

FUNDING GUIDEBOOK



Bilingual Education Allotment (BEA) & Title III, Part A *Supporting Emergent Bilingual Students, including Immigrant Students*



Copyright ©2022 Texas Education Agency. All rights reserved. Version 2.0 (05/2022)

Table of Contents

Bilingual Education Allotment (BEA) - State Funds	3
Title III, Part A - Federal Funds	5
Supplement, Not Supplant.....	8
Allowable vs. Unallowable Use of Funds.....	9
Funding Frequently Asked Questions (FAQ).....	13

Funding Guidebook

This funding guidebook provides guidance on the use of the Bilingual Education Allotment (state) and Title III, Part A (federal) funds. This guidebook serves as a tool for Local Education Agencies (LEAs) to align with each program’s statutory authority, policies, and practices.

Interchangeable Terms:

- Districts (state term) and Local Education Agency (federal term)
- Emergent bilingual (EB) student (state term) and English learner (EL) (federal term)

Bilingual Education Allotment (BEA) - State Funds

Statutory Authority: Texas Education Code §48.105 Bilingual Education Allotment (BEA)

Districts are required to spend at least **55%** of BEA in providing bilingual education or English as a second language (ESL) programs through direct program costs.

BEA funds may be used only for the following:

- Program and student evaluation
- Instructional materials and equipment
- Staff development
- Supplemental staff expenses
- Salary supplements for teachers
- Incremental costs associated with providing smaller class sizes, and
- Other supplies required for quality instruction

NOTE: This to [The Administrator Addressed \(TAA\) letter](#) from June 2021 provides information on auditing BEA funds as well as compliance enforcement, particular to the 2021-2022 school year and subsequent school years. Keep in mind that BEA funds apply to both bilingual education and ESL programs.

Direct Costs: are costs that can be directly and wholly attributed to a specific fund, function, object, organization, or program intent.

Indirect Costs: are costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved.

Districts that apply for a Bilingual Education Exception and/or ESL Waiver must assure that they will use a minimum **10%** of their total BEA funds for their [Comprehensive Professional Development Plan](#) per §89.1207 (a)(2)(D).

The 10% is applied to the 55% of BEA Direct Program Costs.

The table below identifies how House Bill 3 expanded the Bilingual Education Allotment (BEA) to incentivize funding for dual language programs.

Bilingual Education Allotment (BEA) Weights <i>Identified EB students whose parents have denied program services do not generate BEA funding</i>	
0.1	Emergent Bilingual students in average daily attendance in a standard or alternative bilingual education or an ESL program.
0.15	Emergent Bilingual student in average daily attendance in a dual language immersion one-way or two-way program model.
0.05	Non-emergent bilingual student and reclassified emergent bilingual students in average daily attendance in a dual language immersion two-way program model.

Program Intent Code (PIC) 25 – Bilingual Education and Special Language Programs

Costs incurred to evaluate, place, and provide educational and/or other services that are intended to make the students proficient in the English language, primary language literacy, composition, and academic language related to required courses.

PIC 25 Costs to Include		
Provision of a bilingual education program	Instruction in primary language	Program and student evaluation
Provision of ESL instruction/ program	Supplemental staff expenses (paraprofessional and teacher aides)	Salary supplements for teachers
Services intended to make students proficient in English	Staff development	Increase cognitive academic language proficiencies
Bilingual services to immigrant students	Instructional materials and equipment	Supplies required for quality instruction and smaller class size
Salaries for paraprofessional and teacher aides required for smaller class size		

PIC 25 Costs to Exclude (with correct PIC)		
Foreign language courses (PIC 11)	All Disciplinary Alternative Education Program (DAEP) (PIC 28)	Full salary of bilingual/ESL instructors (PIC 11)

*Texas public school districts direct cost expenditure requirement on Bilingual Education Allotment = 55% (Minimum)
TEA monitors compliance on BEA funds by looking at the percent the school district spends on direct costs (Sum of PIC 25 + PIC 35)*

Additional State Funding Resources:

[\(TEC\) §29.051 - 29.064 – Bilingual Education and Special Language Programs](#): The Texas Education Code (TEC) Chapter 29 provides Local Education Agencies (LEAs) including school districts, districts of innovation, and open-enrollment charter schools with the guidance on which to adhere regarding curriculum, programs, and services for every student enrolled in public education.

