# 2021–22 Consolidated Application Guidance (Winter Release)

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## Introduction

This document reflects guidance for some of the programs included in the 2021–22 Consolidated Application (ConApp) Winter Release. It is intended primarily for local educational agency staff who are involved in the completion of the ConApp using the Consolidated Application and Reporting System (CARS), but may also be helpful to anyone who is reviewing the ConApp.

The CARS is a web-based system used to apply for funding, collect and report ConApp data, and track categorical program expenditures and activities.

## 2021–22 Title III Immigrant Expenditure Report

### Expenditures

Refer to the Every Student Succeeds Act (ESSA), Section 3115 (e)(1) as a guide to determine authorized expenditures for the relevant Title III Immigrant Program Subgrant:

ESSA, Section 3115:

(e) Activities by agencies experiencing substantial increases in immigrant children and youth —

(1) In General — An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include —

(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

(B) recruitment of, and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification, development and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

(E) basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, 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 instructional services;

(F) other instructional 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; and

(G) 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.

### Direct Administrative Costs

The 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

Local educational agencies (LEAs) are authorized to apply approved indirect costs 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 California Department of Education (CDE) Indirect Cost Rates web page at [https://www.cde.ca.gov/fg/ac/ic/](https://www.cde.ca.gov/fg/ac/ic/index.asp).

### Supplement, Not Supplant

Federal funds made available under this subpart 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 learner (EL) students and immigrant children and youth and in no case to supplant such federal, state, and local public funds.

### Program Requirement

LEAs that participate in the Title III Immigrant program funding, are required to:

* Maintain annually updated Local Control and Accountability Plan (LCAP), LCAP Federal Addendum (Addendum) and complete the Consolidated Application (ConApp). The LCAP, in conjunction with the Addendum and the ConApp serve to meet the ESSA LEA Plan requirement;
* Agree to assurances that the district will comply with the legal requirements related to state and/or federal programs; and
* Submit projected budget reports on the Consolidated Application via the Consolidated Application and Reporting System.

For more information, please visit the CDE Title III Frequently Asked Questions web page at<https://www.cde.ca.gov/sp/el/t3/title3faq.asp>.

## 2021–22 Title III English Learner Expenditure Report

### Expenditures

Refer to the Every Student Succeeds Act (ESSA), Section 3115 (c)-(d) as a guide, to determine authorized expenditures:

(c) Required Subgrantee Activities — An eligible entity receiving funds under section 3114(a) shall use the funds —

(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing —

(A) English language proficiency; and

(B) student academic achievement;

(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is —

(A) designed to improve the instruction and assessment of English learners;

(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English learners;

(C) effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) 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, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

(3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which —

(A) shall include parent, family, and community engagement activities; and

(B) may include strategies that serve to coordinate and align related programs.

(d) Authorized Subgrantee Activities — Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

(1) Upgrading program objectives and effective instructional strategies.

(2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

(3) Providing to English learners —

(A) tutorials and academic or career and technical education; and

(B) intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators.

(4) Developing and implementing effective preschool, elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

(5) Improving the English language proficiency and academic achievement of English learners.

(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families —

(A) to improve the English language skills of English learners; and

(B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.

(7) Improving the instruction of English learners, which may include English learners with a disability by providing for —

(A) the acquisition or development of educational technology or instructional materials;

(B) access to, and participation in, electronic networks for materials, training, and communication; and

(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

(8) Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education.

(9) Carrying out other activities that are consistent with the purposes of this section.

### Direct Administrative Costs

The local educational agency (LEA) may use no more than 2 percent of the English Learner (EL) student subgrant for administrative costs for a fiscal year (ESSA 3115[b]).

### Indirect Costs

The 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 California Department of Education (CDE) Indirect Cost Rates web page at [https://www.cde.ca.gov/fg/ac/ic/](https://www.cde.ca.gov/fg/ac/ic/index.asp).

### Supplement, Not Supplant

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 EL students and immigrant children and youth and in no case to supplant such federal, state, and local public funds.

### Program Requirement

LEAs that participate in the Title III EL student program funding, either as a direct funded LEA or as part of a consortium, are required to:

* Maintain annually updated Local Control and Accountability Plan (LCAP), LCAP Federal Addendum (Addendum) and complete the Consolidated Application (ConApp). The LCAP, in conjunction with the Addendum and the ConApp, serve to meet the ESSA LEA Plan requirement;
* Agree to assurances that the district will comply with the legal requirements related to state and/or federal programs;
* Submit projected budget reports on the Consolidated Application via the Consolidated Application and Reporting System; and
* Lead LEAs of consortia must submit a Title III Federal Addendum Consortium Summary, if funding is received through a consortium.

