

Part I: Non-Regulatory Guidance on Implementation of Title III State Formula Grant Program

ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE III, PART A AS AMENDED BY THE NO CHILD LEFT BEHIND ACT OF 2001

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TITLE III STATE FORMULA GRANT PROGRAM

PREFACE

On January 8, 2002 the President signed into law the No Child Left Behind Act (NCLB) which amended the Elementary and Secondary Education Act and consolidated the discretionary Bilingual Education Program and the Emergency Immigrant Education Program into the new Title III State Formula Grant Program. This document provides initial guidance to address the most immediate needs of State educational agencies (SEAs) and local educational agencies (LEAs) under the State Formula Grant Program. The guidance explains how SEAs and LEAs apply for funds and begin to implement the program. A follow-up guidance document will be prepared to address questions relating to other phases of program implementation. Subsequent guidance will address issues such as assessment, accountability, and performance reporting. The follow-up guidance will likely be released in May. Note that the NCLB provides for continuation grants to grantees originally funded under Part A, Subpart 1 (Instructional Services) and Subpart 3 (Professional Development) of Title VII of the Improving America's Schools Act of 1994. The new statute also authorizes the National Professional Development Project which is not covered in this guidance.

A. INTRODUCTION

- **A-1. What is the purpose of the English Language Acquisition, Language Enhancement, and Academic Achievement Act, as reauthorized by the 2001 amendments to the Elementary and Secondary Education Act?**
The purpose of Title III is to ensure that limited English proficient (LEP) students, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet. Schools use these funds to implement language instruction educational programs designed to help LEP students achieve these standards. State educational agencies (SEAs), local educational agencies (LEAs), and schools are accountable for increasing the English proficiency and core academic content knowledge of LEP students.
- **A-2. What achievement standards apply to limited English proficient (LEP) students?**
States, LEAs, and schools are required to hold LEP students to the State academic content and academic achievement standards established for all children.
- **A-3. Who is responsible for providing direct services to LEP students?**
LEAs and schools are responsible for providing a language instruction educational program that increases the English proficiency and academic achievement of LEP students.
- **A-4. How will grants be distributed to provide services to LEP students?**
The U.S. Department of Education distributes the funds by formula to SEAs. SEAs make subgrants to LEAs.
- **A-5. What types of subgrants will State educational agencies (SEAs) distribute to local educational agencies (LEAs)?**
Under section 3114 of Title III, there are two types of subgrants that SEAs can make to LEAs. Under section 3114(a), LEAs are eligible for subgrants based on the number of LEP students enrolled in schools served by the LEA. Under section 3114(d), SEAs reserve up to 15% of their Title III grants to award subgrants to LEAs that have experienced a significant increase in the percentage or number of immigrant children and youth enrolled in public and non-public elementary and secondary schools in their jurisdiction.
- **A-6. Do LEAs and SEAs have the authority to select which language instruction educational program to implement?**
An LEA may select one or more methods of instruction - consistent with the requirements of State law - to be used in assisting LEP students to attain English proficiency and meet State content and student academic achievement standards. However, the language instruction curriculum used must be tied to scientifically based research on teaching LEP students and must have demonstrated effectiveness.

B. RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES

- **B-1. What are the responsibilities of the SEA under Title III?**

The responsibilities of the SEA are to:

- Make subgrants to LEAs and hold them accountable for complying with program requirements
- Establish annual measurable achievement objectives for LEP students
- Provide technical assistance to subgrantees in implementing Title III program services
- Collect and synthesize data on the effectiveness of services and activities
- Report every two years to the Department on the effectiveness of the services in improving the education of LEP children
- Coordinate with related programs

- **B-2. What responsibilities does a State have in helping an LEA that has failed to meet annual student achievement objectives?**

An LEA that an SEA determines has failed to meet its annual measurable student achievement objectives for two years is required to develop an improvement plan. An SEA, while an improvement plan is being developed, must -- if needed by the LEA -- provide technical assistance that will help the LEA to meet its annual measurable student achievement objectives. The SEA and LEA are required to develop professional development strategies and activities and instructional strategies and methodologies based on scientifically based research, that the LEA will be required to use to meet its objectives and improve the program or method of instruction provided to LEP students.