[Chapter 89. Adaptations for Special Populations Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Learners](#): The Texas Administrative Code (TAC) Chapter 89, Commissioner’s Rule is a copulation of state agency rules in Texas that inform Local Education Agencies (LEAs) including school districts, districts of innovation, and open-enrollment charter schools regarding adaptations to special populations.

[Allowable Use of BEA Funds for Comprehensive PD Plan:](#) (updated September 2021): Local Education Agencies (LEAs) including school districts, districts of innovation, and open-enrollment charter schools that file an exception and/ or waiver must develop a comprehensive professional development (PD) plan targeting the competencies needed to serve the needs of EB students.

[House Bill 3:](#) House Bill (HB 3) 3, is a bill that provides more money for Texas classrooms, increases teacher compensation, reduces recapture, and cuts local property taxes for Texas taxpayers. HB 3 increases the BEA to incentivize dual language immersion programs.

[The Financial Accountability System Resource Guide \(FASRG\):](#) Guidance provided on each special allotment intent and purpose related to the student group it serves by having Program Intent Codes (PIC) allocations. Additionally, each PIC has a minimum “direct services” expectation which means a specific amount of the money must be spent in direct services to the targeted student population.

Title III, Part A - Federal Funds

Statutory Authority: Every Student Succeed Act (ESSA)

- The state allocates **95%** of Title III funds for Local Education Agency (LEA) subgrantees
- The state may only reserve up to **5%** of the total state grant for state activities
- Title III statute limits the amount of funds that may be budgeted to administer the program, including direct administrative costs to no more than 2%.

Beneficiaries:

- English learners (EL)/EB students
- Immigrant students
- Families of EL/EB students, including immigrant students
- Educators providing supplemental supports to EL/EB students, including immigrant students

Title III, Part A is meant to:

- Ensure that ELs, including immigrant children and youth, attain English proficiency and develop high levels of academic attainment in English
- Assist all ELs, including immigrant children and youth, to achieve at high levels in academic subjects to meet the Texas Academic Standards
- Assist and establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching ELs
- Provide high-quality, 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
- Promote parental, family, and community engagement activities and strategies that enhance or supplement language instruction educational programs for English learners.

Title III, Part A – ELA Supplemental Expenses:

- Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures
- Providing the following:
 - Tutorials and academic or career and technical education for ELs; and
 - Intensified instruction which may include materials in a language that the student can understand
- Developing and implementing effective preschool, elementary school or secondary school language-instruction educational programs that are coordinated with other relevant programs and services
- Improving the English proficiency and academic achievement of ELs
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to do the following:
 - To improve the English language skills of ELs; and
 - To assist parents and families in helping their children to improve their academic achievement by becoming active participants in the education of their children
- Improving the instruction of ELs, which may include ELs with disabilities by providing for the following:
 - The acquisition or development of educational technology or instructional materials;
 - Access to and participation in electronic networks for materials, training, and communication; and
 - Incorporation of these resources into curricula and programs
- Offer early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education

Title III, Part A – Immigrant Supplemental Expenses:

- Provide family literacy, parent and family outreach, and training activities designed to assist parents to become active participants in the education of their children;
- Provide tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- Provide basic instructional services that are directly attributable to the presence of immigrant children and youth, including the payment of costs providing additional classroom supplies, costs of transportation, or other costs as are directly attributable to such additional basic instructional services;
- Provide 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;
- Provide support for personnel, including teachers and paraprofessionals who have been specifically trained or are being trained to provide services to immigrant children and youth;
- Assist in identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with Title III, Part A – Immigrant funds; and
- Provide other instructional services designed to assist immigrant children and youth to achieve in elementary and secondary schools in the United States, such as programs of introduction to the educational system and civics education.

Direct Administrative Costs: The LEA may include costs associated with:

- Accounting and other fiscal activities, including reporting expenditures to TEA
- Auditing
- Overall program administration
- Evaluating and reporting on the progress and results of the grant program
- Monitoring compliance with the program requirements
- Salaries and benefits for staff who supervise activities of program staff
- Insurance that protects the subgrantee
- Direct administrative costs included in an approved direct cost allocation plan

Indirect Administrative Costs:

The LEA may claim a maximum for indirect costs equals to their current approved restricted indirect cost rate for this federally funded grant. LEAs may use the maximum Indirect Costs Worksheet, posted on the Federal Fiscal Compliance and Reporting Division Indirect Cost Rates page, to calculate the maximum indirect costs that can be claimed for a grant.

