



*English Learner
Education Program Guidelines*

**Title III Immigrant
Children and Youth
Program**

Updated June 2012

Title III Immigrant Children and Youth Program

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Frequently Asked Questions

1. Are all English learners (ELs) included in the immigrant count?

NO. Only students who meet the definition of an immigrant child are included in the immigrant count. The term ‘immigrant children and youth’ in the Title III section 3301(6) is defined as:

1. a child who is aged 3 through 21;
2. was not born in any State or any U.S. territory;
3. has not been attending one or more schools in any one of more states for more than three full academic years; and
4. was enrolled in the LEA anytime in the month of February.

2. Does every Title III, Part A eligible local educational agency (LEA) qualify for Title III Immigrant children and youth funds?

NO. Allocation of Title III, Part A funds is strictly based on the district’s EL counts. Title III Immigrant funds, however, are specifically targeted for LEAs that experience a significant increase of immigrant students.

3. Do all LEAs have to complete the Immigrant Student Count form, regardless of the LEA’s Title III allocation?

YES. All LEAs must report their immigrant enrollment, regardless of their Title III allocation. LEAs with no immigrant students also submit the Immigrant Student Count form indicating there are no students matching the definition.

4. Can LEAs ask for visas and other documents to prove a student’s immigrant status?

NO. The recommended process for determining if a student meets the definition of an immigrant student is from records legally provided as part of the registration process, such as previous school records or birth certificate. Information on these documents such as the country of birth, date of arrival, and the date of first enrollment can be used to determine immigrant status.

5. Can preschool children count as immigrant students?

YES. The definition of an immigrant student applies to a student who is aged 3-21. Preschool students that are in district programs such as Early Childhood Family Education and Early Childhood Special Education are considered public school students and therefore, must be included in the immigrant count. Children enrolled in Head Start may not be counted because they are not under the school district’s jurisdiction.

6. Can foreign exchange students or students on a visa for a specific purpose count as immigrant students?

YES. Foreign exchange students or students on a visa count as immigrant students if they meet the federal definition of immigrant students.

7. Can children born abroad who have been adopted by U.S. parents count as immigrant students?

YES. Children born abroad, who have been adopted by U.S. parents, count as immigrant children if they meet the federal definition of immigrant students.

8. Can Puerto Rican students count as immigrant children?

NO. Students born in Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands or the Trust Territory of the Pacific Islands **may not** be counted as immigrants. Students from the Marshall Islands, the Federated States of Micronesia and the Republic of Palau **are** to be considered immigrants.

9. Can nonpublic school immigrant students count as immigrant children?

YES. All immigrant students within the geographic jurisdiction of the public school district count. Nonpublic schools submit their count to the MDE as part of their Nonpublic Fall Report.

10. Is there an Immigrant Count form to submit the count?

NO. Starting in 2012, MDE will be collecting the immigrant count via a zoomerang. The previous form will not be used. The link will be different every year, and it will be communicated via EL Coordinator Newsletter that goes out every other Friday. If you do not receive the EL Newsletter, please email mde.el@state.mn.us and request that you are added to the EL newsletter mailing list.

Elementary and Secondary Education Act Title III, Part A - Immigrant Children and Youth Program

Overview of Chapter

Section 3113(d) of the Elementary and Secondary Education Act (ESEA), Title III, Part A, Immigrant Children and Youth is a source of funding to supplement the resources of a local education agency (LEA) in providing quality education to immigrant students. Its purpose is to provide enhanced instructional opportunities for immigrant children and youth.

Each year, the Minnesota Department of Education (MDE) reserves three percent of the total state Title III award, after administrative set-asides, for districts significantly impacted by immigrants. MDE annually collects the number of immigrant children and youth as defined by Section 3301(6) of Title III. The information is used each year by the MDE to determine each local educational agency's eligibility and allocation for the Title III, Part A Immigrant Education program.

This chapter discusses Title III's Immigrant Children and Youth Program, the definition of an immigrant student for the purposes of the Title III Immigrant Children and Youth Grant, student count process, eligibility criteria and calculation of allocations, allowable activities, assurances, accessing the funds, and related federal law. The table below represents the Immigrant Children and Youth student count and process. Click on the underlined to see the definitions.

