

Kentucky Department of Education

Process for Forming and Maintaining an Effective Consortium

Title III grants provide states and their districts funds to supplement their English language instructional programs. Section 3114(b) of the Every Student Succeeds Act (ESSA) states that a state educational agency (SEA) shall not award a Title III subgrant to a local educational agency (LEA) if the amount of the allocation would be less than \$10,000. A LEA may join with other LEAs to form a consortium to qualify for Title III funds under ESSA if the combined allocations of consortium members is at least \$10,000. Participating LEAs must designate one member of the group to serve as the fiscal agent. The fiscal agent will be the sole grantee and will administer the subgrant on behalf of the consortium members. The fiscal agent is permitted to use a maximum of 2% of the consortium's grant for direct administrative costs.

Who May Join a Consortium?

Any LEA may join a consortium, regardless of their allocation amount. However, LEAs with allocations below the required \$10,000 threshold must join a consortium in order to receive funds (which are awarded to the fiscal agent of the consortium). Carryover amounts are not included when determining the required threshold.

The Kentucky Department of Education (KDE) extracts English Learner (EL) data from Infinite Campus for tentative Title III funding allocations on the second Tuesday in March of each year. All districts must complete the *Title III Intent to Participate* in the Grant Management Application and Planning (GMAP) System, usually by mid-April. The tentative allocation amount is not a guarantee and a district's final allocation may change dependent on its final EL count for the year (including the number of ELs reported in nonpublic schools within the district's boundaries), the number of districts electing to receive Title III funds, and Kentucky's final Title III allocation from the U.S. Department of Education. Districts with tentative allocations close to the \$10,000 threshold may consider forming a consortium to ensure they receive funds even if their final allocation falls below the \$10,000 threshold.

KDE extracts EL data for the final Title III funding allocations on July 1 of each year. Any district not participating in a consortium whose final EL count generates less than \$10,000 will *not* be eligible to receive Title III funds as this is strictly prohibited under ESSA.

Consortium Formation

Districts interested in forming a consortium should reach out to neighboring districts to determine interest and to ensure the combined Title III allocations of all participating LEAs meet or exceed \$10,000. In April, districts will indicate their participation in a consortium in the *Title III Intent to Participate* by selecting either "district will act as the fiscal agent for other districts" or "district will join a consortium to utilize Title III EL funds." Districts intending to participate as consortium members will be prompted to enter the name of the district serving as fiscal agent in Grant Management Application & Planning System Home (GMAP). Once the deadline for Intent to Participate closes within GMAP, districts cannot change their intent to participate.

Memorandum of Understanding/Agreement

KDE highly recommends that members of the consortium meet to develop a Memorandum of Understanding (MOU). During this meeting, consortium members should determine how funds will be spent, how each district will fulfill its obligation to EL program requirements, and which consortium model will be selected. Within their MOU, consortium members should list the acting fiscal agent for the consortium, the names of each district that will be participating in the

consortium, and the responsibilities of the fiscal agent and each participating district. Additional information may be included at the discretion of the consortium, such as:

- How often the fiscal agent will verify the member's budget aligns with their current year allocation and that funds are being spent in a timely fashion;
- How funds will benefit all consortium members;
- How often the consortium will meet and how they will assess the needs of the consortium;
- Any documentation the consortium members are expected to submit to show the requirements of the grant are being met;
- The structure for how services will be provided; and
- How the services will be evaluated.

The MOU should have signatures of the superintendents/designees of each district in the consortium. If districts decide to develop an MOU, the fiscal agent will upload the completed and signed MOU into the Title III Related Documents section of GMAP.

Participating districts should have their board attorneys review the MOU.

Responsibilities

Each district, fiscal agent and consortium member, is responsible for fulfilling its fiscal and programmatic responsibilities under Title III. This includes effectively and efficiently using Title III funds to meet the identified needs of EL students through allowable purchases, including all required components in the Title III budget, and planning to expend funds during the grant year. All districts receiving Title III funds must be familiar with the legal requirements of the grant. The [District Guide for the English Learners Program](#) contains additional information on the required and allowable activities under Title III.