For more information, please visit the CDE Title III Frequently Asked Questions web page at<https://www.cde.ca.gov/sp/el/t3/title3faq.asp>.

## 2021–22 Federal Transferability

Title V Section 5103 of the Every Student Succeeds Act (ESSA) allows a local educational agency (LEA) to transfer up to 100 percent of Title II, Part A and Title IV, Part A program funds to other allowable programs. The allowable programs are:

* Title I, Part A – Improving basic programs;
* Title I, Part C – Education of migratory children;
* Title I, Part D – Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk;
* Title II, Part A – Supporting effective instruction;
* Title III English Learner – Language instruction for English learners;
* Title III Immigrant – Language instruction for immigrant students;
* Title IV, Part A – Student support and academic enrichment grants;
* Title V, Part B, Subpart 1 – Small, rural school achievement program; and
* Title V, Part B, Subpart 2 – Rural and low-income school program.

An LEA may not transfer out any funds allocated under Title I, Title III, or Title V. Regardless of transfers, the LEA will continue to be responsible for meeting Title II, Part A and Title IV, Part A legal requirements, which are required as a condition of accepting the funds. In addition, funds transferred to other allowable programs are subject to the legal requirements for those programs.

Consultation with private schools is required under ESSA Section 8501, if such a transfer affects students or educational personnel from private schools.

For more information on federal transferability rules, see ESSA, Title V, Section 5103 Transferability of Funds on the U.S. Department of Education Elementary and Secondary Education Act of 1965 web document at <https://www2.ed.gov/documents/essa-act-of-1965.pdf>.

## 2021–22 Title II, Part A Local Educational Agency Allocation

Title II, Part A funds are allocated based on the following formula:

(a) 20 percent based on the relative number of individuals age 5 through 17, and

(b) 80 percent based on the relative numbers of individuals age 5 through 17 from families with incomes below the poverty line, residing in the area the local educational agency (LEA) serves based on U.S. Census or state alternative poverty data.

Allocation amounts are adjusted for LEAs that fail to meet the federal maintenance of effort requirements and did not receive an approved federal waiver, pursuant to Section 8521 of the Elementary and Secondary Education Act (ESEA).

LEAs have the option to consolidate and use Title II, Part A funds with other federal, state, and local funds for schoolwide programs pursuant to ESEA section 2102(b)(2)(B) and Title 34 of the Code of Federal Regulations (CFR), Part 200, Subpart A, sections 200.25, 200.26, and 200.29. Additional information such as program purposes, eligibility of schools, core elements, components, and benefits of a schoolwide program, is posted on the California Department of Education (CDE) Title I, Part A Schoolwide Program web page at <https://www.cde.ca.gov/sp/sw/rt/>.

Pursuant to 2 CFR, Section 200.305(b)(8)(9), non-federal entities other than states must maintain advance payments in interest bearing accounts unless certain conditions exist. The requirements regarding interest accrual and remittance follow:

* Grantees other than states and subgrantees must annually remit interest earned on federal advance payments except that the non-federal entity may retain up to $500 of interest earned on the account each year to pay for the costs of maintaining the account.
* Grantees other than states and subgrantees must remit interest earned on federal advance payments to the Department of Health and Human Services.

For additional information, please visit the CDE Title II, Part A web page at <https://www.cde.ca.gov/pd/ti/>.

## 2021–22 Consolidation of Administrative Funds

A local educational agency (LEA) that consolidates administrative funds for any fiscal year (FY) shall not use any other funds under the programs included in the consolidation for administration for that FY (Every Student Succeeds Act [ESSA] Section 8203). Indirect costs are a part of costs of administration; thus, indirect costs pertaining to programs included in the consolidation may only be paid out of the funds available for the administrative cost pool. For example, if a program must budget and expend at least 85 percent on direct services to students, then the total allowable for administration (e.g., program administration plus indirect costs) cannot exceed 15 percent.