Table 1: Title III Immigrant Children and Youth Grant Process

Counting Immigrant Students			
Sequence	Action	Agency Responsible	Timeline
Step 1	MDE publishes Title III Immigrant Count Form	MDE	Annually in January
Step 2	All LEAs count all eligible students , including students in nonpublic schools	All LEAs	Annually in February
Step 3	Submit the count to MDE	All LEAs	Annually in April
Immigrant Programming			
Step 4	MDE notifies all LEAs if they meet the eligibility criteria	MDE	Annually in July
Step 5	Eligible LEAs submit the application including a program narrative to MDE	Eligible LEAs	Annually in September

Definition of an immigrant student for the purpose of the Title III Immigrant Grant:

An immigrant student is defined as a student who:

1. is aged 3 through 21;
2. was not born in any State or U.S. territory;
3. has not been attending one or more schools in any one or more States for more than three full academic years;
4. was enrolled in the district anytime in the month of February in the year counted.

These students include foreign exchange students and students who accompany their families on international business and diplomatic missions, if they meet the definition of immigrant student.

Students born in Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands or the Trust Territory of the Pacific Islands **may not** be counted as immigrants. Students from the Marshall Islands, the Federated States of Micronesia and the Republic of Palau **are** to be considered immigrants.

Eligibility Criteria and Calculations

Districts are eligible for Title III immigrant funds based on the following:

- Five percent increase of immigrant students during the previous two years.
- 150 immigrant students during the current school year.

Minnesota uses a formula of a 5% increase in immigrants over the average of the two preceding years. So, if a district has 90 immigrants in Year 1, 110 immigrants in Year 2, the average is 100. Then if the district has 110 or more immigrants in Year 3, the district is eligible.

Title III immigrant allocations to districts are calculated as follows:

- Three percent of total Title III award to Minnesota is set aside for immigrant programs.
- The amount set aside is divided by the total number of immigrant students of the eligible districts (Per Pupil Funding Unit or PPFU).
- The district's allocation is equal to its number of immigrant students times PPFU.

Nonpublic Schools Participation in the Immigrant Children and Youth Program

Once eligibility for a Title III immigrant education subgrant has been determined for a specific LEA in a specific school year, it is the LEA's responsibility to notify all the nonpublic schools located within their geographic jurisdiction. If a nonpublic school intends to participate in this program, they must indicate their intent on the "Intent to Participate" letter which the LEA collects (Title III, Section 3114 (d)(1)).

LEAs must contact nonpublic schools and develop the Memorandum of Understanding for the provision of services and products to eligible immigrant students enrolled in the participating private schools. On the basis of the Immigrant Count, the LEA will receive funds from the MDE for each eligible immigrant student enrolled in the LEA and in the nonpublic schools (Title III, Section 3114(d)).

Title III, Section 3114 specifies that if an LEA receives an immigrant education subgrant under Title III, an LEA must submit a specific description of the proposed programs and activities to be implemented and administered under the immigrant education subgrant. Subsequently, if the LEA makes changes in its immigrant education program, the LEA must submit a revised description of its program through an amendment to the LEA plan.

At the conclusion of each school year, each LEA may be required to submit a final annual fiscal report of all Title III immigrant education expenditures.

Purposes and Activities Allowable Under Title III Part A Immigrant Children and Youth Funding:

The purpose of the immigrant education program under Title III, Part A is to provide enhanced opportunities for immigrant children and youths; these opportunities may include but are not limited to:

Eligible districts must submit an application which describes how the district will address the unique needs of the immigrants in any of the following activities:

1. Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
2. Support for personnel, including teacher aides who have been specifically trained or are being trained, to provide services to immigrant children;
3. Provision of tutorial, mentoring, and academic or career counseling for immigrant children;
4. Identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;
5. Basic instruction services to 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;
6. Other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and
7. 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.

SUPPLEMENT NOT SUPPLANT: Programs and services funded under this part are to supplement and not supplant programs and services provided by local and state funds. A full list and description of authorized expenditures under immigrant education may be found in Section 3114(d) of Title III. Services may be provided directly by the LEA, another LEA, and institutions of higher education, community-based organizations, or private-sector entities in any combination.

LEAs that receive Title III immigrant education funds, in nearly all cases, will also receive a Title III subgrant for LEP students. In most cases, LEAs should use the immigrant education funds for programs and services that are not already provided for eligible immigrant students through local, state, or Title III LEP student funds.

Application – Program Narrative Title III Part A Immigrant Grant (Fin Code 442)

PROGRAM NARRATIVE				
INSTRUCTIONS: BASED ON THE PROGRAM DESCRIPTION ABOVE FOR TITLE III PART A IMMIGRANT CHILDREN AND YOUTH PROGRAM, USE THIS FORM TO DESCRIBE YOUR ACTIVITIES AND HOW THEY WILL PROVIDE ENHANCED OPPORTUNITIES FOR IMMIGRANT CHILDREN AND YOUTHS.				
Key Activity(ies): List the supplemental activity selected (e.g. parent involvement). Title III Part A Immigrant can support more than one activity.	Rationale: Describe how the data from the needs assessment influenced the decision to provide the project or activity.	Best Practice: Identify any scientifically based strategies and/or program components that you expect will help you reach desired outcomes. Cite research or other evidence that supports this belief.	Timeline: Describe the anticipated timeline of the project or activity.	Evaluation: Describe the process that is in place for evaluating the effectiveness of the project or activity supported with Title III funds. [Section 3121 (b)]
Activity 1				
Activity 2				
Activity 3				

Nonpublic School Participation

Check here if **NO** eligible nonpublic schools are participants, then skip this section.

