



Superintendent's Circular

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EL-04
Version 01

TITLE I EXPENDITURES FOR ENGLISH LEARNERS AMENDED ORDER BETWEEN LATINO PARENTS *ET AL* AND BOSTON PUBLIC SCHOOLS

*This Circular will remain in effect unless rescinded or superseded
by a subsequent version.*

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1. GENERAL INFORMATION

In 1992, the Boston Public Schools (BPS) and parents of English Learner students (ELs), who were represented by attorneys with Multicultural Education, Training and Advocacy, Inc. (META), entered into a binding consent decree that is enforceable by use of the federal court's power to hold violators in contempt of court

to compel compliance. A copy of this [consent decree](#) can be found on the Office of English Learners website.

This Superintendent's Circular outlines the basic components of the consent decree regarding appropriate Title I expenditures for ELs and provides guidelines to comply with the edict. The consent decree defines many requirements of BPS, which includes the equitable allocation of Title I funds to service the needs of ELs.

The federal consent decree enforced by META commits BPS to:

- **Improve and provide equal access** to programs for EL students
- **Refrain from discriminating against EL students** relative to non-ELs, in the provision of Title I services
- **Ensure proportionality** in the provision of services; the percentage of Title I eligible but unserved EL students must not exceed the percentage non-ELs who are not benefiting from Title I funds
- **Adjust Title I school budgets** for staff and services annually and periodically in light of changing student needs
- **Provide literacy (HILT) programs** for EL students ages 8-22 with limited or interrupted formal education (SLIFE)
- **Consult with and involve EL parents** in each school (additional guidance on how to document this consultation will follow)
- **Report annually** on the status of Title I services to EL students.

Note:

- All other district purchasing guidelines still apply. For general information regarding purchasing, please refer to Superintendent's Circular FIN-07.
- For state guidance on the use of Title I Part A funds in general (*not* specific to the additional requirements pursuant to the consent decree), visit <https://www.doe.mass.edu/federalgrants/titlei-a/> or contact the BPS Grants Department.

2. ENGLISH LEARNER EQUITY REQUIREMENT

The portion of Title I resources for EL students is based on the percentage of EL population in that school.

EL Equity Amount example: If School-A receives \$100,000 in Title I funding with a school population consisting of 25% ELs, \$25,000 must be spent to benefit ELs. In this example, \$25,000 is the “EL Equity amount” that must be spent on supplemental services directly and solely benefitting ELs.

As part of the BPS annual Budget Collaborative process, the Finance Department provides each school their Title I allocation and identifies for schools the EL Equity Amount subject to the spending guidelines outlined in this circular.

- A school's Title I allocation is determined based on the school's percentage of direct certified students and projected enrollment, multiplied by a per pupil amount. Direct certification, in compliance with USED and DESE, includes data from the Supplemental Nutrition Assistance

Program (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid enrollment.

- Within the school's Title I allocation, the EL Equity Amount is separately identified. This is calculated based on the projected enrollment of English Learner students as a percentage of the overall enrollment of projected students at each school.

3. GENERAL GUIDELINES

The META Consent Decree requires the following:

- 1) Each individual school must determine the additional services for EL students that will supplement their instruction, either for academic language in English and/or through native language supports.
- 2) This determination must be conducted prior to spending Title I funds for ELs at a school.
- 3) These services must be supplemental, solely benefit ELs, and be tailored to meet the specific needs of EL students.
- 4) The district, through the Office of English Learners, as part of its monitoring duties under the META Consent Decree, is obliged to ensure compliance with these legal requirements, including working with schools to make appropriate revisions to any budget that does not reflect compliance with Title I and META Consent Decree requirements.
- 5) Each school must annually submit both a plan for spending prior to any expenditures as well as an annual checklist that reports the use of Title I for ELs funds.

Services Tailored to Meet the Specific Needs of ELs

Services provided with the use of Title I EL funds need to be tailored to meet the specific linguistic, cultural, socio-emotional and academic needs of ELs. These needs should be identified as part of the needs assessment process required by the consent decree.

Services Solely Benefitting ELs

Title I expenditures for ELs are also required to solely benefit ELs. This means, for instance, if a school desires to fund a position, the responsibilities for that position must be solely dedicated to ELs.

There is an expectation that the services provided by the staff should focus on EL students with the highest needs such as those with English language development (ELD) levels 1 and 2, as they are the most vulnerable group of students requiring supplemental services.

