# 2022–23 Consolidated Application Guidance (Spring Version)

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## Program Guidance for the Spring Release

The Spring Release of the 2022–23 Consolidated Application (ConApp) for Funding Categorical Aid Programs collects information related to local educational agencies (LEAs) intention to participate in 2022–23 ConApp programs, and includes legal assurances of compliance as required by state and federal statute, and other required program participation information. The ConApp is submitted electronically by LEAs. All pages which contain original signatures must be maintained on file in the LEAs office.

## Records Retention

Each recipient of federal funds under any applicable program through any grant, subgrant, cooperative agreement, loan, or other arrangement shall keep records which fully disclose the amount and disposition by the recipient of those funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective financial or programmatic audit. The recipient shall maintain such records for three years after the completion of the activity for which the funds are used. (Title 20, United States Code (USC), Chapter 31, Subchapter III, Part 4, Section 1232f[a])

The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit examination, to any records maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements to which reference is made in subsection (a) of this section, or which may relate to the compliance of the recipient with any requirement of an applicable program. (Title 20, USC, Chapter 31, Subchapter III, Section 1232f[b])

Additional information is available on the Office of the Law Revision Counsel USC web page at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section1232f&num=0&edition=prelim>.

## 2020–21 Title III Immigrant Program

### Subgrant Period

The funding period for fiscal year (FY) 2020–21 Title III subgrants runs from July 1, 2020 to September 30, 2022.

### Obligations

The Elementary and Secondary Education Act (ESEA), Section 3115(e) defines allowable expenditures for Title III Immigrant subgrant funds.

All obligations must be liquidated no later than 90 calendar days after the funding period end date. For the FY 2020–21 subgrants, all obligations need to be liquidated by December 30, 2022. Any local educational agency (LEA) reporting unexpended funds after this date will be invoiced by the California Department of Education (CDE). According to the California State Accounting Manual, “Legal obligations are commitments made by an LEA to purchase goods or services immediately or in a future period.” To determine whether a financial commitment should be reported as an obligation, please refer to the Code of Federal Regulations (CFR) Title 2, Section 200.34 on the Electronic CFR web page at <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>.

### Direct Administrative Costs

Recommended direct administration expenses for a fiscal year may not exceed 2 percent of such funds for the cost of administering the program.

### Indirect Costs

LEAs are authorized to assess approved indirect costs to the portion of the subgrants that is not reserved for direct administrative costs. A list of LEAs’ approved indirect cost rates is available on the CDE Indirect Cost Rates web page at <https://www.cde.ca.gov/fg/ac/ic/>.

For additional information regarding classification of direct versus indirect costs refer to the CFR Title 2, sections 200.412-200.417 on the U.S. Government Publishing Office’s Electronic CFR web page at <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1> and the CDE Title III Authorized Costs web page at <https://www.cde.ca.gov/sp/ml/t3authorizedcosts.asp>.

### Supplement, Not Supplant

Federal funds made available under Title III subgrants shall 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 English learners and immigrant children and youth and in no case to supplant such federal, state, and local public funds. (ESEA Title III, Section 3115 [b])

## 2020–21 Title III English Learner Program

### Subgrant Period

The funding period for fiscal year (FY) 2020–21 Title III subgrants runs from July 1, 2020, to September 30, 2022.

### Obligations

The Elementary and Secondary Education Act (ESEA), Section 3115(c)(1)(2) and (d) defines allowable expenditures for Title III English Learner (EL) program subgrant funds.

All obligations must be liquidated no later than 90 calendar days after the funding period end date. For the FY 2020–21 subgrants, all obligations must be liquidated by December 30, 2022. Any local educational agency (LEA) reporting unexpended funds after this date will be invoiced by the California Department of Education (CDE). According to the California School Accounting Manual, “Legal obligations are commitments made by an LEA to purchase goods or services immediately or in a future period.” To determine whether a financial commitment should be reported as an obligation, please refer to the Code of Federal Regulations (CFR) Title 2, Section 200.34 of the Electronic CFR web page at <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>.