1. Describe meaningful and timely consultation with the appropriate representatives of the students enrolled in nonpublic schools during all phases of the development and design of services for nonpublic students and teachers. (Check all that apply.)

- Technical assistance is available as requested by nonpublic school representatives **(required)**.
- Nonpublic representatives were invited to attend a planning meeting prior to submission of this application **(required)**.
- Ongoing contact is provided through participation on the advisory council **(recommended)**.
- Follow-up phone contact or site visits are planned for each nonpublic participant **(recommended)**.
- Other meaningful consultation. (Please describe below.)

Provide description of meaningful and timely consultation with nonpublic schools.

Determining Nonpublic Per Pupil Expenditures

1. Total number of public school immigrant students	
2. Total number of nonpublic immigrant students	
3. Total Enrollment	
4. Title III immigrant allocation	\$
5. * Line 4 (Entitlement) divided by line 3 (Total Enrollment – PPFU)	\$

*This amount **MUST** be the same PPFU or APPFU for both public and nonpublic.

Title III Applications are available on SERVS financial. If you need assistance in submitting your application or obtaining authorization, please contact the specialist assigned to this project.

Technical Assistance for Title III Immigrant Children and Youth Grant Contact:

Ruslana Westerlund	EL Programming, Immigrant and Refugee Issues	651-582-8574 ruslana.westerlund@state.mn.us
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Related Federal Law

NCLB, Title III <http://www2.ed.gov/policy/elsec/leg/esea02/pg41.html#sec3114>

Appendix A: Sample Letter of Intent to Participate

Begin consultation early enough to allow sufficient time to collect poverty data, determine student education needs from nonpublic school officials, and complete your application to the state by the due date.

This is a sample letter LEA's should keep response on file.

LEA letterhead

[Insert Name]

[Insert Address]

[Insert City, State, Zip Code]

[Insert Date]

Dear *[Insert Name]*:

Your students, teachers, and parents may be eligible for federal education services under the *Elementary and Secondary Education Act (ESEA)*. ESEA provides services to public and private school children, teachers and parents. For example, Title I provides services to children who need additional educational help and who live in Title I public school attendance areas. Services can range from reading instruction several times per week during the regular school day to mathematics instruction after school to counseling services to a family literacy program during the summer. In addition to these student services, Title I may provide professional development activities for teachers of participating children and special activities for families of Title I students.

If you are interested in learning more about the ESEA programs that your eligible students, teachers and parents could receive in the next school year, please return the enclosed form no later than *[insert day at least 10 days after receipt of letter]*. Please indicate which programs you are interested in. You may return the form either by fax to *[insert fax number]* or by U.S. mail. When I receive your form, I will contact you about our first consultation meeting, which is planned for *[insert date at least 10 days after form is due]*. If you are not interested in ESEA programs please indicate that on the enclosed form and return it either by fax or by U.S. mail.

We hope that you will come and learn about the ESEA services available for your students, teachers, and families. In the meantime, if you have any questions, please contact me at *[insert phone number and e-mail address]*. I look forward to meeting you soon.

Sincerely,

Enclosure

Name of Nonpublic School _____
Name of Nonpublic School Official _____
Phone Number of Contact _____
E-mail address _____
Fax _____

_____ **Yes**, I am interested in my students, teachers, and families participating in ESEA programs for the 20__– 20__ school year.

Please place a check next to all programs in which you would like your students and teachers to participate. *(Nonpublic school students, teachers, and families may receive benefits, services, and materials from these programs. Nonpublic schools do not receive direct funding from these programs. The LEA always maintains control of the funds.)*

___ **Title I, Part A – Improving Basic Programs Operated by LEAs**

Title I, Part A, provides supplementary instruction by public school teachers or through a third-party contractor to students who are educationally disadvantaged and failing or most at risk of failing to meet high academic standards and who live in participating public school attendance areas.

___ **Title I, Part B – Reading First**

Reading First provides funding to implement comprehensive reading instruction based on scientifically based reading research for children in kindergarten through third grade.

