

Federal Formula Grants Toolkit

ESEA and IDEA Part B



District of Columbia Office of the State Superintendent of Education

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Contact Information

For questions about the Enterprise Grants Management System (EGMS), please visit: <http://grants.osse.dc.gov> or contact the OSSE Help Desk at: osse.callcenter@dc.gov or (202) 719-6500.

For specific information on program guidance, please contact:

- **Elementary and Secondary Education Act (ESEA) Consolidated Application:** con.app@dc.gov
- **Individuals with Disabilities Education Act (IDEA) Part B:** osse.dse-partbfinance@dc.gov.

Introduction

As the District of Columbia (hereinafter referred to as “District”) state education agency, the Office of the State Superintendent of Education (OSSE) is required by federal law to ensure that federal education funds provided to the District are spent responsibly and effectively. Therefore, OSSE developed this guidance to help the District’s local education agencies (LEAs) understand how they may utilize formula funds distributed pursuant to the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA) Part B.

This understanding is important because federal law presents LEAs and schools with many options for spending program funds to improve student achievement. Maximizing these spending options requires:

- A robust understanding of federal spending rules; and
- Strong management systems.

To that end, this guidance includes information on the:

- Coordination of spending federal education program funds;
- Important spending rules that apply to federal education grants;
- The documentation required to support salaries paid for with federal grants; and
- The systems (e.g. financial management, inventory, etc.) and related documentation that are required to appropriately track and spend federal education dollars.

Part I summarizes the administrative requirements, cost principles, and audit requirements that apply to the vast majority of federal funds, including ESEA programs and the IDEA.

Part II of this guidance provides information specific to Title I, Part A; Title II, Part A; Title III, Part A ; and Title IV, Part A of ESEA, as amended by the Every Student Succeeds Act (ESSA) of 2015.¹ This section of the guidance includes major portions of updated guidance developed by the Council of Chief State School Officers (CCSSO).

Part III provides information specific to IDEA Part B.

The Appendix of this document provides some examples of how LEAs can coordinate spending of federal education funds to support comprehensive initiatives.

Although Congress authorized federal programs as part of ESEA and IDEA, Congress’s annual appropriations process actually provides the funding level for each program each year. Thus LEAs are not guaranteed to receive funding for any of these programs until after the congressional appropriations process is complete each year and the U.S. Department of Education provides OSSE with a Grant Award Notification for each program.

¹ For ease of reference, the ESEA as amended by ESSA will be referred to in this guidance as “ESEA,” except in cases where it is helpful to emphasize updates ESSA.

Part I: The Administrative Requirements, Cost Principles, and Audit Requirements that Impact Federal Education Programs

A. Federal Cost Principles

I. Overview

There are several important spending rules that apply to federal education programs and impact how program funds may be spent. This section will briefly address the “federal cost principles.” These rules are complex, and misunderstandings about how they apply can limit the reach of federal programs. At the same time, failure to comply with these requirements can jeopardize future grant spending or even result in a request for repayment of federal funds.

The “federal cost principles” are a set of rules that apply to all federal grants, including U.S. Department of Education (ED) grants. Among other topics, these cost principles provide general guidelines for all costs paid with federal funds and address the allowability of specific types of expenditures of federal funds.

The cost principles are developed by the federal Executive Office of the President, Office of Management and Budget (OMB). Subgrantees must comply with the cost principles, and OSSE is responsible for overseeing compliance in federally-funded education programs.

In 2015, OMB revised the cost principles, and consolidated them with other administrative rules for federal grant programs. These revisions, which took effect for new and continuation grants awarded on or after December 26, 2014, have been published in a document called the Uniform Grants Guidance (UGG).²

Additional information on this government-wide guidance is available at ED’s website here:

<https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

II. General Considerations for Federal Funds

All costs charged to federal funds must, among other things, be:

- **Necessary and reasonable** for the performance of the grant.³ It should be clear to an objective observer why a decision to spend funds is a good idea considering the amount of money being spent, the needs of the program, and other relevant circumstances. The LEA should also follow sound business practices, ensure costs are in accordance with federal and District laws and regulations and the terms and conditions of the federal award, pay a fair market price for the good or service, act with prudence under the circumstances, and follow its established practices and policies regarding the incurrence of costs.⁴

² The Uniform Grant Guidance (UGG) is codified at Part 200 of Title 2 of the Code of Federal Regulations, available at http://www.ecfr.gov/cgi-bin/text-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl and incorporated by the U.S. Department of Education at 34 CFR § 3474.1. Federal guidance and other resources about the UGG are available at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html> and <https://cfo.gov/wp-content/uploads/2014/08/2014-08-29-Frequently-Asked-Questions.pdf>. ED’s adoption of the UGG, with modifications, is at 34 CFR Part 3474.

³ 2 CFR § 200.403(a).

⁴ 2 CFR § 200.404(b)-(e).