4. SAMPLE ACCEPTABLE USES

Supplement and Not Supplant Rule

Title I for ELs funds must be used to supplement, and not supplant, local, state or federal resources available or required under state or federal law to meet the educational needs of ELs. In other words, these Title I funds should not take the place of—supplant—public education services that are to be provided by law to English Learner students. Instead, these funds must be used to supplement requisite education services, to provide services that go above and beyond what is otherwise required. Here are a few examples:

- Funding lunch monitors is an inappropriate use for which BPS was previously cited, since maintaining order in the lunchroom is a basic function that is not above and beyond what the district would do without Title I dollars and is also a function that does not solely benefit ELs.
- General classroom supplies needed for everyday classroom instruction (e.g., paper, notebooks, white boards) would not constitute an allowable use of these funds, even if they only are used by ESL or other EL program classrooms, as the supplies are not supplemental in nature.
- It would not be allowable to use these funds to purchase core curriculum materials — including core ESL materials — for English Learner students.
- Equally important is that even if an expenditure is supplemental by nature, it would be a violation of the “supplement, not supplant” rule to fund a service or activity for ELs out of the Title I for ELs funds while also funding the same service or activity with general funds for other students at the school. For example, if a school purchases technology with general funds for general education classrooms, it would generally not be allowable to use the Title I EL funds to purchase the same technology for English Learner program classrooms. Potential allowances may be made if the technology is provided on a 1:1 basis for ELs only, and not for students as a whole.

Note: The consent decree allows for an *important exception* to the “supplement, not supplant” rule: generally, expenditures related to the High Intensity for Literacy Training for Students

with Limited or Interrupted Formal Education (*HILT for SLIFE*) program constitute an *allowable* use of these Title I EL funds.

The following table provides a list of **sample acceptable uses** of Title I for ELs funds.

- It is important to note that this list is not exhaustive, and that the “supplement, not supplant” provision still applies. Additional examples are posted on the Office of English Learners [Title I for ELs website](#).
- School leaders are advised to discuss their ideas for the use of these funds with the Title I EL coordinator (Title1EL@bostonpublicschools.org) to ensure compliance.

Sample Acceptable Uses of Title I Funds for English Learners

- High Intensive Literacy Training for Students with Limited or Interrupted Formal Education (HILT for SLIFE) programs: strongly recommended to be funded through Title I for ELs funds.
- Extra learning time outside of the school day: materials and stipends for after-school, summer, and Saturday programs tailored specifically to meet the needs of ELs.
- Supplementary enrichment and accelerated curriculum materials for ELs.
- Supplementary materials, including native language resources, that strengthen the core academic program for ELs in the school.
- Supplementary counseling, pupil services, and mentoring services for ELs that is above and beyond what is offered to all students at the school.

- College and career awareness programs solely for ELs that are above and beyond what is offered to all students at the school.
- Methods to assess the efficacy of all implemented strategies (such as stipends for after-school monitoring and planning meetings) for ELs.
- High-quality ongoing professional development for teachers, administrators, paraprofessionals, parents, and/or pupil services personnel that is not otherwise required and is geared specifically towards meeting the needs of ELs.
- Increasing EL parental involvement through literacy services.
- Consulting to strengthen the core academic standards or the school improvement plan to meet the specific needs of ELs.
- Assessment fees associated with an EL student obtaining the Seal of Biliteracy.
- A supplemental bilingual paraprofessional (*not* for class size reasons) to assist former SLIFE students who exit SLIFE into SEI content classes but who need continuing native language support.

Previous Findings of Non-compliance

The following are examples of **inappropriate usages** of Title I to count towards the EL equity percentage:

- Since ESL instruction is considered core, funding of a sole ESL teacher to provide ESL for all ELs in the school is considered supplanting. However, it is acceptable for this

purpose if it is used to supplement the core ESL requirements by providing *additional* ESL support or providing smaller group instruction to students targeting ELs with ELD levels 1 and 2.

- Funding instructional or other basic supplies (copy paper, classroom supplies, notebooks, chart paper, printer cartridges, etc.) are basic classroom supplies needed for any classroom and would therefore be a clear example of supplanting. Similarly, Title I EL monies may *neither* be used to satisfy the district's minimum \$1,000 supply budget per school *nor* the minimum supply to be budgeted per student.
- Funding lunch monitors is an illegal use for which BPS was previously cited, since maintaining order in the lunchroom is a basic function and not above and beyond what the district would do without Title I dollars.
- Title I EL funds may not be applied to the salaries of general administrative personnel.
- Shifting a position from general funds that is a core position to Title I is a clear indication of supplanting and not an appropriate Title I EL expenditure.
- Funding positions that serve the whole school, such as family and community outreach coordinator, physical education, computer, music/art teacher, school wide counselors, school wide literacy coordinators, school wide paraprofessionals, and parent coordinators/liaisons would be considered supplanting and therefore would not be an allowable use of these funds.

5. ANNUAL REPORTING OF TITLE I SERVICES

Title I funding for ELs is reported annually to META by the Office of English Learners (OEL). School leaders must submit a [Title I EL Budget Plan \(1\)](#) during their Budget Collaborative during January and a Title I for ELs Budget Monitoring Checklist by June of the current school year to OEL. Using this Title I checklist, school leaders will be asked to verify and report what services the Title I funded staff have provided, number of students serviced, and additional resources/supplies purchased within the year.