For additional guidance on fiscal activities, reference the most updated [General and Fiscal Guidelines](#).

Shared Service Arrangement (SSA)

A shared service arrangement (SSA) is an agreement between two or more school districts, open-enrollment charter schools, and/or ESCs. The SSA provides services for all of the entities involved. Such entities may desire to enter into an SSA for the performance and administration of a program in order to maximize the use of funds and services to be provided. In every SSA, a fiscal agent is designated to be ultimately responsible for compliance with grant requirements and conducting administrative duties.

Written SSA Agreement

A formal written agreement is required that defines the composite entity and describes the responsibilities of its fiscal agent and of each SSA member. At a minimum, this agreement contains the following information;

- Legal requirements:
 - Organization of the shared services arrangement
 - Ownership of assets
 - Policies and procedures addressing disposition of assets if the SSA is terminated by one or all members
 - Policies and procedures addressing carryover funds if the SSA is terminated by one or all members
 - Liabilities, including legal fees due to complaint, grievance, litigation, refund from onsite monitoring, audit, etc.
 - Basis for allocation of costs of the fiscal agent
 - Uncontrollable costs that impact the fiscal agent
- Responsibilities of the designated fiscal agent:
 - Services to be provided to SSA members
 - Employment of personnel
 - Budgeting and accounting
 - Reporting

- Responsibilities of each SSA member:
 - Employment of personnel
 - Budgeting and accounting
 - Reporting

Note: School districts who are participating in an SSA should reference their SSA agreement and/or contact their designated fiscal agent on how Title III, Part A funds are being expended to avoid supplanting at the local and/or fiscal agent level.

Additional Federal Funding Resources:

[Clarifying Title III LEA Required Activities under ESSA](#): This resource tool has been developed to help LEAs understand the expectation of Title III, Part A funds when an LEA applies for these funds.

[Supplement, Not Supplant Handbook](#): The purpose of this handbook is to provide individuals responsible for managing Texas Education Agency (TEA) federal grants with guidance on how to determine allowable costs and budget items by class/object code in accordance with grant requirements.

Supplement, Not Supplant

Definition of Supplement, Not Supplant

The term “supplement, not supplant” is a provision common to many federal statutes authorizing education grant programs. There is no single supplement, not supplant provision. Rather, the wording of the provision varies depending on the various statutes. In order to be in compliance with each program’s version of the supplement, not supplant requirements, LEAs must be cognizant of how the provision is applied in each specific program.

Citation	Supplement, Not Supplant Provision
<p>ESEA of 1965, as amended by ESSA, Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement [Section 3115 (g)]</p>	<p>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 limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.</p>

Title III funds are supplemental and are to be used over and above the LEA’s required services and resources provided to emergent bilingual students.

Example

As a part of the basic allotment to public schools, Texas provides state funding to LEAs that serve emergent bilingual students. According to state statute, these funds must be used to provide services to emergent bilingual students through bilingual education and/or English as a Second Language (ESL) programs. Title III, Part A funds cannot be used to meet the state requirements for serving emergent bilingual students. Additionally, Title III Part A funds are supplemental to all other funds, including local, state, and **other federal**

funds. The LEA must ensure that any services provided with Title III, Part A funds are supplemental and could not be provided with any other funds, including Title I, Part A funds.

Note: Local or State funds may not be decreased or diverted merely because of the availability of Title III, Part A funds.

Allowable vs. Unallowable Use of Funds

This section addresses the following funding areas:

- Staffing
- Salary supplements for classroom teachers
- Supplemental staff expenses
- Staff development
- Conferences
- Assessment/Instructional materials and equipment
- Supplemental program services
- Other supplies required for quality instruction
- Engagement activities

Districts should incorporate the use of both funding streams into their Campus Improvement Plans (CIPs) or District Improvement Plans (DIPs).

- ❖ Budgeted – The cost is clearly documented and prioritized in the appropriate budgetary item.
- ❖ Reasonable – Will the cost stand to public scrutiny? Are the costs consistent with state and federal policies and procedures?
- ❖ Appropriate – It meets compliance according to state and federal guidance, policies, and procedures.
- ❖ Necessary – The cost is essential to carry out the intent and purpose of the program.