- **Allocable** to the federal grant that paid for the cost.⁵ This means that a grant must benefit from the cost in proportion to the amount paid by the grant.⁶ LEAs must be able to account for items purchased with federal funds in order to demonstrate they are being used for federal program purposes, and must be able to link those items to specific costs paid with federal funds. Similarly, LEAs must be able to demonstrate that salary and benefit costs supported with federal funds benefit the federal program in proportion to the amount paid.⁷
- **Adequately documented** by maintaining sufficient evidence to walk an auditor or monitor through all phases of the grant process. The documentation should be sufficient so that an objective observer can understand the decision to spend funds on a given cost and can trace how the funds were spent.⁸ The UGG sets rules for how subgrantees procure goods and services with federal funds,⁹ how they track items paid for with federal funds,¹⁰ and the kinds of records they must keep about their grant spending.¹¹
- **Consistent with the application** for funds approved by the SEA.¹² The subgrantee cannot apply for funding for one purpose, receive OSSE approval, and then spend funds on a different purpose.

III. Prohibited Uses of Federal Funds

There are several kinds of costs that can never be supported with federal funds, such as:

- Alcoholic beverages;
- Bad debts;
- Entertainment costs (note: costs that could appear to be entertainment, such as field trips or positive school culture activities, do not run afoul of this prohibition if they have an educational purpose and are aligned with the applicant's approved program application or where the federal awarding agency has given prior written approval);
- Fines and penalties (with limited exceptions);
- Fundraising and investment management costs (with limited exceptions);
- General government expenses;
- Goods or services for personal use; and
- Lobbying.¹³

ED regulations list additional costs that may not be charged to ED grants, including costs related to:

- Religion;¹⁴
- The acquisition of real property (unless specifically permitted by the grant statute or regulations which is rare in federal education programs)¹⁵;

⁵ 2 CFR § 200.403(a).

⁶ 2 CFR § 200.405.

⁷ See 2 CFR § 200.430(a).

⁸ See, for example, 2 CFR § 200.318(h)(i) for procurement records; 2 CFR § 200.302(b)(3) for financial records; and 34 CFR § 76.730 for all records related to grant funds.

⁹ 2 CFR §§ 200.317-200.326.

¹⁰ 2 CFR §§ 200.313-200.314.

¹¹ 2 CFR § 200.430.

¹² 34 CFR § 76.700.

¹³ See generally General Provisions for Selected Items of Cost, 2 CFR §§ 200.420-200.475.

¹⁴ 34 CFR § 76.532.

¹⁵ 34 CFR § 76.533.

- Construction (unless specifically permitted by the grant statute or regulations, which is rare in federal education programs);¹⁶¹⁷ and
- Charging tuition or fees collected from students toward meeting matching, cost sharing, or maintenance of effort requirements of a program.¹⁸

B. Documentation Required to Support Salaries and Benefits Paid for with Federal Funds

As noted above, all costs charged to federal funds must be adequately documented. As a practical matter, documentation should be sufficient so that an objective observer can understand the decision to spend funds, trace how the funds were spent, and evaluate whether the expenditure was necessary and reasonable.

In the context of salaries and benefits paid for with federal funds, LEAs are required to keep “time and effort” records demonstrating how an employee paid with federal funds worked.

I. Time and Effort Records

The federal government requires that any employee paid with federal funds must certify he or she actually worked on the programs that supported his or her salary or benefits. These records, known as “time and effort records,” must be maintained in order for LEAs to charge personnel costs to federal grants.

The purpose of time and effort records is to verify that employees whose salaries are charged to federal funds performed work consistent with the intent of the program. This helps ensure federal grant funds are used to pay only their appropriate and proportionate share of personnel costs.

II. Frequency of Time and Effort Records

Under the UGG, time and effort documentation must meet the following six criteria:

1. Be supported by a system of internal controls which provides reasonable assurances that the charges are accurate, allowable and allocable;
2. Be incorporated into the grant recipient’s official records;
3. Reasonably reflect total activity for which the employee is compensated;
4. Encompass all activities (federal and non-federal);
5. Comply with established accounting policies and practices; and
6. Support distribution among specific activities or cost objectives.¹⁹

In June 2016, the Association of Education Federal Finance Administrators (AEFFA) proposed in a letter to ED six suggested “systems” that would meet this new flexible standard.²⁰ The first suggested system is a variation of the previous semi-annual certification and monthly personnel activity record (PAR) documentation, but completed less frequently. ED has yet to confirm that the systems suggested as part of AEFFA’s proposal would meet the UGG’s time and effort standards. While the flexibility of the new time and effort requirements is still being explored by grantees, ED, and auditors, it is important to note that a time and effort system compliant under the previous OMB circulars (i.e., the submission of after-the-fact semi-annual certifications and PARs on a timely basis with the correct signatures) would meet the UGG’s requirements.

¹⁶ Exceptions include some federal funding for DC charter school facilities, such as the federal Scholarships for Opportunities and Results (SOAR) Act grant.

¹⁷ 34 CFR § 76.533.

¹⁸ 34 CFR § 76.534.

¹⁹ 2 CFR § 200.430(i)(1).

