**Wisconsin Department of Public Instruction**

**Allowable Uses of Title III Funds**

Title III includes two types of subgrants to LEAs. First, “formula” subgrants are available to Local Education Agencies (LEAs) (otherwise referred to here as districts), or district consortia that generate at least $10,000 under a formula established in the Title III law. These subgrants must be used to support English Learners (ELs) in learning English and meeting state academic standards. Second are discretionary grants. School districts or consortia that experience a significant increase in immigrant children and youth may apply for Immigrant and Youth funds. School districts or consortia that have seen a 25 percent increase in students over the average of the previous two years are eligible. More information about Immigrant funds can be found at <https://dpi.wi.gov/english-learners/immigrant-children>.

LEAs must use Title III EL funds to assist ELs in learning English and meeting state academic standards.[[1]](#footnote-1)

1. 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]](#footnote-2)
2. Providing **effective professional development** to 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 one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom.[[3]](#footnote-3)
3. 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.[[4]](#footnote-4)

As with all Title III costs, these three required Title III EL activities—effective Language Instruction Education Programs (LIEPs), effective professional development, and effective parent, family, and community engagement activities—are supplemental to state and locally funded programming the school or district is delivering to meet its civil rights obligations to EL students. Districts receiving Title III funds should use funds for these three required activities or indicate if other state and local funds will be used to meet this Title III obligation.

ESSA calls for DPI to adopt criteria to ensure LIEPs are effective in helping ELs gain English language proficiency and helping them meet the state’s challenging academic standards.

1. How Title III Allocations are Determined

The U.S. Department of Education determines the grant award to the states by using a formula based on the number of EL and immigrant students enrolled in the state. Ninety-five percent of the apportionment will be allocated as subgrants to eligible LEAs serving EL and immigrant students[[5]](#footnote-5).

A student’s ACCESS for ELLs participation during the previous testing cycle is used to generate the Title III allocation for a district for the current fiscal year.

Title III, Part A funds are intended for supporting English learners. Although use of funds can be extended to activities such as training for school leadership or early childhood, career, and technical education initiatives, non-tested students, including former ELs (ELP 6), do not generate a funding allocation.

1. *Timeline for Use of Title III Funds*

Districts are encourage to use funds during the current year. District must expend or obligate current year funds from July 1 through June 30 of the following year. Claims can be made on obligations outstanding through September 30 of that following year. One hundred percent of current year funds can be carried over to the next fiscal year. All current year funds must be claimed by September 30 of the second year. [[6]](#footnote-6)

A district receives an allocation of $12,000 in 2015-16. It claims $5,500 for professional development activities in May 2016. In August of 2016, the district claims an additional $2,000 for professional development activities. This is their final claim for 2015-16. The remaining $4,500 not spent that year, is carried over into 2016-17. The district makes a claim in January 2017 for $4,500 which closes out the carry over balance from 2015-16.

1. *Consortia*

Districts that generate a formula subgrant of less than $10,000 in any school year, in order to use the funds must apply for and participate in the Title III English Learner (EL) student program as a member of a consortium.

The consortia lead is responsible for acting as the fiscal and program agent for the Consortium and will file the required expenditure reports in WISEgrants, and for maintaining fiscal records.

Districts operating in consortia are responsible for completing appropriate Title III assurances, including equitable participation requirements within WISEgrants, and for working with the consortia lead to complete year-end reports. Districts participating in consortia should have working agreements outlining uses of funds, including how funds are used upon dissolution of the Consortia, and should have a designated fiscal agent. This fiscal agent may be a District or a CESA.

The Consortia lead is required to maintain records of how funds are designated. Return of funds for District-led Consortia are different from CESA-led Consortia for the breakup or dissolution of the Consortia. CESA-led consortia may retain unspent carryover funds should a district leave a consortium per the operating agreement. Within district-led consortia, if the operating agreement is silent on how funds are returned back to the district, funds will be proportioned back to the exiting district based on allocation amounts.

1. 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;[[7]](#footnote-7)
* Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures;[[8]](#footnote-8)
* Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include interpreters, translators, and materials in a language that the student can understand;[[9]](#footnote-9)
* Developing and implementing effective preschool,[[10]](#footnote-10) elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services;[[11]](#footnote-11)
* Improving the English language proficiency and academic achievement of ELs;[[12]](#footnote-12)
* 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 improve their academic achievement and become active participants in the education of their children;[[13]](#footnote-13)
* Improving the instruction of ELs, which may include ELs with a disability, by providing for: the acquisition or development of 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;[[14]](#footnote-14)
* Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education;[[15]](#footnote-15) and
* Carrying out other activities that are consistent with the purposes of Title III subgrants.[[16]](#footnote-16)

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.