Responsibilities for Fiscal Agent and All Consortium Members

All districts have an obligation under Title VI and the EEOA (Equal Educational Opportunities Act) to:

- Identify and assess all potential EL students;
- Provide EL students with a language assistance program that is educationally sound and proven successful;
- Provide sufficiently well-prepared and trained staff and support the language assistance programs for EL students;
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
- Avoid unnecessary segregation of EL students;
- Ensure that EL students who have or are suspected of having a disability are identified, located and evaluated in a timely manner and that the language needs of students who need special education and disability-related services because of their disability are considered in evaluations and delivery of services;
- Meet the needs of EL students who opt out of language assistance programs;
- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;
- Evaluate the effectiveness of a school district's language assistance program(s);
- Ensure meaningful communication with limited English proficient parents; and
- Provide equitable services to non-public schools within the district.

Fiscal Agent Responsibilities

One LEA must serve as the fiscal agent who is responsible to the Kentucky Department of Education for the grant.

The consortium fiscal agent is responsible for acting as the fiscal and programmatic agent for the consortium and will file the required expenditure reports and maintain fiscal records.

Fiscal agents are also responsible for the following:

- Conducting and documenting the meetings and correspondence with consortium members to determine the needs and activities of the consortium;
- Monitoring expenditures of all participating consortium members to ensure compliance with Title III supplement not supplant requirements;
- Uploading the completed MOU to the Title III Related Documents section of GMAP;
- Completing and submitting the Title III application in GMAP (the program plan and corresponding budget should reflect information for *all* consortium member districts);
- Ensuring consortium members fulfill their fiscal and programmatic responsibilities under Title III (adhering to the Title III plan, meeting grant requirements, spending funds within the grant award period, etc.); and
- Submitting evidence to Kentucky Department of Education (KDE) if there is a finding during monitoring visits.

Consortium Member Responsibilities

Consortium members should work with the fiscal agent to ensure the proper administration of the Title III grant. Timely communication and cooperation between the consortium members and fiscal agent will help promote compliance. The consortium members are also responsible for the following:

- Developing a District Lau plan and having it accessible to the public on the district's website (each consortium member and the fiscal agent must have their own Lau plan);
- Developing a committee consisting of individuals who have an invested interest in the student's education (such as guardians, regular education teachers, EL teacher, counselor, principal, etc.) to create Program Service Plans for English Learners;
- participating in meetings, correspondence and other interaction with the fiscal agent to facilitate administration of the grant;
- providing an effective description of both the core EL and Title III programs that the fiscal agent may use when completing the GMAP application; and
- submitting any required documentation to the fiscal agent in a timely fashion.

Consortium Models

Question A-15 of the [Title III Non-Regulatory Guidance](#) identifies three examples of consortia models in place in various states:

- The LEA fiscal agent provides consortium-wide services, such as professional development and supplemental instructional materials, directly to all LEAs in the consortium;
- The LEA fiscal agent enters a contract with another entity, such as a co-op, to provide services to all member LEAs; and
- The LEA fiscal agent distributes a portion of the consortium's allocation to each member LEA based on the number of ELs in each LEA.

The type of consortium being implemented should be outlined in the MOU and/or discussed prior to release of funds.

Consortium Administrative Costs

The fiscal agent is permitted to use up to 2% of the consortium's total allocation for indirect or direct administrative costs. This reservation may be used to pay for administrative expenses for program oversight and the management of consortium funds. Administrative costs should be outlined in the consortium's MOU and must be in the appropriate section of the GMAP consolidated application.

If your district is interested in joining and/or forming a consortium, start by contacting neighboring districts to determine interest or identify a consortium that may be willing to include an additional district in their consortium. If you need additional help to find a district to participate in a consortium, please contact your [Title III Consultants](#).