- **B-3. Which LEAs do SEAs assist?**

The SEA must assist school systems of all sizes in all geographic areas, including rural and urban schools, in its State in improving instruction for LEP and immigrant students. [See question H-2.]

- **B-4. Do States make subgrants to LEAs on a competitive basis or are they made by formula?**

States make section 3114(a) subgrants to LEAs on a formula basis. Allocations to LEAs are based on the number of limited English proficient students enrolled by the LEA. However, section 3114(d) subgrants, for LEAs that have experienced a significant increase in the number of immigrant students, are not made on a formula basis. [See question H-2.]

- **B-5. What is the State's responsibility in implementing the requirement that LEAs certify that all teachers in language instruction educational programs for LEP students are fluent in English and any other language used by that program, including written and oral communication skills?**

States must ensure that LEAs, as part of their application for funds under this program, certify that all teachers in language instruction educational programs for LEP students are fluent in English and any other language used by that program, including written and oral communication skills.

- **B-6. What are the allowable uses an SEA can make of the 5% of its Title III grant that can be reserved by the State for State-level activities?**

Allowable activities include:

- Professional development activities that assist personnel in meeting State and local certification and licensing requirements for teaching LEP students.
- Planning, evaluation, administration, and interagency coordination related to subgrants.
- Providing technical assistance to LEAs receiving subgrants under Title III.
- Providing recognition, including financial awards to subgrantees that have exceeded their annual measurable student achievement objectives.

C. STATE APPLICATIONS

- **C-1. How do States apply to receive Title III funds?**

Consolidated State application packages will be sent electronically and by mail to all States. The initial consolidated plans are due May 28, 2002. The Department expects to complete its review of the consolidated State applications by July 1, 2002. Awards will be made to those States with approved applications after July 1, 2002.

- **C-2. What is the consolidated State application?**

Under the consolidated State application, States submit a consolidated application for Federal program funds in order to reduce the burden of providing individual applications for each program. The consolidated application also permits more efficient coordination and integration of activities conducted with Federal, State, and local funds.

- **C-3. What are the Title III specific requirements and assurances that SEAs will be required to include as part of the consolidated State application?**

Title III Requirements:

A description of the process that the SEA will use in making subgrants to LEAs.

A description of how the agency will ensure that LEAs will use program funds only to carry out activities that reflect scientifically based research on the education of limited English proficient children while allowing them flexibility (to the extent permitted under State law) to select and implement activities in a manner that they determine best reflects local needs and circumstances.

A description of how the agency will hold subgrantees accountable for meeting all annual measurable achievement objectives for LEP children and making adequate yearly progress for LEP children.

A description of how the agency will establish standards and objectives for raising the level of English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the challenging State academic content and student academic achievement standards.

A description of how the agency will coordinate its programs and activities with other programs and activities.

Title III Assurances: The SEA must provide an assurance that???

The SEA consulted with LEAs, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and researchers, in developing the annual measurable achievement objectives.

LEAs receiving a subgrant will annually assess in English children who have been in the United States for 3 or more consecutive years. This annual assessment will be made in either reading or language arts.

LEAs receiving a subgrant will annually assess the English proficiency of all limited English proficient children participating in this program.

The SEA will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools.

Subgrants to eligible entities will be of sufficient size and scope to allow such entities to carry out high-quality language instruction educational programs for limited English proficient children.

The SEA will require an LEA receiving a subgrant to use the subgrant in ways that will build the LEA's capacity to continue to offer high-quality language instruction educational programs that assist limited English proficient children in meeting achievement standards once assistance is no longer available.