²⁰ <http://bruman.com/wp-content/uploads/2010/10/AEFFA-letter-to-Dept-of-Education-June-2016-Final.pdf>

III. Aligning Payroll Charges with Time and Effort Records

Under federal rules, LEAs must periodically reconcile payroll charges to the time and effort reflected in employee time and effort records. If the LEA identifies a variance, the LEA must adjust its payroll charges so the amount charged to federal funds reflects the employee's actual time and effort.²¹ The LEA may perform this adjustment annually if the variances are less than 10 percent. OSSE would expect to see that the LEA perform the adjustment at least quarterly if variances are 10 percent or more.

C. Systems and Controls Required to be in Place to Properly Manage Federal Grants

As stewards of taxpayer money, LEAs have an important responsibility to protect the integrity of federal funds. The systems and processes required to meet this responsibility are sometimes called "internal controls." Having strong internal controls throughout the grant process is a way to maximize program performance and minimize the risk of federal funds being spent inappropriately. A good system of internal controls should cover a broad range of activities throughout the lifecycle of the grant. Activities in three areas are particularly important to minimize risk to federal funds:

- **Procurement**, which refers to the systems and controls needed to ensure goods and services purchased with federal funds are delivered by competent vendors and acquired at reasonable prices.
- **Inventory management**, which refers to the systems and controls needed to ensure items purchased with federal funds are safeguarded, kept in good condition, and used for federal programs.
- **Financial management**, which refers to the systems and controls needed to ensure the costs charged to federal grants are appropriate including budgeting, accounting, and reporting.

It is important that each one of these systems can produce sufficient documentation to walk an auditor or monitor through how grant-related decisions were made, how program requirements were met, and ultimately how federal funds were spent.

I. Key Elements of a Strong Procurement System

LEAs must demonstrate they paid a reasonable price for all goods and services purchased with federal funds. This requires recipients to have strong procurement systems in place. As part of a strong procurement system, the UGG requires written procurement policies, including a code of conduct for all employees involved in the award or administration of contracts, conflict of interest procedures, protest procedures to handle disputes, and selection procedures.²²

Additional elements of a strong procurement system include:

- Contract administration policies to ensure vendors perform in accordance with the terms and conditions of their contracts;
- Methods that ensure that contracts are awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement;
- Methods to review proposed procurements to avoid unnecessary or duplicative purchases;
- Methods for procuring goods or services that foster full and open competition. These methods of competition should be consistent with state and local law;
- Methods to review contract prices to ensure they reflect a fair market value. This is particularly important when a contract is awarded noncompetitively;

²¹ 2 CFR § 200.430(i)(1)(viii).

²² See 2 CFR § 200.318(a).

- Contracts that provide the information needed to monitor a vendor's performance, such as what is being purchased, when it must be delivered, where it must be delivered, and any other relevant information; and
- Sufficient documentation to walk an auditor or monitor through the procurement process, including why a particular vendor was selected or rejected and the basis for the contract price.²³

OSSE encourages recipients to ensure procurement policies are up-to-date to both minimize the risk of audit findings, and to reduce procurement paperwork burdens where possible.

II. Elements of a Strong Inventory Management System

Grantees must maintain effective control over, and accountability for, all funds, property, and other assets. The grantee must adequately safeguard all assets and assure that they are being used solely for authorized purposes.²⁴ This requires LEAs to have systems in place to track the items they purchase with federal funds in order to demonstrate the items are being used in a manner that benefits the relevant program.

How a recipient tracks specific items depends on:

- Federal requirements, if applicable;
- State and local law, policies and procedures; and
- The nature of the item.

Equipment, which is tangible property costing over a certain amount of money, is typically tracked through individual property records. Such records might include:

- A description of the property;
- A serial number or other unique identification number;
- The source of funding for the property, including the Federal Award Identification Number (FAIN);
- Who holds the title (this is particularly important for equipment purchased by school districts for use by private schools in programs that have equitable participation requirements – although the equipment may be used by a private school, the district purchasing the equipment retains title and must continue to account for the equipment in its inventory management system);
- The acquisition date;
- The cost of the property and the percentage of the cost supported with federal funds;
- The location, use and condition of the property; and/or
- Any disposition information.²⁵

Supplies are tangible personal property under the cost threshold of equipment. LEAs should be able to establish that supplies purchased with federal funds were received by the program, used by the program, and safeguarded from unauthorized use. This is particularly true of computing devices. Computing devices, such as laptops, tablets, and other small items, are more vulnerable to loss or theft. LEAs must mitigate the risk of loss of computing devices and other valuable supplies through controls such as:

- Maintaining individual property records such as those described above;
- Labeling items so they are clearly identified as property of the recipient and a particular funding source; and
- Requiring employees using an item to sign it out so the recipient can identify which employee has custody of the item.

²³ See 2 CFR §§ 200.318 and 200.319.

²⁴ 2 CFR § 200.302(b)(4).

²⁵ 2 CFR § 200.313(d)(1).

