**Guidelines for Establishing a Title III Consortium**

The purpose of funds awarded under Title III of the Elementary and Secondary Education Act (*as amended by Every Student Succeeds Act (ESSA))* is to ensure that English Learners (ELs), develop English proficiency and meet the same academic content and academic achievement standards required of all students. Schools must use these funds to implement language instruction educational programs (LIEPs) designed to help EL 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 EL students.

**Programs:** Title III Subgrants support the efforts of LEAs to assist EL students to learn English and to meet challenging state academic content and student academic achievement standards. LEAs must use effective approaches and methodologies for the following purposes:

1. Developing and implementing new language instruction educational programs and academic content instructional programs for all EL students including early childhood education programs, elementary, and secondary school programs.
2. Carrying out highly focused, innovative, locally developed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for all EL students.
3. Implementing school-wide 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 all EL students.
4. Implementing, agency-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction for all EL students.

**Purpose of a Title III Consortium:** As per Title III, section 3114(b), “a State Education Agency

shall not award a subgrant from an allocation made under the subsection (a) if the amount of such

subgrant would be less than $10,000.”

**Types of Local Plans:** *(See Assurances describing the Consortium and each LEA’s commitment within each Title III Application.)*

* Individual school districts or state charters with Title III subgrant allocations for a given grant year of $10,000 or above.
* A **consortium** representing school districts whose combined total subgrant allocations for a given grant year must equal $10,000 or more.

**A signed Consortium Agreement is required annually, among all participating consortium members, at the time of Title III local plan submission for the next school year.**

*Note: Carryover funds may not be used for the purposes of determining whether or not district or state charter will meet the $10,000 threshold for a subgrant*.

**Types of Consortia:**

* School districts or state charters with one of the districts/state charters designated as the fiscal agent.
* School districts and/or state charters with a regional educational agency, such a Regional Education Service Center (REC) designated as the fiscal agent.

**Responsibilities of Fiscal Agents:**

* Institutions serving as fiscal agents must have a federal tax identification number.
* The fiscal agent of the consortium must have letters signed by all superintendents of the consortium members including the fiscal agent, stating agreement to be members of the consortium on file.
* The fiscal agent of the consortium must maintain the written agreement regarding consortium members’ participation.
* The signed consortium agreement must be submitted with each of the completed consortium Title III local plans and also submitted with the initial budget adjustment request (BAR) submission.
* The fiscal agent is responsible for **all** fiscal transactions of the consortium (BARs, requisitions, purchases, requests for reimbursements (RfR), payments, etc.) and for maintaining records of all financial transactions carried out on behalf of the consortium.
* Thus, the fiscal agent must submit all BARs and RfRs on behalf of LEAs in the consortium. Consortium member LEAs may not independently submit BARs or RfRs to the New Mexico Public Education Department (NMPED).
* For the benefit of consortium members, all transactions must be conducted in a timely manner.
* If the consortium has carryover funds from the previous year, the fiscal agent must continue to serve in the role of financial manager until the funding deadline has passed and all paperwork has been cleared.
* The fiscal agent is responsible for maintaining accurate records of all financial transactions carried out on behalf of each consortium member.
* Since the fiscal agent carries the responsibility for the financial and administrative burden of the consortium, the fiscal agent is entitled to the indirect costs of the consortium and is allowed to charge the indirect cost at its NMPED calculated rate.
* The fiscal agent must ensure that funds benefit all consortium members, and that they are shared according to the EL student count from each district.
* Programs and related applications may be planned separately by LEAs or they may be planned as one collaborative group, depending on the choice of the consortium members.
* **A copy of the signed consortia agreement (by all district superintendents) must be submitted at the time of the Title III local plan submission but no later than August 31 of the grant year. At that time, Title III planning allocations projected for districts that do not meet the threshold for a subgrant ($10,000 or more), will be reallocated to other eligible entities. Please note: Budget authority cannot be granted to the fiscal agent of the consortium until all required signatures have been submitted to the New Mexico Public Education Department.**
* **The fiscal agent of the consortium must obtain an Amended Consortium Agreement from Member Districts for the Title III Final Award Amount when these final award amounts for the fiscal year have been released.**

**Responsibilities of Member Districts:**

* In completing the local plan proposal, consortium members meet to discuss and develop a common plan that meets the requirements of Title III and other issues, including the following:
  + Fiscal agent’s role and responsibilities;
  + Needs of member districts for improving services for EL students;
  + Needs of member districts relating to professional development to improve instruction for EL students;
  + Common plan to effectively and efficiently use Title III funds to meet the identified needs of the consortium members.
  + This common plan will provide the basis for the local plan proposal for each member. The plan must include:
    - How the participating districts will supplement services for EL students; and
    - How professional development will be provided to improve instruction for EL students.
    - As stated in the Assurances of the local plan, these funds may be used to supplement, but not supplant other Federal, State or local public funds.
* Each consortium member submits its own Title III local plan proposal to the New Mexico Public Education Department (NMPED) for review and approval.
* Each consortium member must submit the approved Title III local plan to the fiscal agent in a timely manner.
* The consortium member must implement the Title III program as described in the approved local plan, including identification and annual assessment of EL students, provision of appropriate services to EL students, appropriate parent notification, etc.

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**For more information, including appropriate procedures for submitting Budget Adjustment Requests (BARs) and Requests for Reimbursement (RfRs), contact: Leah Jimenez at (505) 570-7787 or send an email:** [**leah.jimenez@state.nm.us**](mailto:leah.jimenez@state.nm.us) **.**