C-4. Must SEAs use the consolidated State application to apply for Title III funds? A State educational agency is encouraged to apply using the consolidated State application. However, a State may also choose to apply separately using a specific program application. In the case that a State does not apply, or the Department does not approve the State application, school districts may apply directly to the Department as ???specially qualified agencies.??? The Department awards funds to the specially qualified agency on a competitive basis. [See question K- 3.]

- **C-5. What technical assistance may the SEA provide?**

Identifying and implementing language instruction educational programs and curricula that are based on scientific research.

Helping LEP children meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

Identifying or developing, and implementing, measures of English proficiency.

Promoting parental and community participation in programs.

D. STATE ALLOTMENTS

- **D-1. Preliminary State fiscal year 2002 allocations for Title III grants are currently posted on the Department???'s website. Are these the actual amounts States will receive?**

The allocations posted on the Department???'s website are only preliminary estimates that were calculated using the best available data. Under section 3111(c)(4), actual 2002 allocations will be calculated using either 2000 Census data or data submitted by the States. Final allocations are likely to differ from the posted estimates, but no State will receive less than \$500,000.

- **D-2. School districts that will receive Title III funds would greatly benefit if they could be informed of their allocation before school year 2002-2003 begins. How can States handle this?**

States could estimate individual school district subgrants based on the preliminary State allocation estimates posted on the Department's website. However, if States decide to provide subgrant estimates, they should

make it very clear to school districts that actual allocations could be significantly more or less than the estimate.

- **D-3. The new law allows States to use up to 5% of the SEA's allocation for State level activities. How is this calculated?**

If the total State allocation is \$1 million, it must use \$950,000 for subgrants, but may use up to \$50,000 for State level activities, such as professional development, planning and evaluation, and technical assistance.

E. LOCAL APPLICATION REQUIREMENTS

- **E-1. What are the purposes of Title III subgrants to LEAs?**

Title III subgrants support the efforts of LEAs to assist limited English proficient students to learn English and meet challenging State academic content and student academic achievement standards. LEAs must use Title III subgrants to carry out activities that use approaches and methodologies that are based on scientifically based research on teaching limited English proficient children and immigrant children for the following purposes:

1. Developing and implementing new language instruction educational programs and academic content instructional programs for limited English proficient students in early childhood, elementary and secondary programs.
2. Expanding or enhancing existing language instruction educational programs and academic content instruction programs.
3. Implementing schoolwide programs within individual schools to restructure, reform, and upgrade all programs, activities and operations related to language instruction educational programs and academic content instruction for limited English proficient students.
4. Implementing in a local educational agency systemwide programs designed to restructure, reform, and upgrade all programs, activities, and operations related to the education of limited English proficient students.

- **E-2. What entities are eligible to apply to an SEA for a Title III subgrant?**

LEAs may apply on their own or jointly with other LEAs. In addition, an individual LEA or a group of LEAs may apply in collaboration with a college or university, community-based organization, or a State educational agency. However, LEAs are the lead applicants for a subgrant in all cases and may, if they choose, include collaborative activities with colleges and universities and community-based organizations in their applications.

- **E-3. Are public charter schools eligible to receive subgrants under Title III?**

A public charter school that 1) is an LEA by State law, 2) meets the definition of LEA in section 9101(6) of the No Child Left Behind Act (NCLB), and 3) meets the requirements of subpart 1 of Part A of Title III of NCLB could receive a subgrant. For subgrants awarded under section 3114(a), that would include eligibility under the formula for a subgrant of at least \$10,000; and for subgrants under 3114(d), a subgrant of sufficient size and scope to support an effective program. A public charter school that is not an LEA would not be eligible to receive a subgrant, but the charter school may be included in its LEA's application on the same basis as other public schools in the district.

- **E-4. How does an LEA apply for a Title III subgrant?**

An LEA must submit a plan or application for a Title III subgrant to the SEA in accordance with the requirements and procedures established by the SEA.