III. Elements of a strong financial management system

Recipients must use fiscal controls and fund accounting procedures that ensure proper disbursement of, and accounting for, federal funds.²⁶ In short, this means recipients must take steps to ensure:

- Federal funds are spent properly on allowable costs, taking into account among other requirements:
 - Eligibility requirements;
 - Use of funds rules for the program (what funds can, must, or may not be spent on); and
 - Fiscal rules for the program (including caps, set-asides, grant periods, and rules like supplement not supplant).
- Sufficient documentation can be produced to prove the funds were spent properly

In sum, an LEA's financial management system, in combination with other systems, must be able to walk an auditor or monitor through all phases of the grants process and should be sufficient so that an objective observer can trace and understand how the federal funds were spent.

D. Federal Auditing Requirements

Subpart F of the UGG establishes uniform audit requirements and monitoring responsibilities for subgrantees. Subgrantees expending at least \$750,000 in federal funds, regardless of the federal awarding agency, are required to undergo a single audit.²⁷

E. Coordinating Grant Spending Among Federal Programs

OSSE encourages recipients to think about ways to coordinate separate grants to support comprehensive activities to maximize the impact of federal funds. For example, LEAs might use a combination of Title I, Title II, Title III, and IDEA, Part B funds to provide professional development for teachers on effective interventions for struggling readers. This type of coordinated approach requires recipients to plan for activities across federal funding streams, which can be challenging, but is encouraged by OSSE and permitted by law. The Appendix provides a few specific examples of coordinating grant funds across multiple programs for the same purpose.

Federal law authorizes recipients to coordinate spending from different grants as long as the recipient:

- Follows the federal spending rules discussed throughout this Consolidated Federal Program Guidance document; and
- Tracks how federal funds are spent.

Using multiple funding sources to support a project does not mean the funds must be combined together or consolidated from an accounting perspective. Instead, coordinated spending can be thought of as a different way to approach federal funds which begins with robust planning.

I. Approaching Coordinated Spending of Federal Education Grant Dollars

Rather than programming federal funds by individual funding stream, coordinated spending starts with coordinated planning based on student need, and then a coordinated determination of which federal funding sources can support those needs. This approach often results in LEAs realizing that more than one federal funding source (and sometimes state/local sources) can be used to support an initiative, which can result in a more significant impact on students. One way to approach this work is as follows:

- **Step 1: Use quantitative and qualitative data to identify high leverage activities that will accelerate improved student outcomes.** For more information about types of data and team processes that

²⁶ 2 CFR § 200.302.

²⁷ 2 CFR § 200.501(a).

support high quality needs assessments, view OSSE's webinar on ESEA Title I needs assessments here: <https://attendee.gotowebinar.com/rt/7744056491661060098>.

- **Step 2: Identify the comprehensive activity the school wants to implement** that will have a positive impact on students. This step helps the school/LEA prioritize its needs and determine which staff needs to be involved in the decision making process (such as academic, fiscal/grants staff, teachers, etc.).
- **Step 3: Identify the component costs of the activity.** A comprehensive activity is made up of various component costs. ED grants may be able to support certain costs, but not others. By getting specific early in the planning stages about the component costs, schools/LEAs can have a clearer understanding of the federal resources available to support the overall activity.
- **Step 4: Make a preliminary determination about which ED grants can support the various component costs.** Federal funding streams are designed for specific purposes and can only support certain types of activities, depending on the rules of the program. For example, federal programs contain:
 - **Eligibility requirements:** Most grants have specific eligibility criteria defining the student or school population that can be served by the program. Costs may only support activities benefiting the populations identified in the law.
 - **Permissible grant activities:** Many grants have a "use of funds" section in the statute that outlines the types of costs that can, and in some cases must, be paid with grant funds. Some grants, such as Title I, Part A, do not have a specific use of funds section. In that case, activities must be consistent with the goals of the program.
 - **Caps:** Some grants permit certain costs to be charged, but only up to a cap. Costs that exceed the cap are not permitted.
 - **Mandatory set-asides:** Some grants require funds to be spent on specific costs or require a designated percentage of funds to be spent on specific activities.
 - **Fiscal rules:** All federal education programs have fiscal rules that impact spending choices such as supplement, not supplant, maintenance of effort, and comparability. It is important to note that a rule with the same name, such as "supplement not supplant," may work differently in different programs.

The requirements above need to be taken into account when determining if a specific ED grant can support a specific cost. Please see the Appendix for more information about individual federal grant program requirements.

- **Step 5: Once an ED grant is identified as a potential funding source for a component cost, determine if the cost is "necessary and reasonable" and will benefit the federal program.** Among other requirements, any cost charged to federal programs must be necessary for the performance or administration of the program. The cost must also be reasonable in light of the amount of money being spent and the needs of the school/LEA. In practice, this means that a school/LEA should be able to:
 - Justify the cost (including being able to show the amount paid constitutes a fair market value, and that the school/LEA followed relevant procurement rules); and
 - Explain why the cost helps the federal program (in this case, how the cost connects to a larger comprehensive activity to address school/LEA needs and furthers federal program goals).
- **Step 6: Ensure that the cost is consistent with the LEA's grant applications and program plans.** Schools/LEAs also need to ensure that costs are consistent with the applications they submit to OSSE, for example the Consolidated Application for ESEA funds. If necessary, the LEA may wish to amend its application if it believes a certain type of activity or cost not reflected in the initial application will be more effective for students.