Title I EL Budget Plan (future year budget): Each school will receive a Title I EL Budget Plan that is pre-populated with the schools' Title I EL allocation for the upcoming fiscal year. The Title I EL Budget Plan requires school leaders to identify the needs assessment that undergirds their planned spending, and to identify categories of planned spending (e.g., staffing, supplemental instructional supplies, contractual services, stipends, etc.).

During a school's budget collaborative, each school leader is to submit their EL Budget Plan. A school's budget collaborative will not be considered approved until the school's Title I EL Budget Plan is finalized and the budget lines can be structured accordingly in FutureForce. School leaders are encouraged to schedule appointments with their EL school support liaison for support.

(1) Template. May be updated with feedback from stakeholders.

The following represents general considerations for school leaders to aid them in preparing sufficient plans:

Needs Assessment

- The META consent decree specifies that, prior to spending Title I for ELs funds at schools, the determination of the services most needed by the school's ELs must be conducted first to ensure that the funds will be used to support the language development needs of English Learner students.
- Schools should review multiple data points to identify the needs of their English Learner student population, keeping in mind that English Learners do not constitute a monolithic group.
- At a minimum, English Learner students' ACCESS performance and progress data should be reviewed. Additional data to be reviewed may include: MCAS and interim/formative assessment data; attendance data; student/parent surveys; school Equity Roundtable notes; students' Individual Learning Plans for SLIFE or ELs who have not met ACCESS benchmarks; etc.
 - Schools should disaggregate the data for different EL subgroups; e.g., EL students with disabilities, Students with Limited or Interrupted Formal Education, newcomers, long-term English Learners, etc.
- School leaders should consult the LATF and other EL teachers as well as with English Learner parents when developing their Title I EL Budget Plan. School leaders may also consider consulting with English Learner students.

- When considering the types of goods and services to include in their Title I EL Budget Plan, school leaders should also consider the effectiveness of purchases made with prior Title I EL funds on improving EL student achievement.

Budgeting for an FTE

- If requesting an ESL FTE, make sure the minimum ESL FTE requirement is met within your general funds before submitting an additional request on your EL Title 1 allocation. This should only be a supplemental position. This FTE cannot deliver core ESL instruction to meet minimum ESL instructional compliance.
- Identify how the position primarily serves ELD 1 and 2 students if applicable.
- Both salary and benefits need to be accounted for.
- It will be the school leader's responsibility to ensure that this FTE does not perform job responsibilities other than those approved with the use of the Title I EL funds.

Budgeting for Stipends

- If requesting stipends for supplemental EL instructional support outside of school hours, make sure that staff are appropriately qualified (e.g., ESL license, SEI endorsement, bilingual endorsement) to instruct ELs. Specify the nature of the services provided to demonstrate that core ESL instruction is *not* being delivered through these stipends.
- Additionally, LATF duties are not permitted to be compensated through these stipends. Ensure that all stipend requests adhere to district policy.

Budgeting for Contractual Services

- If requesting contractual services for professional development, make sure to demonstrate that the PD provider is appropriately qualified to provide training on English Learner instruction and that the PD is specific to English Learner instruction or supports.
- Schools can review the OEL website to identify other approved professional development that can be targeted for students or parents to integrate native language and cultural learning opportunities as part of the school PD offerings.

Budgeting for Supplies/Materials/Technology

- If requesting technology, make sure the technology is not already in the school being used by non-ELs and that it is not used for mandated assessments (e.g., ACCESS, MCAS).
- If you're requesting books/instructional materials, make sure to indicate how this supplements the requisite or core

curriculum and how it is specifically designed for English Learners.

The following provides a *sample* exemplar for the type of rationale that needs to be included in the Title I EL Budget Plan.

QUESTION: How is this supplemental?

- *Weak Rationale:* This text is supplemental because it is in addition to the core work.
- *Strong Rationale:* This text provides a brief, accessible guide to this textbook to make the content comprehensible to ELs, especially EL 1 and 2 students. This is a supplement to traditional textbook and primary source materials for teaching this class. Newcomer students often haven't been taught this curriculum, so it is even more important to communicate the essentials of this work (which many general education students might already have learned).
 - *Difference:* This differs from the weak example because it includes detail on how the text will be used in the classroom and demonstrates supplemental use.

QUESTION: How will this solely benefit ELs?

- *Weak:* This will only be used for ELs. ELDs 1-3.
- *Strong:* This text has allowed me to make the content accessible, especially for ELs with ELD levels 1-3. Newcomer students often haven't been taught this curriculum, so it is even more important to communicate the essentials of this work (which many general education students might already have learned).
 - *Difference:* This differs from the weak example because it shows that non-EL students would not benefit from

this book and that the ELs would need the book to help them access the content and narrative.