The funding guidebook does not contain an exhaustive list of allowable/unallowable expenditures.

This will be living document and will be updated as required. If you have any funding questions, please email us at EnglishLearnerSupport@tea.texas.gov.

Staffing

Activity	BEA Funds	Title III Funds
Training for teachers who are under a Bilingual Education Exception or ESL Waiver	√	
Substitute pay to cover teacher staff absent from school to take a Texas ESL and or bilingual certification test	√	
Reimbursement for the cost of bilingual or ESL certification tests for teachers who passed the certification test	√	
Certification testing fees	√	
Emergency Permit fees	√	
Certification trainings to build capacity beyond meeting state policy requirements	√	√
Payment fee to the State Board of Educator Certification (SBEC) to add a supplemental certificate to an existing teacher's certificate		

Salary Supplements for Classroom Teachers

Activity	BEA Funds	Title III Funds
Stipends for certified bilingual and ESL classroom teachers	√	
One time hiring bonuses for certified bilingual and ESL classroom teachers	√	
Supplemental pay/extra duty pay (outside of their contracted hours) for certified bilingual and ESL classroom teachers	√	√
Salaries for certified bilingual and ESL classroom teachers		

Supplemental Staff Expenses

Activity	BEA Funds	Title III Funds
Salaries for bilingual/ESL teacher aides/paraprofessionals	√	√
Salaries for bilingual/ESL instructional coaches who provided targeted professional development for teachers instructing emergent bilingual students	√	√
Salaries for Language Proficiency Assessment Committee (LPAC) Clerks	√	
Full salaries of positions coded in Human Resources (HR) as Bilingual/ESL Administrators or Coordinators		
Support for personnel, including paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth		
Clerical positions to support Title III activities		√
Family, literacy, and parent outreach liaison		√

Staff Development

Activity	BEA Funds	Title III Funds
Effective professional development for classroom bilingual/ESL certified teachers, principals, and other school leaders	√	√
Professional development for teachers under a bilingual education exception and or ESL waiver to get appropriately certified	√	
Training associated with any state required training such as the Language Proficiency Assessment Committee (LPAC), English Language Proficiency Standards (ELPS)	√	
Professional development only targeting general education teachers not serving emergent bilingual students		
Effective professional development for school or community-based organizational personnel		√
Supplemental training opportunities to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies		√

Conferences		
Activity	BEA Funds	Title III Funds
Registration fees for educators who serve emergent bilingual students to attend state and/or national conferences related to Bilingual and ESL programs	√	√
Registration fees for school leaders who support emergent bilingual students to attend state and/or national conferences related to Bilingual and ESL programs	√	√
Registration fees for emergent bilingual students, including immigrant students to attend state conferences related to Bilingual and ESL programs		√
Registration fees for families of emergent bilingual students, including immigrant students to attend state conferences related to Bilingual and ESL programs		√
Travel costs for educators to attend state and/or national conferences related to Bilingual and ESL programs	√	√
Travel costs for officials such as the executive director, superintendent, or board members (ex. hotels, meals, mileage, etc.).	√	
Travel costs and registration fees for out of the country conferences		

Assessment/Instructional Materials and Equipment		
Activity	BEA Funds	Title III Funds
Assessment for Identification	√	
Assessment for Reclassification	√	
Assessment for Progress Monitoring	√	√
Smart boards	√	
Bilingual thesauruses and dictionaries and other manipulatives that are directly related to the enhancement of instruction to serve emergent bilingual students	√	√
Classroom technology enhancements for emergent bilingual students, including immigrant students (i.e., electronic devices, classroom computers, software licenses, etc.)	√	√
Instructional material and equipment to be used by general education students only		
Equipment (headphones, microphones, recording devices, etc.) to be used for state assessments (TELPAS)	√	
Electronic devices for families of emergent bilingual students, including immigrant students to increase language development in the home (portable electronic devices, internet connectivity equipment, etc.)		√
Instructional materials necessary to carry out the success of the state adopted curriculum used in a bilingual/ESL classroom	√	
Supplemental instructional materials used for small group instruction, tutoring, and enrichment summer school programs for emergent bilingual students, including immigrant students.		√