- **E-5. What must an LEA include in its application?**

The statute requires an LEA to submit an application to the SEA that describes:

1. The programs and activities that will be developed, implemented and administered;
2. How the LEA will use the funds to meet all the annual measurable achievement objectives;
3. How the LEA will hold elementary schools and secondary schools accountable for:
 - (A) meeting the annual measurable achievement objectives;
 - (B) making adequate yearly progress for LEP students; and
 - (C) annually measuring the English proficiency of LEP students so that children served by the programs develop proficiency in English while meeting State academic content and student academic achievement standards;
4. How the LEA will promote parental and community participation in programs for LEP students;
5. How language instruction educational programs will ensure that LEP students develop English proficiency.

- **E-6. What assurances and certifications must an LEA include in the local plan or application?**

The LEA must provide the following assurances and certifications in its application:

1. Compliance with parental notification specified in section 3302 of the statute.
2. Annual assessment of English proficiency of LEP students.

3. That the proposed plan is based on scientifically based research on teaching LEP children.
4. That programs will enable children to speak, read, write and comprehend the English language and meet challenging State academic content and student academic achievement standards.
5. That the LEA is not in violation of any State law, including State constitutional law, regarding the education of LEP children.
6. That the LEA consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with institutions of higher education and education-related community groups and nonprofit organizations, in developing the plan.
7. That all teachers in any language instruction educational program that is or will be funded under Title III are fluent in English and any other language used for instruction, including having written and oral communication skills.

F. ROLES AND RESPONSIBILITIES OF LOCAL EDUCATIONAL AGENCIES

- **F-1. What instructional programs must LEAs receiving section 3114(a) subgrants provide?**
LEAs must use Title III funds to provide high-quality language instruction educational programs that are based on scientifically based research demonstrating effectiveness in increasing English proficiency and student academic achievement in the core academic subjects. An LEA must select one or more methods of instruction to be used in the programs and activities and provide evidence that the programs chosen are based on scientific research in teaching LEP students.
- **F-2. What is scientifically based research?**
The statute defines scientifically based research as research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to educational activities and programs. See ESEA section 9101(37) for the complete definition.
- **F-3. What professional development activities must LEAs receiving section 3114(a) subgrants provide for teachers, administrators, and others involved in language instruction educational programs?**
LEAs are required to provide high quality professional development to classroom teachers (including teachers in classroom settings that are not the setting of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel that is:
 - Designed to improve the instruction and assessment of LEP students;
 - Designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for LEP children;
 - Based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency, or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers;
 - Of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom (excluding activities such as one-day or short-term workshops and conferences unless the activity is a component of an established comprehensive professional development program for an individual teacher).

G. LEA EVALUATION REQUIREMENTS

- **G-1. What are the evaluation requirements for an LEA that receives a Title III subgrant?**
An LEA that receives a Title III subgrant must provide to the SEA an evaluation at the end of every second fiscal year as prescribed by the SEA. The SEA and LEA must use the evaluation to improve programs and activities and to determine the effectiveness of the programs and activities in helping LEP students attain English proficiency and meet the same challenging State academic content and student achievement standards as all other students are expected to meet.
- **G-2. What information must an LEA include in its biennial evaluation report to the SEA?**
An LEA must include the following information in its biennial evaluation report to the SEA:
 1. A description of the programs and activities conducted during the two immediately preceding fiscal years,
 2. A description of the progress made by LEP students in learning English and meeting challenging State academic content and student achievement standards,
 3. The number and percentage of children attaining English proficiency at the end of each school year, and

4. A description of the progress made by students in meeting challenging State academic content and student academic achievement standards for each of the two years after students are no longer receiving services.
- **G-3. What student data must be included in the report?**
The LEA must provide an evaluation of children enrolled in a program or activity supported by Title III funds, including the percentage of children who
 1. are making progress in attaining English proficiency;
 2. transitioned into classrooms not tailored to LEP children;
 3. are meeting the same challenging State academic content and student academic achievement standards as all other children;
 4. are not receiving waivers for the reading or language arts assessments required under section 1111(b)(3)(C) of the No Child Left Behind Act; and
 5. any other information the SEA may require.

