

DEPARTMENT OF EDUCATION

CFDA 84.365 ENGLISH LANGUAGE ACQUISITION STATE GRANTS

I. PROGRAM OBJECTIVES

The objective of Title III, Part A of the Elementary and Secondary Education Act (ESEA) is to improve the education of English learners (ELs) by helping them attain English proficiency and meet challenging state academic standards. The program also provides enhanced instructional opportunities for immigrant children and youths.

II. PROGRAM PROCEDURES

A. Overview

The Department of Education (ED) provides Title III, Part A funds to each State educational agency (SEA) on the basis of a statutory formula that takes into account the number of ELs and immigrant children and youth in each State. To receive funds, an SEA must submit to ED for approval either (1) an individual State plan as provided under Section 3113 of the ESEA (20 USC 6823), or (2) a consolidated plan that includes Part A of Title III in accordance with Section 8302 of the ESEA (20 USC 7842). The plan must be updated to reflect substantive changes.

SEAs use Title III, Part A funds for administration, to carry out State activities, and to make two types of subgrants to LEAs.

B. Subprograms/Program Elements

The two types of subgrants are (1) for school districts that have experienced a significant increase in the number of immigrant children and youth in their schools, and (2) for school district to use to serve EL children. In order to receive one of these subgrants, an LEA must submit to the SEA a plan under either Section 3116 of the ESEA (20 USC 6826) or an approved consolidated plan under Section 8302 of the ESEA (20 USC 7842).

LEAs that receive immigrant subgrants use those funds to pay for enhanced instructional opportunities for immigrant children. LEAs receiving EL subgrants must support activities that increase the English proficiency and academic achievement of ELs by providing effective language instruction educational programs, supplemental activities, and professional development for teachers and school leaders relating to ELs. (20 USC 6825). In addition, LEAs receiving subgrants under Part A of Title III are required to assess the English language proficiency of the ELs they serve (20 USC 6823). SEAs are required to develop statewide entrance and exit procedures for ELs and assist subgrantees in meeting the state's long-term goals for progress towards English language proficiency.

Source of Governing Requirements

This program is authorized by Title III, Part A of the ESEA (20 USC 6821 through 6871, 7011 through 7014). There are no program regulations; however, the general ESEA requirements in 34 CFR part 299 apply.

Availability of Other Program Information

Other program information is available at <http://www2.ed.gov/programs/sfgp/index.html>.

III. COMPLIANCE REQUIREMENTS

In developing the audit procedures to test compliance with the requirements for this Federal program, the auditor must determine, from the following summary (also included in Part 2, “Matrix of Compliance Requirements”), which of the 12 types of compliance requirements have been identified as subject to the audit (noted with a “Y” in the summary matrix below), and then determine which of the compliance requirements that are subject to the audit are likely to have a direct and material effect on the Federal program at the auditee. For each such compliance requirement subject to the audit, the auditor must use Part 3 (which includes generic details about each compliance requirement other than Special Tests and Provisions) and this program supplement (which includes any program-specific requirements) to perform the audit. When a compliance requirement is shown in the summary below as “N,” it has been identified as not being subject to the audit. Auditors are not expected to test requirements that have been noted with an “N.” See the Safe Harbor Status discussion in Part 1 for additional information.

A	B	C	E	F	G	H	I	J	L	M	N
Activities Allowed or Unallowed	Allowable Costs/Cost Principles	Cash Management	Eligibility	Equipment/Real Property Management	Matching, Level of Effort, Earmarking	Period Of Performance	Procurement Suspension & Debarment	Program Income	Reporting	Subrecipient Monitoring	Special Tests and Provisions
Y	Y	N	Y	N	Y	N	N	N	N	Y	Y

A. Activities Allowed or Unallowed

See also Part 4, 84.000 ED Cross-Cutting Section.

Certain compliance requirements which apply to multiple ESEA programs are discussed once in the ED Cross-Cutting Section of this Supplement (84.000) rather than being repeated in each individual program. Where applicable, Section III references the ED Cross-Cutting Section for these requirements. Also, as discussed in the ED Cross-

Cutting Section, SEAs and LEAs may have been granted waivers from certain compliance requirements.

1. *SEAs*

SEAs must use funds under this program for the following purposes:

- a. To make subgrants (20 USC 6821(b)(1), 6824).
- b. State administration (20 USC 6821(b)(3)).
- c. One or more of the following State activities (20 USC 6821(b)(2)):
 - (1) Establishing and implementing Statewide entrance and exit procedures for ELs.
 - (2) Professional development and other activities, which may include assisting personnel in meeting State and local certification and licensing requirements for teaching ELs.
 - (3) Planning, evaluation, administration, and interagency coordination related to LEA subgrants.
 - (4) Providing technical assistance and other forms of assistance to LEA subgrantees.
 - (5) Providing recognition, which may include providing financial awards, to subgrantees that have significantly improved EL achievement and progress in meeting the State ELP goal and academic standards.