1. Other Spending Considerations and Rules
2. *LEA-Level Administrative Costs*

LEAs may use up to 2 percent of their Title III funds for direct administrative costs.[[17]](#footnote-17) Indirect costs are not part of the 2 percent cap.[[18]](#footnote-18) For private schools receiving Title III services through equitable participation, 2 percent of the per-pupil allocation is assigned to the LEA to manage Title III funds.

*2. Maintenance of Effort*

LEAs that receive Title III funds must comply with a maintenance of effort requirement.[[19]](#footnote-19) In short, maintenance of effort ensures districts maintain a consistent floor of state and local funding for free public education from year to year.[[20]](#footnote-20)

1. *Supplemental Title III Activities*

Districts have a statutory requirement to have an EL Plan in place for supporting the language education needs of EL students. Language education services and Bilingual Bicultural Aid are required services; consequently Title III-funded activities must be supplemental to these services. This includes staffing and materials.[[21]](#footnote-21)

1. *Title III funding Transferability[[22]](#footnote-22)*

Allocations from some other Federal Title initiatives, including Title II and Title IV Part A, may be assigned to Title III within the WISEgrants. Funds transferred to Title III are subject to the rules and requirements applicable to Title III-A.

A district may elect to meet the Title III requirements through services provided in other Title programs. However, funds cannot be transferred out of Title III. Districts must submit appropriate assurances indicating their intent to meet their Title III obligations within WISEgrants

Federal laws permits combining of Title funding in complimentary ways. The district must ensure the purpose of the funds being consolidated is still met (see U.S. Department of Education guidance, page 10). Spending rules for Title III funds still apply. School districts that consolidate Title III funds with Title I, Part A and other funds must ensure that English learners are receiving appropriate supports above and beyond statutory requirements.[[23]](#footnote-23)

5. *Translators and Interpreters*

An LEA has an obligation to provide language translation to parents.[[24]](#footnote-24) A school district may only use Title III, Part A funds for translators and interpreters if what is being translated is directly related to Title III, Part A programming or activities. For instance, if there is a meeting sponsored with Title III, Part A funds for the parents and families of English learners, a translated letter about the event can be paid for with Title III funds, and interpreting services during the event can also be covered by Title III Part A funds; otherwise, translation or interpreting will be considered supplanting, since LEAs have an obligation to communicate meaningfully with Limited English Proficient (LEP) parents and to adequately notify them of information about any program, service, or activity called to the attention of non-LEP parents. Successful communication provides LEP parents the school-related information they need to make informed decisions about, and be helpful participants in, their children’s education. This may include, but is not be limited to: information about language assistance programs, special education and related services; Individualized Education Program (IEP) meetings; grievance procedures; notices of nondiscrimination; student discipline policies and procedures; registration and enrollment; report cards; requests for parent permission for student participation in district or school activities; parent-teacher conferences; parent handbooks; gifted and talented programs; and charter initiatives.

*6. Former English learners*

Title III funds are for providing ELs with appropriate language programs and services to attain English proficiency. Former English Learner students are not administered an English language proficiency assessment and are not eligible for direct Title III funding. Title III funds may be used to monitor Former English Learner students, maintain all LEA reporting requirements, and provide leadership training that may impact Former English Learner students[[25]](#footnote-25). Title I funds may be used to help remedy the academic deficits of Former English Learner students and ensure that these students reach the proficient level on academic tests.

1. Professional Development

**All activities paid for with federal funds must be aligned to meet one or more of the school district’s identified needs.**

Professional Development is a required and allowable expense for Title III, Part A. Title III, Section 3115 (c)(2) of ESEA 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 EL students; designed to enhance the ability of teachers to understand and use curricula, assessment measures, and instructional strategies; and effective in increasing students' English proficiency. 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.

Additionally, Title III law requires that any Title III funds spent be allocable, reasonable, and allowable[[26]](#footnote-26).  A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. A cost is allocable to a cost objective if the goods or services involved are chargeable or assignable to the cost objective in accordance with the relative benefits received, and a cost is allowable if it is necessary and reasonable for proper and efficient performance of the award and allocable to the award.