H. LOCAL ALLOCATIONS UNDER SECTION 3114(a) OF TITLE III

- **H-1. What portion of an LEA subgrant under section 3114(a) may be used for administrative expenses?**
An LEA may use no more than 2% of its section 3114(a) subgrant for administrative costs.
- **H-2. Section 3114(b) excludes LEAs from getting an award under section 3114(a) if they qualify for less than \$10,000. May two or more LEAs apply together if they would not otherwise qualify for a subgrant?**
Yes. An LEA that would not otherwise qualify for a subgrant under section 3114(a) because it does not qualify for an award of at least \$10,000 may submit a joint application with one or more other LEAs in order to qualify.

I. PARENT INVOLVEMENT

- I-1. What are the requirements regarding the role of parents of LEP students? Each LEA using Title III funds to provide a language instruction educational program must implement an effective means of outreach to parents of limited English proficient children. LEAs must inform such parents about how they can be active participants in assisting their children to learn English, achieve at high levels in core academic subjects, and meet the same challenging State academic content and student academic achievement standards as all other children are expected to meet.
- I-2. How quickly must an LEA inform parents that their child has been identified for participation in a language instruction educational program for LEP students? An LEA must inform parents of a child identified for participation in a language instruction educational program supported by Title III not later than 30 days after the beginning of the school year. For a child who enters school after the beginning of the school year, the LEA must inform parents within two weeks of the child's placement in such a program.
- I-3. What kind of information must an LEA provide to parents regarding their child's participation in a language instruction educational program? School districts using Title III funds must inform parents of:
 1. The reasons for identifying their child as being limited English proficient and for placing their child in a language instruction educational program for LEP students;
 2. The child's level of English proficiency, including how the level was assessed and the status of the child's academic achievement;
 3. The method of instruction that will be used in the program, including a description of other alternative programs;
 4. How the program will meet the educational strengths and needs of the child;
 5. How the program will help the child learn English and meet academic achievement standards;
 6. The program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school;
 7. How the program will meet the objectives of an individualized education program for a child with a disability; and
 8. Their rights, including written guidance that
 - Specifies the right that parents have to have their child immediately removed from a language instruction educational program upon their request,
 - Describes the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and
 - Assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered .

- I-4. Are any other separate notifications required? LEAs are required to provide notice to the parents of LEP children participating in a Title III language instruction educational program of any failure of the program to make progress on the annual measurable achievement objectives described in section 3122 of Title III. This notice is to be provided no later than 30 days after this failure occurs.
- I-5. What are the requirements on the format and language of the notices to parents? The required notices described in response to questions I-3 and I-4 must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

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.

K. DEFINITIONS

- **K-1. Section 3111(c)(4) requires the Department to use either " data available from the Bureau of Census" or data submitted by the States during the first two years of the program. What does "data available from the Bureau of Census" mean?**

The reference in the statute to "data available from the Bureau of Census" means data from the 2000 Census. Data on LEP students for all States will be available in September, 2002.

- **K-2. How is " language instruction educational program" defined?**

"Language instruction educational program" means an instruction course in which LEP students are placed for the purpose of attaining English proficiency, while meeting challenging State academic content and student academic achievement standards. A language instruction educational program may make use of both English and a child's native language to enable the child to develop and attain English proficiency. Programs may include the participation of English proficient students in addition to LEP students if such a program enables participating students to become proficient in English and a second language.

- **K-3. What are " specially qualified agencies" ?**

The term "specially qualified agency" is defined in ESEA, Title III, Section 3301(13) and means an LEA in a State where the SEA: (a) does not apply for Title III funding, or (b) submits a plan (or any amendment to a plan) that is not approved by the Department.

- **K-4. As used in Title III, what do the terms " supplement" and " supplant" mean?**

The statute, in section 3115, requires that funds available under a subgrant 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 limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds." In this section, " supplement" means " an addition," and " supplant" means " to take the place of."

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