Supplemental Program Services

Activity	BEA Funds	Title III Funds
Translation and Interpretation services for emergent bilingual students and their families to communicate the benefits of language services and program expectations	√	√
Translation and Interpretation services for families of emergent bilingual students and immigrant students to increase participation of Title III parent/family/community engagement activities.		√
Educational field trips for emergent bilingual students, immigrant students, and their families.		√
Shirts or other school gear		
Meals		
Refreshments to increase participation for Title III parent/family/community engagement activities		√
Snacks for emergent bilingual students, including immigrant students for extended instructional hours (ex. after school tutoring)		√
All Disciplinary Alternative Education Program (DAEP) related costs		
Costs incurred relating to foreign language courses		
Upgrading program objectives and effective instructional strategies		√
Tutorials, academic or career, and technical education for English learners		√
Developing and implementing effective preschool, elementary school, or secondary school language-instruction educational programs that are coordinated with other relevant programs and services		√
Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families to do the following: <ul style="list-style-type: none"> • Improve the English language skills of English learners; and • Assist parents and families in helping their children to improve their academic achievement by becoming active participants in the education of their children 		√
Offer early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education		√
Dual enrollment college course fees (only if these costs are not already being provided to non-emergent bilingual students)		√
Foreign transcript evaluations for immigrant students		√

Other Supplies Required for Quality Instruction

Activity	BEA Funds	Title III Funds
Manipulatives	√	√
Realia	√	
Manipulatives for general education classrooms		
Technology equipment and electronic devices for the purpose of instruction	√	√

Engagement Activities

Activity	BEA Funds	Title III Funds
Expenses incurred for disseminating information to parents of ELs	√	√
Use of technology apps to build communication and parenting resources	√	√
Light snacks/refreshments		√
Meals for parents or students		
Door prizes		
Nutritional snacks for students during extended day (after-school) programs		√
Nutritional snacks for children in child care while parents are participating in grant activities		√

Funding Frequently Asked Questions (FAQ):

This section addresses the following funding areas:

- Staffing
- Salary Supplements: Bonuses/Stipends/Extra Pay
- Professional Development Trainings & Conferences
- Student Services and Program Activities
- Capital Outlay and Supplies/Material Purchases
- Private Non-Profit (PNP) Participation
- Parent, Family, and Community Engagement

Staffing

1. **Which funding source should be used to pay for a Bilingual/ESL Coordinator position that will assist with the monitoring and coordinating of all district and campus bilingual and ESL programs?**
It is recommended this position be funded with local/state funds as these duties described are required by policy guidance under the Bilingual Education Allotment (BEA) Program and/or are state mandated.

2. How should an LEA staff be funded if they assist campuses with both state and federal activities to support emergent bilingual students?

It may be possible to split fund this position with BEA and Title III funds, however any duties performed to meet local or other federal requirements would need to be considered in this funding decision.

3. Can Title III funds be used to pay for a University Intern to assist in a bilingual classroom with the goal of becoming a district bilingual teacher?

This would be allowable as long as the intern is only working in a bilingual classroom or with emergent bilingual students specifically 100% of the time and the position is supplemental to other positions.

NOTE: However, if this is to fulfill their student teaching requirement to earn their degree, then it is NOT allowable.

4. Is it allowable to provide same service with Title III funds as those provided in prior school year with state or local funds?

If state or local funds were used in the prior school year to provide services, and those services are provided again in the current school year with Title III funds, the USDE will presume a supplant has occurred if the state or local funds are replaced by federal funds. LEAs are not permitted to use federal funds to replace state or local funds. Even in cases where a budget shortfall is anticipated, the LEA may not plan to use federal funds to cover a shortage of state or local funds.

It is possible to document that services from the prior year would not have been continued as a result of a lack of state or local funds. The documentation must demonstrate that the original source of funding is no longer available and, as a result, that the services would not be provided in the coming year. This situation must be documented at the time the decision is made to discontinue services; it cannot be documented after the fact.

For example:

An LEA paid for a reading specialist at a campus in the previous year from state and local resources but decides to use Title III, Part A funds to pay for that teaching position in the current year. This would be considered supplanting because the LEA is replacing state and local resources with Title III, Part A resources to pay for the same position. The LEA may be able to rebut the assumption of supplanting if it can document that the position was eliminated because of state budget cuts, and then the decision was made to fund it using federal funds. The LEA would need records to confirm the following:

- There was in fact a reduced amount or lack of state funds available to pay for the position
- The LEA made the decision to eliminate the position without taking into consideration the availability of federal funding
- The reasons for the decision to eliminate the position

In any case, the independent audit may still consider it is a supplant.

