promote college and career readiness for English learner students and to bridge their transition to postsecondary education. Title III funds cannot be used to fulfill a school district's obligations under Title VI and the EEOA, including a school district's basic obligation to provide a language instruction education program to all English learner students in the district that is educationally sound and has been proven successful.

Section 4: Title III Funds Planning Template

The purpose of this section is to offer clarifying questions that can be used by districts before submitting the Title III Budget Narrative. These clarifying questions can be helpful in deciding how to best leverage Title III funds and to encourage coordination between other funding streams.

Activity	What required Title III activity does the expenditure primarily address? (provide language instruction education program; provide professional development; provide parent, family, community activities)	If this activity was provided the previous year, how was it funded?	Will this activity also be funded through Title 1? (Y/N)	Which word below best describes how this activity is supplementing? (improve/upgrade; expanding/growing; modifying/reforming; specializing)	Was this activity previously funded by general funds? (Y/N)

Section 5: Sources

Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA)

<https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf>