California Department of Education May 2020

# Title III English Learner Student Program Subgrant Consortium Assurances

## Fiscal Year 2020–21

Acceptance of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), Title III, Part A, English Learner (EL) Student Program Subgrant funds, binds the local educational agencies (LEAs) to all of the assurances listed below. The superintendent or designee of the LEA agrees to these assurances as part of the ESSA, Title III application process.

1. The LEA will use Title III, Part A, EL funds according to the ESSA purposes.   
   (20 United States Code [U.S.C.] §6812)
2. Title III, Part A, EL funds 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 EL children and in no case to supplant such federal, state, and local public funds. (20 U.S.C. §6825[g])
3. Prior to application of funds, the lead LEA, in conjunction with each member LEA in the consortium, will develop a Memorandum of Understanding (MOU), which outlines the Title III, Part A, EL funded services and products that will be provided to English learners in each of the participating LEAs during the 2019‒20 grant year. A sample MOU is available on the California Department of Education (CDE) Title III, EL Student Program Subgrant Consortium Details web page at <https://www.cde.ca.gov/sp/el/t3/elconsortium.asp>.
4. The lead LEA will serve as the subgrantee of the Title III, Part A, EL funds. The consortium will plan to expend all Title III, Part A, EL funds during the year in which the funds were granted. If all funds are not expended during the grant year, and there is carryover, the lead LEA will continue to serve as the fiscal agent for the consortium until the funds are expended or for up to 12 additional months. The CDE will bill the lead LEA if there is an unexpended balance after the grant period (27 months).
5. The lead LEA and member LEAs understand that this is **not a pass-through grant**. Lead LEAs may not distribute Title III, Part A, EL funds directly to consortium members. Instead, the lead LEA must provide services and products to consortium members as outlined in an MOU with each member LEA.
6. The lead LEA and member LEAs develop and submit to the CDE a summary of the updated Local Control and Accountability Plan Federal Addendum that addresses Title III provisions of the state and ESEA. (20 U.S.C. §6826)
7. The lead LEA may use no more than two percent of the Title III, Part A, EL funds for direct administrative costs. (20 U.S.C. §6825[b]) Direct administrative costs include such items as salaries of project personnel, clerical support, and other costs that are integral, or can be specifically identified with the Title III EL program. *(2 Code of Federal Regulations §200.413)*
8. An individual LEA may apply its approved indirect rate to the portion of the subgrant that is not reserved for direct administrative costs for program-related indirect cost expenses. A list of approved indirect cost rates is available on the CDE Indirect Cost Rates web page at <https://www.cde.ca.gov/fg/ac/ic/index.asp>.
9. The lead LEA and member LEAs will base their proposed plan on effective approaches and methodologies for teaching English learners. (20 U.S.C. §6825[a])
10. The lead LEA and member LEAs ensure that these programs will enable English learners served to speak, read, write, and comprehend the English language and meet challenging state academic content and student academic achievement standards. (20 U.S.C. §6825[a])
11. Neither the lead LEA nor the member LEAs are in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with Title III, Part A. (20 U.S.C. §6826[b][3][B])
12. The lead LEA and member LEAs shall provide Title III EL services and products to English learners enrolled in private schools following procedures established by the State Superintendent of Public Instruction.
13. The lead LEA will be responsible for completing and submitting the Annual Report, and any other information necessary, to the CDE.