For examples of how federal education funds can be coordinated to support a comprehensive activity, see the Appendix. Each example lists a strategy for improving student outcomes, and then identifies activities a school could pay for with ED grants to support that strategy. Just because an activity is listed does not mean it can always be supported with ED funds. Similarly, just because an activity is not listed does not mean it cannot be supported with ED funds. The summaries are meant only as framework to guide school and LEA thinking about how multiple funding streams could be coordinated to support a comprehensive activity. Ultimately, whether an activity could be paid for with ED funds will depend on a school or LEA's facts and circumstances.

In addition, ESEA has a variety of specific funding flexibilities, including consolidation in a Title I schoolwide program and transferability of funds between grant programs. These are discussed in more detail in the ESEA section of this document.

F. Monitoring and Compliance

OSSE's monitoring and compliance framework aligns to the federal requirements pertaining to SEA monitoring responsibilities under ESEA and IDEA Part B. OSSE conducts coordinated risk-based monitoring of subgrantees for ESEA and IDEA Part B. For more information on OSSE's monitoring policies, visit:

<https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Risk-Based%20Monitoring%20Guidance.pdf>

Part II: ESEA Consolidated Application Guidance: Title I-A, Title II-A, Title III-A and Title IV-A

Overview

This part provides general guidance on the requirements of Title I-A, Title II-A, Title III-A, and Title IV-A of the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA, P.L. 114-95) how LEAs may spend funds for these programs. The Every Student Succeeds Act reauthorized ESEA and was signed into law on December 10, 2015. The prior reauthorization of the ESEA was the No Child left Behind Act (NCLB). For more information about the reauthorized ESEA and the transition from NCLB, please see <http://www2.ed.gov/policy/elsec/leg/essa/index.html>. For ease of reference, the ESEA as amended by ESSA will be referred to in this document as “ESEA,” except in cases where it is helpful to emphasize updates made by ESSA.

This guidance addresses the following four formula programs:

- Title I, Part A (Improving Basic Programs);
- Title II, Part A (Supporting Effective Instruction);
- Title III, Part A (English Language Acquisition and Language Enhancement); and
- Title IV, Part A (Student Support and Academic Enrichment).

It is important to note that this handbook only provides an overview of each of these programs’ requirements, spending rules and options; it does not discuss the many other compliance requirements that apply to each of these programs.

As discussed throughout this document, some ESEA programs require LEAs to spend on activities that are supported by evidence, are demonstrated to be effective, or that are consistent with a formal needs assessment. Even where this is not required, ED grant spending has the most impact when LEAs spend federal funds on effective activities designed to meet program goals. To do this, LEAs are encouraged to:

- Use quantitative and qualitative data to identify high leverage activities that will accelerate improved student outcomes;
- Carefully consider the needs of students, educators, and other relevant stakeholders;
- Determine which activities are most likely to effectively address those needs; and
- Prioritize those activities when deciding what costs to support with ESEA funds (unless those activities are being paid for by other funding sources).

ESEA Funding Requirements and Flexibilities

A. Maintenance of Effort (MOE) under ESEA

The Every Student Succeeds Act amended DC's School Reform Act (P.L. 104-134, as amended) to eliminate an exemption for charter schools from ESEA's Maintenance of Effort (MOE) requirements. All **DC public charter school LEAs must now comply with MOE.**²⁸ In short, maintenance of effort requires LEAs to maintain a consistent floor of state and local funding for free public education from year to year.

An LEA may only receive federal funds from covered programs (Title I, Part A; Title II, Part A; Title III, Part A; and Title IV, Part A) if OSSE finds that either the combined LEA and state expenditures per student or the aggregate LEA and state expenditures for free public education for the previous fiscal year was **at least 90% as high** as the second preceding fiscal year. The LEA fails to maintain effort if it falls below 90% of either the combined fiscal effort per student or the aggregate expenditures (whichever is more favorable for the LEA) in the preceding fiscal year.

If the LEA fails to maintain effort, and also failed to meet MOE once before within the last five years, OSSE will reduce the LEA's federal funding allocation in the exact proportion by which the LEA failed to maintain effort. Any such reduction will not count in future years' calculations. The U.S. Department of Education may waive this requirement only in cases of exceptional or uncontrollable circumstances, such as a natural disaster.²⁹

B. Transferring Funds Between ESEA Programs

ESEA Sec. 5103 allows LEAs the option to transfer federal funds between certain funding streams. This may provide LEAs a variety of advantages, including additional dollars for an initiative that is only allowable under one type of program, or fewer types of funding to manage. Transferred funds become funds of the program to which they are transferred and are subject to all the rules and requirements of the programs to which the funds are transferred.