___ **Title I, Part B, Subpart 3 – Even Start Family Literacy**

Even Start Family Literacy provides funding to partnerships of LEAs and other public and private entities to support family literacy programs that integrate early childhood education, adult education, parenting education, and literacy activities for low-income families and their children from birth through age seven.

___ **Title I, Part C – Migrant Education**

Migrant Education provides financial assistance to improve education for migrant children.

___ **Title II, Part A – Preparing, Training and Recruiting High Quality Teachers and Principals**

The Teacher and Principal Training and Recruiting Fund provides assistance for preparing, training, recruiting and retaining high-quality teachers. Private school teachers, principals, and other educational personnel are eligible to participate in professional development activities to the extent that the LEA uses funds to provide for professional development, but at least to the FY 2001 levels for private school teachers' professional development.

___ **Title II, Part B – Mathematics and Science Partnerships**

The Mathematics and Science Partnerships program provides funds to improve mathematics and science teaching through a variety of activities.

___ **Title II, Part D – Enhancing Education Through Technology**

The Enhancing Education through Technology program provides funds for innovative initiatives to support the integration of education technology into classrooms to improve teaching and learning.

___ **Title III, Part A – Language Instruction for Limited English Proficient and Immigrant Students**

The Language Instruction for Limited English Proficient (LEP) and Immigrant Students program provides funds for helping LEP students attain English proficiency and meet the same challenging state academic standards required of all students.

___ **Title IV, Part A – Safe and Drug-Free Schools and Communities**

The Safe and Drug-Free Schools and Communities Act supports programs that foster a safe and drug-free learning environment that supports academic achievement.

___ **Title IV, Part B – 21st Century Community Learning Centers**

The 21st Century Community Learning Centers (21st CCLC) program provides before- and after-school services to children and their families that include academic enrichment activities, particularly for students who attend low-performing schools, to help them meet state and local student performance standards in core academic subjects

___ **Title V, Part A – Innovative Programs**

Innovative Programs support education reform and innovative school improvement programs to improve school, student and teacher performance. Private school students, teachers, and other education personnel may receive professional development, library materials, and educational resources and equipment.

___ **Title V, Part D, Subpart 6 – Gifted and Talented Students**

The Gifted and Talented Students program provides funding for demonstration projects in activities designed to enhance the ability of schools to meet the special education needs of gifted and talented students (including economically disadvantaged individuals, individuals with limited English proficiency, and individuals with disabilities).

___ **No**, I am not interested in my students, teachers, and families participating in ESEA programs for the 20__– 20__ school year.

ts in activities designed to enhance the ability of schools to meet the special education needs of gifted and talented students (including economically disadvantaged individuals, individuals with limited English proficiency, and individuals with disabilities

Note: Some of the programs listed above are discretionary programs and the public school district may not necessarily participate in them.

Nonpublic school official

Date

Mail, Fax or E-mail this completed document to:
If you have questions, please contact *Sample Director* at phone #.
This form must be returned by:

Annex B: Letter from the Office of Elementary and Secondary Education



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 13 2011

Dear Title III Director:

I am writing to you regarding questions we have received about the immigrant children and youth program authorized in section 3113(d) of the Elementary and Secondary Education Act (ESEA), as amended. Numerous States have requested clarification of the definition of immigrant children and youth in section 3301(6) and additional guidance on applying the definition for the purpose of identifying and counting these students for immigrant subgrants.

“The term ‘immigrant children and youth’ means 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 three full academic years.”

Please note that this definition is specific only to the immigrant children and youth program under Title III of the ESEA.

States have requested clarification of whether to apply the “three full academic years” requirement on a cumulative or consecutive basis for children who have not attended schools continuously. States described situations in which children enroll in a local educational agency (LEA) leave and then reenroll at a later date, and inquired whether, in these situations, all periods of attendance would be counted toward the “three full academic years.” Earlier guidance issued by the U.S. Department of Education (Department) stated that the number of months that a student has been in school in any one or more States must not add up to more than 3 full academic years. This interpretation remains the same. LEAs must apply the “three full academic years” requirement on a cumulative basis. LEAs would need to track the amount of time that a child has attended school in the same district, other districts or States, if applicable, in prior years in order to determine if a child’s period of attendance is within the “three full academic years” requirement.

If you have any further questions, please contact Supreet Anand, Title III Supervisor at Supreet.Anand@ed.gov or 202-401-9795. Thank you for your efforts to meet the needs of immigrant children and youth and English learners.

Sincerely,

A handwritten signature in cursive script that reads "Thelma Melendez".

Thelma Meléndez de Santa Ana, Ph.D.

cc: Chief State School Officers

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202
www.ed.gov

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