QUESTION: How is this tailored to meet the needs of your EL students?

- *Weak:* This text is only used in ESL specific classrooms.
- *Strong:* The visual and shorter, chunked text provides comprehensible input for students to master the concepts in the traditional reading. This topic is especially important for this time period both because my newcomer students consistently express interest in learning about these two events and because there are so many events within this time period that a supplemental text would help students follow the narrative.
 - *Difference:* This differs from the weak example because it demonstrates how the text is tailored to meet the language needs of the EL students by stating it has visuals and shorter texts.

Title I EL Budget Monitoring Checklist (current year actual spending): Whereas the Title I EL Budget Plan identifies the intended use of the funds, the Title I EL Budget Monitoring Checklist identifies how the funds were actually spent and provides the rationale to demonstrate how the identified goals within the Title I EL Budget Plan from the previous year were met. Once the district's spending deadline has passed, the Title I EL coordinator provides each school leader with their own checklist document that is pre-populated with each line item of requisitions and stipends. Prior to the close of the school year, school leaders review the rationale they provided at the time of the purchase request, sign the document, and return it to the Title I EL coordinator.

MONITORING COMPLIANCE

The district submits each school's Title I EL Budget Plan and Title I EL Budget Monitoring Checklist to META attorneys. Note: In the event a school leader fails to comply with the submission deadlines, the district may not process purchase requests that fall under the school's Title I EL budget lines until such compliance is met.

The Title I EL funds are denoted in a school or department's Fund 200 budget with a program code of 24xx. For instance, for FY23, the budget line would include BPS23150 (Title I) and a program code of 24xx (e.g., 2401). The use of these funds is subject to the terms of the META consent decree and this circular.

Throughout the school year, the Title I EL coordinator (title1EL@bostonpublicschools.org) will review each requisition for purchase (e.g., requisitions, stipends, EAEs, FTEs, budget transfers, etc.) to ensure that the given request meets Title I EL spending guidelines and aligns to the school's approved Title I EL Budget Plan. The Title I EL coordinator tracks each purchase and its rationale for annual reporting purposes.

- When a given request has not been included in a school's Title I EL Budget Plan, the Title I EL coordinator will request additional information from the school to ensure compliance.
- The Budget and Finance departments will *not* process any requests without prior written approval from the Title I EL coordinator.

The Title I EL coordinator may also request additional information throughout the school year when necessary to ensure that spending remains in compliance. The district reserves the right to

implement additional monitoring requirements throughout the school year.

Timely spending: Responsibility Centers receive monthly BAIS Financials output reports that identify the balance of available Title I EL funds. It is the responsibility of school leaders and department heads to ensure that funds are spent appropriately and in a timely manner to support the unique needs of English Learner students most effectively.

- To ensure appropriate spending, all unspent Title I EL funds at the school level will be re-allocated to the Office of English Learners at the close of the fiscal year for appropriate spend- down.

META visits and requests for information: META monitors compliance by way of reviewing the Title I EL Budget Plans and the end-of-year Title I EL Budget Monitoring Checklists, as well as conducting school visits. During the visit, META will meet with the school team and may review the school's current and projected budget, Title I checklist, staff qualifications, and other information deemed necessary to comply with the Consent Decree.

- Schools will be supported by the Office of English Learners and Grants Department prior to any such visits.
- School personnel who receive direct contact from META attorneys with requests for information outside the context of a scheduled *visit* are directed to contact the BPS Office of Legal Advisor at legal@bostonpublicschools.org for guidance.

KEY DATES

Responsible	Activity	Date
School Leader	Submit FY25 Title I EL Budget Plan (planned expenditures for the following school year) to Title I EL Coordinator for approval	Dec. 2023/Jan. 2024 (prior to Budget Collaborative)
OEL	Review and approve submitted FY25 Title I EL Budget Plan (planned expenditures for the following school year)	Dec. 2023/Jan. 2024 (prior to Budget Collaborative)
Office of Legal Advisor	Submit annual Title I report to META	January 2024
School Leader	Submit FY24 Title I EL Checklist to OEL/Grants (accounting of expenditures from the current school year)	June 2024 (after spending deadline) September 2024 (if applicable, for any 2024 summer spending)
OEL	Review and analyze submitted FY24 Title I EL Checklist to OEL/Grants	July 2024

RESOURCES

Title I for English Learners website:

<https://www.bostonpublicschools.org/title1el>.

Guidance is also included annually in the district's Budget Collaborative and Probable Organization guidance document for school leaders.

For more information about this circular, contact:

Owner:	Executive Director, or Director of Grants and External Funds
Department:	Office of English Learners or Finance Department
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