An LEA **may** transfer any or all of its federal funds **from** the following programs:

- Title II, Part A – Supporting Effective Instruction
- Title IV, Part A – Student Support and Academic Enrichment

An LEA **may** transfer those federal funds **into** its allotment from the following programs:

- Title I, Part A – Improving basic programs operated by LEAs
- Title II, Part A – Supporting Effective Instruction
- Title III, Part A – English Language Acquisition
- Title IV, Part A – Student Support and Academic Enrichment

An LEA **may not** transfer any funding **away from** the following programs:

- Title I, Part A – Improving basic programs operated by LEAs
- Title I, Part D – Prevention and intervention programs for children and youth who are Neglected, Delinquent, or At-Risk
- Title III, Part A – English Language Acquisition

An LEA that chooses to transfer these federal funds must:

- Notify OSSE 30 days before the effective date of the transfer;
- Modify their LEA plan or the consolidated ESEA application, and submit the application amendment within 30 days of transferring funds;

²⁸ Every Student Succeeds Act, Public Law 114-95, Section 9215(z)

²⁹ ESSA, Sections 1118(a) and 8521.

- Meet the requirements of the recipient federal funding stream (e.g. if an LEA transfers funds from Title IV, Part A to Title II, Part A, the LEA must meet all requirements and appropriate uses of Title II, Part A when using the transferred funds.); and
- DCPS must consult with private school officials if DCPS transfers funds from a program that provides for participation from private schools.

C. Consolidating ESEA Funds

“Consolidation” in ESEA refers to two types of funding flexibility. ESEA Section 1114 allows Title I schoolwide programs to consolidate funds to more effectively serve all students in a high-poverty school. ESEA Sec. 8203 allows LEAs, with approval from the SEA, the option to consolidate the administrative set-aside portion of the grant programs authorized under ESEA.

I. Consolidating Funds in a Title I Schoolwide Program

An LEA which operates a Title I Schoolwide Program may elect to consolidate all or a portion of federal and local funds it receives into a schoolwide funding pool to more effectively serve all students in the school. If an LEA consolidates Title I funds in a schoolwide program with other funds, the schoolwide plan must list the specific state, local, and federal programs that will be consolidated in the schoolwide program plan. It is important to note that Title I funds can be used to support comprehensive initiatives in a schoolwide school even if Title I funds are not consolidated with other program funds.

LEAs which consolidate funds from IDEA Part B or ESEA Title IV-B will do so in each of those grant applications, respectively. When an LEA consolidates funds in a schoolwide program, the funds lose their individual identity and the school may use the funds to support any schoolwide program activity as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

Please note that there is a specific formula which needs to be applied if LEAs are utilizing IDEA Part B funding to support schoolwide activities. (See Part III.)

Please see the following ED guidance on consolidating funds in a schoolwide program for additional information: <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>

II. Consolidating ESEA Administrative Set-aside Funds

An LEA may notify OSSE within EGMS that it intends to consolidate up to the full administrative set-aside for each ESEA program. The LEA must not use any additional federal funds for administration, beyond the set-aside amount. An LEA may use administrative funds at the LEA level or school level for the following purposes:

- Coordinating the programs with other federal and non-federal programs;
- Establishing and operating peer-review mechanisms under ESEA;
- Administering ESEA Title VIII (General Provisions);
- Disseminating information on model programs and practices;
- Technical assistance under any program in ESEA;
- Training personnel in audit and monitoring activities;
- Implementing the U.S. Department of Education’s Cooperative Audit Resolution and Oversight Initiative; and
- Implementing fiscal support teams to provide technical fiscal support including evaluating fiscal, administrative, and staffing functions and any other key operational function. Fiscal support teams may include additional state and local funding without violating Supplement, Not Supplant requirements.

D. Equitable Services for Eligible Private School Students

ESEA and the DC School Reform Act require that DCPS provide equitable services to eligible low-income private school students in the attendance area. DCPS must reserve a proportional amount based on the number of eligible low-income private school students in the LEA attendance area, which is all of DC.³⁰

ESEA requires that DCPS provide funding for equitable services. Specifically, services for eligible private school students, teachers, and other school personnel must be

- Appropriately funded in accordance with allocation requirements; and
- Developed in consultation with officials of the private schools.

In addition, families of eligible private school students must be allowed to participate, on an equitable basis, in the parent and family engagement activities of ESEA Title I, Part A.

DC Equitable Services Ombudsman

ESSA updated ESEA to require that SEAs appoint an equitable services ombudsman. OSSE has designated Sheryl Hamilton, director, Community Learning and School Support, to serve as the equitable services ombudsman to monitor and enforce requirements under Title I and Title VIII of ESEA (ESEA sections 1117(a)(3)(B) and 8501(a)(3)(B)). In accordance with requirements, Ms. Hamilton will serve as OSSE's primary point of contact for:

- Addressing questions and concerns from private school officials and program offices, including the provision of technical assistance in understanding and implementing equitable services;
- Consulting with private schools, ensuring all equitable services requirements are met; and
- Addressing complaints regarding consultation and/or service provisions.

Ms. Hamilton will be the primary point of contact for SEA, LEAs, and private school officials on issues and questions concerning the provision of equitable services under applicable programs. In her current role as director, Ms. Hamilton oversees multiple ESEA programs, supports private school and homeschool programming, and manages OSSE's K-12 parent and community initiatives. Ms. Hamilton also has historically supported the District with implementing equitable services requirements and is well versed in the requirements of the law. Her expertise will allow her to serve as a neutral third-party to the consultation process in this new capacity.