2. *LEAs*

- a. LEAs receiving immigrant subgrants shall use the funds awarded to pay for activities that provide enhanced instructional opportunities for immigrant children and youth. These activities include (20 USC 6825(e)):
 - (1) Family literacy, parent outreach, and training activities designed to assist parents and families to become active participants in the education of their children.
 - (2) Support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth.
 - (3) Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth.

- (4) Identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds.
 - (5) Basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services.
 - (6) Other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education.
 - (7) Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.
- b. LEAs receiving EL subgrants use the funds for the following purposes, which, as stated may be required or discretionary:
- (1) Administrative costs (20 USC 6825(b)).
 - (2) *Required Activities* – An LEA is required to use EL subgrant funds to:
 - (a) Increase the English proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing English proficiency and student academic achievement (20 USC 6825(c)(1)).
 - (b) Provide effective 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 (20 USC 6825(c)(2)).
 - (c) Provide and implement other effective activities that supplement language instruction educational programs, which must include parent, family, and community engagement activities, and may include coordination with related programs. (20 USC 6825(c)(3)).

- (3) *Authorized Activities* – An LEA may, but is not required to, use EL subgrant funds for the following activities (20 USC 6825(d)):
- (a) Upgrading program objectives and effective instruction strategies.
 - (b) Improving the instruction program for ELs by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.
 - (c) Providing tutorials and academic or vocational education for ELs and intensified instruction.
 - (d) Developing and implementing effective preschool, elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.
 - (e) Improving the English proficiency and academic achievement of ELs.
 - (f) 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 to improve their academic achievement and becoming active participants in the education of their children.
 - (g) Improving the instruction of ELs, which may include ELs with disabilities, by providing for (i) the acquisition or development of educational technology or instructional materials; (ii) access to, and participation in, electronic networks for materials, training, and communication; and (iii) incorporation of these resources into curricula and programs.
 - (h) Offering early college, high school, or dual or concurrent enrollment courses designed to help ELs achieve success in postsecondary education.

B. Allowable Costs/Cost Principles

See Part 4, 84.000 ED Cross-Cutting Section.

G. Matching, Level of Effort, Earmarking**1. Matching**

Not Applicable

2. Level of Effort –**2.1 Level of Effort – *Maintenance of Effort***

See Part 4, 84.000 ED Cross-Cutting Section.

2.2 Level of Effort – *Supplement Not Supplant*

See Part 4, 84.000 ED Cross-Cutting Section.

3. Earmarking***SEAs***

- a. SEAs can reserve up to 5 percent of their entire grant to carry out State activities and for administration. (Note: Under the circumstances described in paragraph 3.a(2) an SEA can have a reservation for administration that exceeds 5 percent) (20 USC 6821(b)(2)):
- (1) SEA's are authorized to reserve up to 2.5 percent of their grant, or \$175,000, whichever is greater, for the costs of administration. Because SEAs can use up to \$175,000 of their grant for administration, they may, because of that option, reserve more than 5 percent of their grant for administration (20 USC 6821(b)(3)).
 - (2) SEA reserved funds not used for administration can be used to carry out one or more of the State activities (see III.A.1.c) (20 USC 6821(b)(2)).
- b. A SEA must expend at least 95 percent for subgrants to LEAs that submit approvable plans under either Section 3116 of the ESEA, (20 USC 6826) or an approvable consolidated plan under Section 8305 of the ESEA (20 USC 7845) as follows (20 USC 6821, 6824(a)):
- (1) *Immigrant Subgrants* – SEAs are required to reserve not more than 15 percent of their grants for subgrants to LEAs that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or numbers of immigrant children and youth, who have enrolled, during the fiscal year for which the grant is made, in public and nonpublic elementary and secondary schools in the geographic areas served by the LEA. In awarding these subgrants, SEAs must equally

consider LEAs that have limited or no experience in serving immigrant children and youth and the quality of the local plans that the LEAs submit under Section 3116 of the ESEA (20 USC 6826). SEAs have discretion to award these subgrants on a competitive, formula, or some other basis (20 USC 6824(d)).

- (2) *EL Subgrants* – SEAs are required by to use funds not used for State activities, SEA administration, or immigrant subgrants to award subgrants to LEAs to serve ELs. SEAs shall allocate EL subgrants to their LEAs on a formula basis. The formula is based on the number of ELs in schools served by a particular LEA as a percentage of the number of such ELs in the entire State. The SEA, however, shall not award a subgrant if the amount of the subgrant, under the statutory formula for EL subgrants, would be less than \$10,000 (20 USC 6824).
- c. *LEA Administrative Costs* – An LEA receiving an EL subgrant may use no more than 2 percent of that subgrant for administrative costs (20 USC 6825(b)).

N. Special Tests and Provisions

1. Participation of Private School Children

See Part 4, 84.000 ED Cross-Cutting Section.

2. Access to Federal Funds for New or Significantly Expanded Charter Schools

See Part 4, 84.000 ED Cross-Cutting Section.