*Scenario—Allowable Travel Request*

A District is considering expanding or enhancing its EL services, a documented identified need. The District may choose to spend a portion of its budget to send two people, a lead teacher and an ESL instructional coach, to attend a three-day training in a neighboring state on how to establish a dual language immersion (DLI) program. No training of this type is offered within the state at this time. Funds may be used to cover reasonable travel, meals at allowable state-rates, registration fees, and a substitute teacher for the ESL teacher to attend. Upon return, the attendees plan to disseminate what they have learned to their colleagues and prepare a board presentation on DL options.

*Scenario—Non-Allowable Travel Request*

A District hears about a presenter focused on Special Education and English learners at a one-day event out of state. The District plans to send its EL and Special Ed staff to attend the one-day event in a nearby state. The trip will take about half of the District’s Title III allocation. This is not allowable because the cost is not reasonable. It would be more prudent to bring a presenter, set up an online course, or seek out another more in-depth professional development initiative on this topic.

*Scenario – Certification*

If a District has a high need for dual-certified teachers in ESL/Bilingual and special education, Title III funds may be used to pay for certification and professional development for teachers to attain the ESL/Bilingual add on license only if the district is already fulfilling Wisconsin code requirements to provide ESL/Bilingual beyond the statutory requirement. Special education certification is not a permitted Title III Part A expense.

1. Staffing

Title III, Part A funds must be supplemental. Districts must have a language education plan in place and provide basic professional development through Title III or other funding avenues.

In some cases, staff who work within districts may have multiple responsibilities, especially staff who are also assigned administrative functions as part of their job description. Guidance for time and effort reporting can be found at <https://dpi.wi.gov/sites/default/files/imce/wisegrants/pdf/time-and-effort-requirements.pdf>.

1. Administrative Costs

A District may use 2 percent of an LEA subgrant for administrative costs[[27]](#footnote-27). Any funds the LEA reserves for administrative costs may be used only for direct administrative costs. For example, a direct administrative cost could be the materials used to carry out a specific Title III related activity or District employee who works on Title III activities, if that portion of the salary can be directly attributed and allocated to the Title III grant and is not otherwise recovered as an indirect cost for classification of direct versus indirect costs.[[28]](#footnote-28)

If qualified, certified staff, as part of their job responsibilities, also support other Title III activities such as designing specialized curriculum, providing supplemental professional development directly related to supporting English learners and their families beyond core services to content area and ESL teachers, administrators and other school personnel, staff time tied to these activities may be assigned to Title III. Time and Effort reporting may serve as a means for differentiating between these tasks if at a manageable level. Guidance found at <https://dpi.wi.gov/sites/default/files/imce/wisegrants/pdf/time-and-effort-requirements.pdf>.

1. English Language Proficiency (ELP) Assessments

Any student identified as an English learners (ELP level 1-5) in grade 5-year-old kindergarten (5K) or above is assessed annually for English language proficiency. This includes newcomers, ELs with disabilities, and students attending private schools that have opted into Title III.

Wisconsin uses WIDA assessment productions as English language proficiency screening and assessments. More information about ELP screeners and assessments found at https://dpi.wi.gov/assessment/ell/elp-screening

Test Administration is not an allowable Title III, Part A activity. Training to administer the online assessment is also available online at no cost via [www.WIDA.us](http://www.WIDA.us).

1. Allowable Uses of Title III Funds Specific Activities

Common Sense: Exercise discretion and good judgment when determining whether costs are appropriate, necessary, and managed in a manner that minimizes costs to the Federal Title III award. Any activity should be directly related to one of the three required uses of Title III funds and must meet the uniform federal funding guidelines for allowable uses of Federal funds. A description of commonly asked about allowable activities are listed here.

1. *Meals or Food*

Cost of food and other meeting materials may be an allowable expense for a family engagement activity. Rules about “reasonable” and “allocable” apply. Food costs must be directly related to the activity.

1. *Transportation*

Title III funds can be used to support transportation to and from a Title III-supported activity, such as to allow ELs to access summer school or after school programs, to bring families to schools for an EL family night, or for staff to attend an EL-related professional development activity. Title III funds cannot be used to pay for any transportation initiative already paid for by the school. For example, if a school has a sports bus for all students to attend afterschool sports, Title III funds cannot be used to cover an English learner student to ride this bus.