Ms. Hamilton will serve as OSSE's primary liaison to ensure that equitable services are fully implemented in the 2017-18 school year for the following ESEA programs:

- Title I, Part A: Improving Basic Programs;
- Title II, Part A: Preparing, Training and Recruiting Teachers, Principals or Other School Leaders;
- Title III, Part A: English Learners and Immigrant Students;
- Title IV, Part A: Student Support and Academic Enrichment Grants; and
- Title IV, Part B: 21st Century Community Learning Centers.

Please direct any questions or concerns you may have regarding equitable services to Ms. Hamilton, at Sheryl.Hamilton@dc.gov or (202) 741-6404.

Equitable Services Allocations

In accordance with ESEA, OSSE is required to provide information annually on the amount of funds, by program, allocated for equitable services under Title I, Part A, Section 1117 and each covered program under Section

³⁰ ESSA, Section 1117(a)(4). Please note ESSA now requires the equitable services be calculated based on an LEA's total Title I, Part A allocation. Under NCLB, certain parts of DCPS's Title I, Part A allocation were excluded from the calculation, such as funds reserved for school improvement. For more information about the equitable services calculation please see U.S. Department of Education, *Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)* (2016), available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.

8501(b) determined to be available for eligible private school students, teachers and other educational personnel, and families. Final allocations will be determined in accordance with the methodology established by ESEA and distributed to DCPS once DCPS has submitted an approvable application for federal funds.

Equitable Services Calculation Methodology

The proportionate share for equitable services under Title I Part A must now be calculated **before** any allowable expenditures and transfers by the LEA. (Section 1117(a)(4)(A)(ii)). The general formula is the same.

DCPS shall determine its equitable services reservation using the following data sources: per pupil allocation based on the number of private school students from low-income families, as measured by Free and Reduced Meal (FARM) data/proportionality, who reside in Title I participating public school attendance areas. The number of low-income students attending private schools is added to the total count of low-income students served by DCPS, as DCPS is responsible for fulfilling the equitable services provisions of Title I, Part A (ESEA Section 1117). DCPS must determine the number of low-income private school students in accordance with ESEA (Section 1117(c)).

In accordance with ESEA, DCPS must calculate the Title I, Part A reservation on the basis of the total amount of Title I, Part A funds received by DCPS, prior to any allowable expenditures or transfers. This includes all reservations previously taken “off the top” of the Title I allocation, including reservations for administration, parental involvement, and district-wide initiatives. (Section 1117(a)(4)(A)(ii)). In making the reservation, DCPS must first determine the total number of low income students served by DCPS plus the total number of low income students residing in each Title I eligible school attendance area who also attend private school. Of that total number, DCPS must then calculate the proportion of resident low-income students attending private schools. The amount of Title I funds available for equitable services is then determined by multiplying the total funding by the proportion share of resident low income students attending private schools.

For Title II, Part A, the amount set aside to provide equitable services for private school teachers and other educational personnel is based on a per-pupil formula that ensures that the amount reserved is proportionate to the number and percentage of private school students enrolled in participating private elementary and secondary schools served by DCPS (regardless of a student’s residency), taking into consideration the number and needs of the children, their teachers and other educational personnel to be served.

Similarly, in calculating the Title III, Part A and Title IV, Part A equitable services reservations, DCPS’s methods must reflect the relative number and educational needs of the private school (Section 8501(a)(4)). In calculating the per-pupil Title III allocation, DCPS should use the number of students eligible for Title III services (i.e., those students who have been identified as English learners under the ESEA). Title IV, Part A funds are allocated to DCPS in an amount that is proportionate to the total amount DCPS received under Title I, Part A for the preceding fiscal year (Section 4105(a)(1)). As with other decisions affecting services to private school students, DCPS should consult with private school officials on the method for determining Title III and Title IV equitable expenditures, and the resulting methodology should reasonably reflect the relative number and educational needs of the private school students.

Detailed U.S. Department of Education guidance regarding the allocation of funding for Titles I-A, II-A, III-A, and IV-A is available online at the following link:

<https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.

OSSE’s allocation policy with detailed administrative procedures allocating funding for Titles I-A, II-A, III-A, and IV-A is available online at the following link: <https://osse.dc.gov/publication/osse-releases-state-level-allocation-policies-esea>.

Spending Title I, Part A Funds to Support Student Achievement

A. Title I Overview

This section provides information about how local educational agencies (LEAs) and schools can spend Title I, Part A funds.

Title I, Part A is the U.S. Department of Education's (ED) largest K-12 grant program.³¹ It provides supplemental funding to help low-income schools improve the academic achievement of educationally disadvantaged students. ED awards Title I funds to state educational agencies (SEAs), which then subgrant funds to LEAs after reserving applicable state set asides for state-level activities. LEAs retain some money to carry out certain activities, and then must allocate the rest to eligible schools.