5. Which fund source can be used to pay for a position the LEA will refer to as “EL Curriculum and Professional Development Facilitator? Job duties for the position will be to provide guidance/training in ways to adapt/adjust the district curriculum to meet the needs of emergent bilingual students.

All LEAs have the responsibility, under *Lau v. Nichols** (OCR), to ensure that emergent bilingual students have equal access to education and making the curriculum accessible to emergent bilingual students would be part of meeting that federal requirement.

However, a position as Professional Development Facilitator, in and of itself, may be an allowable use of Title III funds, since Title III specifically requires professional development. The district would have to ensure that the professional development is supplemental and not for meeting other federal, state, or local requirements for serving emergent bilingual students and meets all other supporting conditions (appropriately addressed in the application, benefits emergent bilingual students only by serving their teachers only, and costs are necessary and reasonable).

**Supreme Court decision enforced by the Office of Civil Rights (OCR)*

Salary Supplementals: Bonuses/Stipends/Extra Pay

1. Is it allowable to use BEA funds for teachers to attend the Biliiteracy Reading Academies?

Yes, BEA funds are an allowable funding source to support bilingual classroom teachers. Visit the TEA [HB 3 Reading Academies](#) page for additional supports.

2. Is it allowable to pay teachers a bilingual/ESL bonus (sometimes referred to as a signing bonus, annual bonus, or stipend) for being Bilingual/ESL- certified?

This is allowable with BEA funds but not with Title III since LEAs are required to hire appropriately certified teachers required under state policy to serve their emergent bilingual students.

NOTE: If the LEA has Title II, Part A funds, these funds could be used to pay stipends or bonuses to Highly Qualified ESL-Certified teachers as part of the LEA's recruitment, hiring, and retention strategies to increase the number of highly qualified teachers in high need areas. This need should be addressed in the district/campus needs assessment.

The district can also use its Bilingual Education Allotment instead of Title III funds to pay for the stipends to teachers certified in a Bilingual Education area. This is an allowable use of state funds pursuant to TEC 42.153(c) (supplements for teachers).

3. Is it allowable to use Title III funds for extra duty pay for staff to assist with assessments to determine language proficiency of emergent bilingual students?

Title III funds should NOT be used for the initial assessment used to help identify the student as emergent bilingual, as the initial oral language proficiency test which is required, under State policy (TAC Ch. 89.1226), for students with a language other than English indicated on the home language survey.

It is never allowable to use Title III funds for an annual assessment of the emergent bilingual students' language proficiency, as LEAs are required, under State policy to administer the Texas English Language Proficiency Assessment System (TELPAS). While PNP schools are not required to administer the TELPAS, an annual assessment of English language proficiency is required for English learners under Title I, Part A, Section 1111(b)(2)(G) and Title III must be supplemental to Title I, Part A.

4. How does an LEA know which funding source to use to pay for teachers to get ESL certified?

If the LEA has filed for an ESL waiver, they must use 10% of the state bilingual education allotment (BEA) for trainings if the LEA has been approved for a bilingual exception and/or ESL waiver. If the LEA is building capacity above and beyond what is required under State policy, the LEA may use Title III funds to increase their number of ESL certified teachers.

Note: It is not allowable to use BEA nor Title III funds to pay for the cost of having the certification added to the teacher's certificate.

- 5. Can Title III funds be used to pay stipends/extra-duty for staff to attend professional development?**
This is allowable provided that the professional development or training is not required under State policy (in other words, as long as the training is supplemental; also must meet all other supporting conditions, such as necessary and reasonable, etc.).
- 6. How does an LEA determine what is considered extra duty/supplemental activity?**
Extra duty/supplemental activities are activities being performed outside of a staff's contracted work hours.
- 7. If an LEA is hosting a parent night and wants to do something "above and beyond" for the parents of emergent bilingual students, can the LEA pay paraprofessionals to work with parents during that event?**
Yes, it is allowable to use Title III funds for activities that "assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children," provided the activities are above and beyond parent outreach/involvement activities to meet local, state, or other federal requirements.