Programs that may be included in the consolidation of administrative funds are:

| **Standardized Account Code Structure (SACS) Resource Codes** | **Programs** |
| --- | --- |
| 3010 | Title I, Part A (Basic) |
| 3060 | Title I, Part C (Migrant Education) |
| 3025 | Title I, Part D (Delinquent) |
| 4035 | Title II, Part A (Supporting Effective Instruction) |
| 4201 | Title III (Immigrant Students) |
| 4203 | Title III (English Learner Students) |
| 4124 | Title IV, Part B (21st Century Community Learning Centers) |
| 4127 | Title IV, Part A (Student Support and Academic Enrichment) |

The consolidated funds may be used for the administration of the programs included in the consolidation and for uses, at the school district and school levels, designed to enhance the effective and coordinated use of funds under those programs, including such activities as:

* The coordination of the ESSA programs with other federal and non-federal programs;
* The establishment and operation of peer-review mechanisms under ESSA;
* The administration of Title VIII of ESSA (General Provisions);
* The dissemination of information regarding model programs and practices;
* Technical assistance under any ESSA program;
* State-level activities designed to carry out Title VIII; and/or
* Training personnel engaged in audit and other monitoring activities.

An LEA that consolidates administrative funds may treat the consolidated administrative cost pool as a single cost objective; therefore, it is not required to keep separate records, by individual programs, to account for costs relating to the administration of the programs included in the consolidation. Use SACS Resource Code 3155 to account for consolidated administrative funds.

Expenditures of the consolidated funds (Resource Code 3155) will be distributed (charged) to the contributing programs and will be reported as expenditures of those programs; the distribution will not necessarily be in the same proportion as the amounts contributed (or that could have been contributed) by the programs to the pool, as long as the amount distributed to a program is within the allowable percentage or maximum amount for administration for that program and the grant amount is not exceeded after the distribution. The distribution may be done at any time during the year; any undistributed expenditures at the end of the year will be distributed to the participating programs so that Resource Code 3155 has net zero expenditures at the end of the year.

For further accounting information please refer to Procedure 780, Consolidation of ESSA Administrative Funds in the California School Accounting Manual located on the California Department of Education Definitions, Instructions, and Procedures web page at <https://www.cde.ca.gov/fg/ac/sa/>.

2021–22 Title II, Part A / Title III Nonprofit Private School Participation

The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act, Section 8501 requires local educational agencies (LEAs) to provide services to eligible private school students, teachers, and other educational personnel. These services must be equitable in comparison to the services provided for students, teachers, and other educational personnel in public schools.

The LEA is responsible for initiating consultation process with eligible private schools located within its geographic jurisdiction, and for providing services to eligible students, teachers, and other educational personnel. The LEA maintains control of the federal funds used to provide services, and the nonprofit private schools receive no direct federal funding.

**Consultation:** Equitable services for private school students, teachers, and educational personnel must be developed in consultation with the officials of participating private schools. The consultation process must be both timely and meaningful. Consultation must occur before the LEA makes any decision (such as ordering materials or hiring staff) that affects the opportunities of the private school students, teachers, or other educational personnel to participate, and must address issues such as:

* How the student’s needs will be identified;
* What services will be offered;
* How, where, and by whom the services will be provided;
* How the services will be assessed and how the results of the assessment will be used to improve those services;
* The size and scope of the equitable services to be provided to the eligible private school students, teachers, and other educational personnel and the amount of funds available for those services and how that amount is determined; and
* How and when the LEA will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.

The LEA may request documentation, as needed, from private school officials that enables the LEA to identify students who are eligible under the applicable ESEA program and the appropriate services that meet the needs of those private school students, their teachers, or other educational personnel. However, the request for documentation should not constitute an administrative barrier that is inconsistent with the LEA’s responsibility to ensure equitable participation of private school students, teachers, and other educational personnel.

The LEA should thoroughly document and maintain a record of the consultation process in order to verify that it has met the requirement for timely and meaningful consultation and has provided equitable services. If the LEA consulted with a private school that chose not to participate in services, the LEA should maintain documentation that supports the fact that the district initiated contact and offered equitable services that were declined.

Additional information and guidance, concerning private school participation in ESEA, is available on the California Department of Education (CDE), Title II, Part A Equitable Services web page at <https://www.cde.ca.gov/pd/ti/tiiaprivateschools.asp> and the CDE Equitable Services Ombudsman web page at <https://www.cde.ca.gov/sp/sw/t1/ombudsmaneqservices.asp>.