1. *Supplies*

Any supplies paid for must be supplemental to supplies provided by the school. Title III funds can pay for supplemental Spanish literacy books and newcomer materials but not the school math textbook for EL students attending the school.

1. *Technology*

If a school has computers, laptops, or Chromebooks available to all students, Title III funds should not be used to pay for these materials; however, if a student needs access to translation material on an iPad or Chromebook or the family uses a supplemental Chromebook to access L1 support materials from home that they would not otherwise be able to access this would be an allowable use of Title III. Technology for English learners in general education settings is not an allowable use of Title III funds.

1. ELs with Disabilities

If an English learner student has also been identified as a special education student, he or she must receive both language and special education services at the same time.

1. Equitable Services to Private School within the LEA

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

Title III receiving Districts must reach out to with private schools within their jurisdiction and obtain assurances notifying them about the option to participate in Title III and the requirements with the assistance of the school district to identify, screen and assess for appropriate students for English proficiency. Districts should maintain documentation of all efforts to reach out to private school within the district and any equitable service agreements. Private school per pupil allocations are reported in WISEgrants by individual private school.

Title III and private school guidance can be found at: <https://dpi.wi.gov/sites/default/files/imce/english-learners/pdf/privateschoolsandels.pdf>.

If there are additional questions about allowable uses of Title III-A, please contact the Title III/Bilingual Office at the Wisconsin Department of Public Instruction via <https://dpi.wi.gov/english-learners>.

1. ESSA, Section 3115(a). [↑](#footnote-ref-1)
2. ESSA, Section 3115(c)(1). For federal guidance about LIEPs, please see *ED 2016 Title III, Part A Guidance*, Section C. [↑](#footnote-ref-2)
3. ESSA, Section 3115(c)(2). For federal guidance on educators of English Learners, including professional development, please see *ED 2016 Title III, Part A Guidance*, Section D. [↑](#footnote-ref-3)
4. ESSA, Section 3115(c)(3). For federal guidance on parent, family, and community engagement, please see *ED 2016 Title III, Part A Guidance*, Section E. [↑](#footnote-ref-4)
5. ESSA, Section 3111(a),(b)(1).) [↑](#footnote-ref-5)
6. Section 421(B) of the General Education Provisions Act, 20 U.S.C. 1225(b) - Tydings Amendment [↑](#footnote-ref-6)
7. ESSA, Section 3115(d)(1). [↑](#footnote-ref-7)
8. ESSA, Section 3115(d)(2). [↑](#footnote-ref-8)
9. ESSA, Section 3115(d)(3). [↑](#footnote-ref-9)
10. For more information on Title III and Early Learning, please see *ED 2016 Title III, Part A Guidance*, Section F. [↑](#footnote-ref-10)
11. ESSA, Section 3115(d)(4). [↑](#footnote-ref-11)
12. ESSA, Section 3115(d)(5). [↑](#footnote-ref-12)
13. ESSA, Section 3115(d)(6). [↑](#footnote-ref-13)
14. ESSA, Section 3115(d)(7). [↑](#footnote-ref-14)
15. ESSA, Section 3115(d)(8). [↑](#footnote-ref-15)
16. ESSA, Section 3115(d)(9). [↑](#footnote-ref-16)
17. ESSA, Section 3115(b). [↑](#footnote-ref-17)
18. *ED 2016 Title III, Part A Guidance*, Question A-10. [↑](#footnote-ref-18)
19. ESSA, Section 8521. [↑](#footnote-ref-19)
20. *ED 2016 Title III, Part A Guidance*, Question A-17. [↑](#footnote-ref-20)
21. P.I.13.05 [Register November 2002 No. 563](http://docs.legis.wisconsin.gov/document/register/563/b/toc), eff. 12-1-02 [↑](#footnote-ref-21)
22. ESSA. Section 5103 [↑](#footnote-ref-22)
23. *See 2 Code of Federal Regulations (CFR) Parts 200 and 225* [↑](#footnote-ref-23)
24. *2015 Dear Colleague Letter about EL students* [↑](#footnote-ref-24)
25. ESSA, Section 3121 [↑](#footnote-ref-25)
26. OMB Circular A-87 [↑](#footnote-ref-26)
27. Title III, Section 3115[b] [↑](#footnote-ref-27)
28. 2 CFR §§ 200.412-417 [↑](#footnote-ref-28)