Professional Development Trainings & Conferences

- 1. How does an LEA determine which funding source to use when sending teachers to external trainings to become bilingual or ESL certified?**
The LEA will need to evaluate if they are meeting State policy in meeting requirements with appropriately certified staff. Once completed, the LEA will ensure they are using the correct funding source listed below;
BEA Funds – (10% required due to a bilingual exception and/or ESL waiver) – required to use for certification trainings for staff not appropriately certified.
Title III Funds – to strengthen and build capacity of program services that is going above and beyond what is required under State policy.
NOTE: When using BEA funds for stipends to teachers to attend the certification training, LEAs should use internal controls when disbursing and accounting for any stipends and should pay at the completion of the training.
- 2. What helps to determine the most appropriate funding source to use when sending bilingual/ESL staff to specific professional development trainings (e.g., Program Implementation, ELPS, LPAC, TELPAS, Progress Monitoring, etc.)?**
If the training helps to fulfill a local, state, or other federal requirement, then it is not allowable to use of Title III funds. To use Title III funds for professional development opportunities, the training needs to be supplemental.

Examples to consider include:

English Language Proficiency Standards (ELPS) – LEAs are required by the State to implement the ELPS, just as they are required to implement the TEKS (the State’s curriculum standards); thus, training that is part of how the LEA meets this requirement would be funded with local/state funds. If, however, the training is provided above and beyond the LEA’s plan for ensuring implementation of the ELPS, then it may be funded with Title III funds.

Language Proficiency Assessment Committee (LPAC) – LEAs are required by the State to implement the LPAC process; thus, training that is a part of how the LEA meets this requirement is not allowable with Title III funds.

Texas English Language Proficiency Assessment System (TELPAS) – LEAs are required by the State to implement the TELPAS; thus, training that is part of how the LEA meets this requirement would be funded with local/state funds. If, however, the training is provided for a purpose above and beyond the processes required by the State, then it may be supplemental. For example, training that is solely on how to use student TELPAS data to inform or improve instruction of emergent bilingual students may be funded with Title III funds.

Student Services and Program Activities

1. Is it appropriate to pay for reading academies (registration, substitutes for teachers to work on the modules...) with BEA funds?

Yes. You can find this guidance referenced in the [Reading Academies FAQ](#) question 1 under District Decision-Making.

2. Can biliteracy reading academy stipends funded with the BEA be provided to a Literacy Coach that is federally funded (not with Title III Part A) and who is only 25% of their time in front of students in the classroom?

This would be a local decision.

3. Which funding source is the most appropriate for an interpreter or translation services?

The following examples would be local/state funded;

- translation of instructional materials or instruction in a language other than English is the LEA’s responsibility, under *Lau v. Nichols** (OCR) to offer emergent bilingual students services to help them overcome their language barriers and to ensure that emergent bilingual students have equal access to education and educational excellence.
- translation of general information available to families of emergent bilingual students (e.g., LEA website, newsletters, external communications to families, etc.).

The following examples would be Title III funded;

- Title III parent engagement meetings or Title III family engagement events
 - translation of materials to be used for supplemental emergent bilingual parent classes
- Newsletters to emergent bilingual families to meet Title III engagement requirements

4. Can an LEA use Title III funds for a Literacy Program?

In accordance with Title III, Part A, Section 3115(d)(6), this would be an allowable use of Title III funds, provided that all other supporting conditions are met, such as:

- The LEA has determined through a needs assessment this expenditure is needed.
- The activity is reflected in the LEA’s ESSA Consolidated Federal Application;
- The costs involved are necessary and reasonable; and
- The program serves only emergent bilingual students.

5. How does an LEA know when to use their local/state or Title III funds for assessments of emergent bilingual students?

Assessments of identified emergent bilingual students are required by the State and the use of Title III funds would not be allowable. These assessments include, but are not limited to, initial oral language proficiency test to identify the student as an emergent bilingual, annual English language proficiency assessments (TELPAS), and assessments of academic achievement (STAAR, EOC, etc.). Assessments throughout the school year to measure language growth may be Title III funded since this is not a state required activity.

6. Which fund source can be used for Bilingual/ESL summer school for emergent bilingual students in kindergarten and first grade?

For emergent bilingual students in grades kindergarten and first grade, the LEA is required to use their local/state funds to meet the state requirement. An LEA may use Title III funds to offer Bilingual/ESL summer school for additional grade levels that are above and beyond the state requirement.