### Direct Administrative Costs

LEAs may use no more than 2 percent of the EL program subgrant for direct administrative costs for fiscal year (ESEA Title III, Section 3115 [b]).

### Indirect Costs

An LEA can apply its approved indirect rate to the portion of the subgrant that is not reserved for direct administrative costs. A list of approved indirect cost rates are available on the CDE Indirect Cost Rates web page at <http://www.cde.ca.gov/fg/ac/ic/index.asp>.

For additional information regarding classification of direct versus indirect costs refer to the CFR Title 2, sections 200.412-200.417 on the U.S. Government Publishing Office’s Electronic CFR web page at <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1> and the CDE Title III Authorized Costs web page at <https://www.cde.ca.gov/sp/ml/t3authorizedcosts.asp>.

### Supplement, Not Supplant

Federal funds made available under Title III subgrants shall 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 English learners and immigrant children and youth and in no case to supplant such federal, state, and local public funds. (ESEA Title III, Section 3115 [g])

## 2022–23 Title III Student Program Subgrants

### Title III English Learner Student Program Subgrant

A local educational agency (LEA) that reported the enrollment of one or more English Learner (EL) students via the California Longitudinal Pupil Achievement Data System (CALPADS) October 2021 data collection is eligible to apply for the 2022–23 Title III EL student program formula subgrant.

All eligible LEAs that qualify for 2022–23 Title III EL Student Program Subgrant must apply for funding on the Consolidated Application and Reporting System (CARS), by selecting the Yes option for Title III EL on the 2022–23 Application for Funding.

LEAs are eligible to receive EL funding directly if their preliminary entitlement is $10,000 or greater. If the preliminary entitlement is under $10,000, the LEA may still be eligible for the funds by additionally applying as a consortium via the Consortium Online Application.

To determine the estimated amount of your LEA's subgrant for EL students, please visit the California Department of Education (CDE), Title III, English Learner and Immigrant Programs web page at <https://www.cde.ca.gov/fg/aa/ca/titleiii.asp>.

The LEA is not eligible for the subgrant, in cases where the LEA did not report the enrollment of one or more EL students on Fall Census Day (the first Wednesday in October 2021) in the CALPADS.

### Title III Immigrant Student Program Subgrant

All LEAs that qualify for a 2022–23 Title III Immigrant Student Program Subgrant must apply for funding on the CARS, by selecting the Yes option for Title III Immigrant on the 2022–23 Application for Funding.

To be eligible for a Title III Immigrant subgrant a LEA must have five or more eligible immigrant students, and have experienced a significant increase of one half of one percent or greater growth in the eligible immigrant student enrollment. Eligibility is not based on the total number of immigrant students. For fiscal year (FY) 2022–23, eligibility is calculated by averaging the previous two years of immigrant student numbers (FYs 2019–20 and 2020–21), and comparing this average to the third year (FY 2021–22). The student count numbers are extracted from the CALPADS as of FY 2021–22. If there has been one half of one percent growth, the LEA is considered eligible for FY 2022–23 Immigrant funding. Please note that LEAs add the nonprofit private school Student National Origin Report data to calculate and determine if the district meets the one half of one percent growth requirement to qualify for funding.

To determine eligibility and the estimated amount of your LEA's Title III Subgrant for Immigrant Students, please visit the CDE, Title III, English Learner and Immigrant Programs web page at <https://www.cde.ca.gov/fg/aa/ca/titleiii.asp>.

LEAs are not eligible for Immigrant Student Program Subgrants in cases where the:

* LEA did not report the enrollment of five or more immigrant students on Fall Census Day, (the first Wednesday in October 2021) in CALPADS; or
* Submitted data did not reflect one half of one percent growth based on averaging two years (FYs 2019–20 and 2020–21) and comparing it to the third year (FY 2021–22).