

Under Section 3114(b) of the ESEA as amended by the Every Student Succeeds Act (ESSA), a state educational agency (SEA) shall not award a Title III subgrant to a local educational agency (LEA) if the amount is less than \$10,000. Local educational agencies that do not meet the \$10,000 threshold may form a consortium to qualify for these funds. LEAs must designate a member of the group to serve as the fiscal agent. The participating LEAs must create a MOU/Agreement that lists the acting fiscal agent for the consortium, the names of each LEA that will be participating in the consortium, and lists detailing the responsibilities of both the fiscal agent and each participating LEA. MOU/Agreement should have signatures of the superintendents each of the LEAs in the consortium.

### **Consortium Fiscal Agent and Programmatic Responsibilities**

The consortium lead will be responsible for acting as the fiscal and programmatic agent for the consortium, and will file the required expenditure reports and maintain fiscal records. The consortium lead may delegate responsibilities to each of the consortium members. Actions of the fiscal agent include:

- To form the consortium, the fiscal agent of the consortium must have on file a memorandum of understanding or alternative arrangement that outlines how the consortium members will meet all Title III requirements, including:
  - A. Use Title III funds for effective approaches and methodologies for teaching ELs (ESEA Section 3115(a));
    1. Increase the English proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) student academic achievement (ESEA Section 3115(c)(1));
    2. Use Title III funds in ways that build its capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards (ESEA Section 3113(b)(3)(E)); and
    3. Include in its local plans for a Title III subgrant a description of the effective programs and activities that will be provided, including language instruction educational programs (ESEA Section 3116(b)(1)).
  - B. Provision of effective high-quality professional development;
  - C. Parental notification to parents of participating English learners (ELs) students;
  - D. Reporting of ELs making progress in achieving English proficiency (disaggregated for students with disabilities) and ELs attaining English proficiency; and
  - E. Implementation of other effective activities and strategies that enhance or supplement language instruction educational programs, which include parent, family, and community engagement activities.
- The fiscal agent is responsible for all fiscal transactions of the consortium (requisitions, purchases, payments, etc.) and for maintaining records of all financial transactions carried out on behalf of the

consortium. This includes creation of budget in the LDE's Electronic Grants Management System. (egms)

- Providing a fiscal plan for the consortium to reflect budget items for all participating districts. Consortia funds can be pooled to leverage services, support, and professional development among participating member districts are encouraged to do so.
- Ensuring that the consortium members fulfill their fiscal and programmatic responsibilities under Title III (see above).
- Assuring that the funds may be used to supplement but not supplant other federal, state, or local public funds.
- If applicable, work with each participating district to ensure the equitable participation rights of children attending private schools within jurisdiction.
- At the close of the fiscal year, any unexpended funds will be considered carryover funds for the consortium into the next fiscal year. The fiscal agent is responsible for submitting all reimbursement claims to LDE.

### **Consortium Member Responsibilities:**

Individual member LEAs are responsible for submitting all ESEA applicable assurances. Steps within the electronic ESEA application:

- An LEA wishing to enter into a consortium may do so by selecting the "join a consortium" option for each program budget on the "Management Funds" screen in the ESEA application. By selecting this option, the LEA elects to surrender their entire Title III program allocation to the consortium.
- The LEA must sign the MOU/Agreement indicating that they understand Title III requirements and the programs and services it will receive from the consortium.
- If applicable, the LEA is responsible for meeting the equitable participation requirements for private schools within its jurisdiction. The school district must submit a written affirmation from each private school serving students who reside in the public school attendance area. This affirmation assures that the private schools are provided meaningful consultation and indicates the titles in which a private school wishes to participate. The LEA and consortium fiscal agent must work together to ensure that the participating private schools receive their equitable share of program service.

### **Resources:**

ESEA as amended by Every Student Succeeds (Section 3001)

<https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>

Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA)

<https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiiguidenglishlearners92016.pdf>

English Learner Tool Kit:

<https://www2.ed.7/12/2017ov/about/offices/list/oela/english-learner-toolkit/index.html>