7. Which fund source is most appropriate to use for ESL classes for parents of emergent bilingual students?

It is allowable under Title III, Part A to expend funds on parent trainings which may include a language comprehensive computer technology program (ex. ESL classes, language software programs, parent academies, etc.). When parents strengthen their own literacy skills, they are empowered to communicate more with their child's teacher or school.

Capital Outlay and Supplies/Materials

1. Can an LEA use BEA or Title III funds to purchase interactive boards for use in a secondary with emergent bilingual students?

Technology (to include interactive boards, computers, printers, classroom response, systems, etc.) may be an allowable expense for serving emergent bilingual students in a secondary classroom, based on the following:

- For use in a bilingual or self-contained ESL classroom with emergent bilingual students, the purchase of technology would be an allowable expense, provided all other supporting conditions are met (addressed in an application, costs are necessary and reasonable, etc.).
- For use in a general education classroom with emergent bilingual students, an LEA would need to consider using local or other federal funds that are intended to meet the needs of all students.

2. Which funding source should be used to purchase library books and media?

If the library books and media are purchased for bilingual/ESL classrooms serving emergent bilingual students, then this would be an allowable cost under Title III. Once library books and media are purchased with local/state funds, the LEA will not be able to leverage federal funds for similar purchases that meet the same purpose.

Note: It is not allowable to use BEA or Title III funds to purchase books and media for the general library.

Private Nonprofit (PNP) Participation

1. Are emergent bilingual students who attend a private school eligible to participate in Title III programs and receive Title III services, and products?

Yes, as long as the emergent bilingual students are identified in an appropriate manner and the private school has developed an agreement (written documentation and format of agreement used should be the local policy standard) with the LEA of geographic jurisdiction, emergent bilingual students in a private school may participate in programs and receive services and products funded by Title III.

Private schools may not receive funds directly but must make arrangements through the agreement to receive programs, services, and products from the LEA.

2. How much of an LEA's Title III funds may be used to support programs, services, and products for emergent bilingual students in private schools?

Every Student Succeeds Act (ESSA) specifies that assistance to emergent bilingual students in private schools should be “comparable” to that of emergent bilingual students in public schools. The recommended method to determine comparability is to use the per pupil allocation of Title III funds as the basis for the cost of Title III products and services in the private school. For example, assuming a per pupil allocation of \$100, the private school would receive an equivalent amount of products and services for each emergent bilingual student served. If 10 emergent bilingual students were identified in the private school, then that private school would receive approximately \$1000 worth of products and services.

Parent, Family, and Community Engagement

1. What foods can be purchased with Title III funds?

The [Budgeting Costs Guidance Handbook](#) lists the following allowable foods costs for parents and/or students;

- Nutritional snacks for students during extended day (after-school) programs
- Nutritional snacks for children in child care while parents are participating in grant activities
- Food necessary to conduct nutrition education programs for parents
- Parent engagement activities in which refreshments are necessary to encourage participation or attendance by parents, such as in low-income areas, and thus meet program objectives.

Note: Full meals for parents or students are unallowable for these purposes under any circumstances. Expenditures must be reasonable in cost, necessary to accomplish program objectives, and an integral part of the instructional program.

2. If parents of emergent bilingual students are unable to participate in a parent engagement opportunity because they lack transportation, can Title III funds be used to pay for transportation?

Yes, the state defines this expense to be an activity that falls under Section 3115 (c)(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

Note: Since Title III, Part A funds are supplemental to local and other federal funds, LEAs need to reference their policies to see if funds have already been designated for this type of activity.

3. Are we able to use BEA or Title III funds to purchase applications like Possip for the purpose of family empowerment?

It is recommended that an LEA leverage their local/state funds first because a parent needing information provided in a language they understand, is not tied to program. Access to information and services to all parents/families is a basic expectation of a public school.

Note: It is allowable for an LEA to expend Title III funds for interpreters, as a way to increase participation to Title III events/activities. It would not be allowed for meetings/events that are open to all families.

4. Are we able to Is it allowable to use Title III funds to develop a functioning asset mapping webpage or website?

An LEA would need to ensure that they wrap this resource with professional development opportunities for the intended audience. Title III funds are to be used to directly impact emergent bilingual students, including immigrant students and their families or professional development activities for educators and school leaders.