Hierarchy of Related Laws and Programs

The Office of Civil Rights (OCR) requires LEAs to identify students who need language assistance, develop a program that has a reasonable chance of success, support it with the appropriate number of staff and resources, and evaluate its success. A school district must provide a core EL program prior to utilizing Title I and Title III funds. The chart below shows the succession of programs if an English learner was eligible for Title I, Title III, and migrant services. Title III funds must “supplement and not supplant” \([3115(g)]\) state and locally funded Lau Requirements. Supplement vs. Supplant requirements ensure that services provided with federal funds are in addition to and do not replace (or supplant) services that students would otherwise receive. Below you will find a hierarchy showing funding requirements and protocol.

- **Title I, Part C Migrant (for eligible students)**
  Supplemental services provided to identified migrant students who qualified due to a move across district lines in search of seasonal, agricultural work.

- **Title III (for all LEP students regardless of Title I participation)**
  Supplemental language development services provided to LEP students above and beyond the core instruction, core EL program, and if applicable, Title I services. Title III federal funds can be used for this purpose.

- **Title I**
  Supplemental services provided to LEP students eligible for Title I. For school-wide, all students are eligible. For targeted assistance, LEP students are eligible using the same criteria as all students.
  Title I funds provide academic support to students, including LEP students, to meet Indiana’s challenging academic achievement standards. LEAs may also use Title I, Part A funds to provide a language instruction educational program (as defined in Part C of Title III of the ESEA) for LEP students eligible for Title I.
  Title I federal funds can be used for this purpose.

- **Core EL program (required by Lau 1974, Castaneda 1981)**
  Required by federal law to be provided to limited English proficient (LEP) students. These English language development services are in addition to the core instruction. State and local funds are used to provide the core EL program. Must occur in the absence of federal funds. Federal funds (i.e. Title I or III) cannot be used to provide the core EL program.

- **Core Instruction**
  Provided to all students. Paid for with state and local funds.