UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT,
AND ACADEMIC ACHIEVEMENT FOR LIMITED ENGLISH PROFICIENT STUDENTS

MEMORANDUM **April 27, 2006**

To: Title III State Directors

FROM: Kathleen Leos

It has come to my attention that there is continued confusion in some states as to the use of Title III funds for limited English proficient (LEP) students who have exited the LEP category and are in a 2 year monitored status. The students in this category are often designated as former LEP and still considered LEP for purposes of inclusion in determining the state's adequate yearly progress (AYP). However, they are not LEP as per their language status or "limited English proficiency" and therefore are not considered eligible for Title III funding purposes.

In other words, an SEA, when it allocates Title III funds to its LEAs under Section 3114(a), it must do so based on the number of LEP children attending schools within those LEAs. That number should not include students who have exited the LEP category, even those exited LEP students that are in a 2-year monitored status.

Thank you

Assistant Deputy Secretary
Kathleen Leos