

# Frequently Asked Questions

## J. IMMIGRANT CHILDREN AND YOUTH

- **J-1. How are immigrant children included in the reauthorized program?**

In allocating funds to States, the Department allocates 20 percent of the formula amount based on the State share of immigrant children and youth in all the States. Under section 3114(a) States make subgrants to LEAs based entirely on the LEA share of LEP students. [See questions J-3 and J-4.]

- **J-2. What is the definition of "immigrant children and youth" in Title III?**

The term "immigrant children and youth," which is defined in section 3301(6) of Title III, refers to individuals who: (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

- **J-3. Section 3114(d) authorizes special subgrants for districts with a significant increase in the percentage or number of immigrant children and youth enrolled in the district. How do SEAs determine eligibility?**

A State examines data provided by the LEA to determine whether the LEA has experienced a significant increase, as compared to the average of the two preceding fiscal years, in the percentage or number of immigrant children and youth. States have considerable discretion in implementing this provision .

- **J-4. How do SEAs allocate funds reserved under section 3114(d) to districts with significant increases in the percentage or number of immigrant children and youth?**

Title III does not require SEAs to allocate funds reserved under section 3114(d) to eligible LEAs on a formula basis. SEAs must award these funds to LEAs that have experienced a significant increase in the percentage or number of immigrant children and youth. 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. SEAs must also ensure that each subgrant is of sufficient size and scope to meet the purposes of Title III.

- **J-5. Can an LEA receive a subgrant based on the number of LEP students and also receive funds under the 15 percent set aside for LEAs with a significant increase in immigrant students?**

Yes. An LEA can receive both types of grants.

- **J-6. Under the Federal formula for awarding Title III funds to States, the Department allocates 20 percent of the funds based on State shares of immigrant children and youth. What data does the Department use to calculate this part of the State allocation?**

The Department uses data reported by the State to determine State immigrant allocations. In their application, States must report how many immigrant children and youth, as defined by section 3301(6), are present in the State. Students may be counted if they meet this definition whether or not they are enrolled in districts with concentrations of these students. States will indicate the total number of limited English proficient students and the total number of immigrant children and youth separately and then together.

- **J-7. Under the Federal formula, funds are allocated based on the number of limited English proficient students and the number of immigrant students. Should States ensure that only "immigrant" funds are used for "immigrant" students?**

While the Federal formula uses both LEP data and immigrant data in calculating State allocations, States do not have to account for these funds separately. The award to the States under Title III creates a single program to serve LEP students, whether or not they meet the definition of immigrant children and youth.

- **J-8. Doesn't the formula double count most immigrant students?**

Yes. States should conduct two separate counts of all students who are eligible under the definition of immigrant children and youth and under the definition of limited English proficient (ESEA, Title IX, Section 9101(25) ). Most immigrant students are also limited English proficient and should be included in both counts. However, if an immigrant student were not LEP, that student would not be counted twice.

- **J-9. Are there special required activities for LEAs that receive grants under section 3114(d) (substantial increase in percentage or number of immigrant students)?**

Under the statute, the LEA must provide enhanced instructional opportunities for immigrant children and youth, which may include:

Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

Support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;  
Identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

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;

Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education;

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 of immigrant children and youth by offering comprehensive community services.

- **J-10. Do LEAs applying for subgrants under section 3114(a) have to submit a narrative on how they propose to spend the funding for immigrant children and youth?**

Only school districts applying for funds under section 3114(d) (the reservation of funds for immigrant children and youth) are required to include a specific description of how they propose to serve immigrant children and youth.

- **J-11. What is the definition of 3 full academic years when counting immigrant children and youth?**

Immigrant children and youth are students who were not born in any State and have not been attending one or more schools in any one or more States for more than 3 full academic years. Some States define an academic year as 9 months, while other States count an academic year as 10 months. If a student has been in different schools in different school districts and even in different States, the number of months that the student has been in school in any one or more States must not add up to a total of more than 3 full academic years.

<http://www2.ed.gov/programs/sfgp/nrgcomp.html#immg>



Montana  
**Office of Public Instruction**  
Denise Juneau, State Superintendent

[opi.mt.gov](http://opi.mt.gov)