This section:

- Provides an overview of the Title I, Part A program;
- Addresses the use of Title I, Part A funds by LEAs;
- Addresses the use of Title I, Part A funds by schools operating “**schoolwide programs**,”
- Addresses the use of Title I, Part A funds by schools operating “**targeted assistance programs**,”
- Clarifies the allowable use of funds in low-performing Title I schools that have been identified for comprehensive or targeted support and improvement; and
- Addresses key fiscal tests LEAs must meet as a condition of receiving Title I, Part A funds.

For convenience this section will refer to the program as “Title I.” For more information about Title I please contact con.app@dc.gov.

B. Purpose of Title I

The purpose of Title I is to provide all children “significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”³² To achieve that, states must develop accountability systems to identify and support schools with academically struggling students, and LEAs and eligible schools must use their Title I funds to improve student outcomes, including academic achievement.

The state accountability system is central to Title I. It includes:

- State-adopted challenging academic standards in at least math, reading/language arts, and science;³³

³¹ Title I is a title of the Elementary and Secondary Education Act (ESEA). ESEA was most recently amended by the Every Student Succeeds Act (ESSA). For simplicity, the rest of this document will use the abbreviation “ESSA” when citing to the most recent version of the Elementary and Secondary Education Act. This document will use the abbreviation “NCLB” when citing to the prior version of ESEA, the No Child Left Behind Act.

Title I, Part A is the focus of this section of the spending handbook. Please note the following sections of Title I that are technically not included in Part A but are also relevant to spending:

- Section 1001 describes the purpose of Title I;
- Section 1002 sets authorized appropriation levels (that is, the maximum Congress can appropriate for each of the Title I programs);
- Section 1003 is the School Improvement Program;
- Section 1003A is the Direct Student Services Program (a new program option under ESSA); and
- Section 1004 authorizes SEAs to reserve some funds to administer Title I programs.

³² ESSA, Section 1001.

³³ ESSA, Section 1111(b)(1).

- High-quality academic assessments that measure how well students are mastering state standards in at least math, reading/language arts, and science;³⁴
- A system that differentiates school performance based on a variety of indicators;³⁵
- A system to identify and support certain low-performing schools (known as “comprehensive support and improvement” (CSI) schools and “targeted support and improvement” (TSI) schools);³⁶ and
- Reporting student achievement and other data to ED and the public.³⁷

LEAs that receive Title I funds must carry out a variety of activities as a condition of participating in the program including, but not limited to:

- Developing and implementing plans to support and improve low-performing schools identified by the state through its accountability system;³⁸
- Reporting student achievement and other data to the SEA and the public;³⁹
- Notifying parents about issues such as teacher qualifications, assessments, and identification of students as English learners;⁴⁰
- Collaborating with child welfare agencies to ensure the educational stability of children in foster care;⁴¹
- Providing services to homeless students that do not attend Title I schools;⁴²
- Providing services to children in local institutions for neglected children, and if appropriate, to children in local institutions for delinquent children, and neglected or delinquent children in community day programs;⁴³
- Allocating Title I funds to eligible schools through a poverty-based procedure known as “ranking and serving”(This applies to DCPS only and is addressed in more detail below);⁴⁴
- Developing policies and providing services to engage parents and families;⁴⁵
- Providing “Equitable Services” to eligible private school students (addressed in more detail in above);⁴⁶ and
- Overseeing Title I activities in Title I schools.⁴⁷

Schools that receive Title I funds must design and implement programs to support eligible Title I students using one of two models:

³⁴ ESSA, Section 1111(b)(2).

³⁵ ESSA, Section 1111(c)(4)(B). The indicators are (1) student achievement on the state academic assessment, (2) for elementary and middle schools, a measure of student growth or another academic indicator that allows for meaningful differentiation of school performance, (3) for high schools, high school graduation rates, (4) progress in achieving English language proficiency, and (5) an indicator of school quality or student success, such as student engagement, educator engagement, access to and completion of advanced coursework, postsecondary readiness, school climate and safety, or another state-selected indicator that meets ESSA requirements. ESSA, Section 1111(c)(4)(B)(i)-(v).

³⁶ ESSA, Section 1111(d). OSSE will identify such schools beginning in 2018 OSSE plans to first identify CSI schools by December 2018. For more details, visit DC’s ESSA state plan, available at <http://www.osse.dc.gov/essa>.

³⁷ ESSA, Section 1111(h).

³⁸ ESSA, Section 1111(d)(1)&(2).

³⁹ ESSA, Section 1111(h).

⁴⁰ ESSA, Section 1112(e).

⁴¹ ESSA, Section 1112(c)(5)(B).

⁴² ESSA, Section 1113(c)(3)(A)(i).

⁴³ ESSA, Section 1113(c)(3)(A)(ii)&(iii).

⁴⁴ ESSA, Section 1113.

⁴⁵ ESEA, Section 1116. Note that the parent engagement requirements in Sections 1116(d) & (e) are not required for public charter schools. See Every Student Succeeds Act, Public Law 114-95, Section 9215(z).

⁴⁶ ESEA, Section 1117.

⁴⁷ 2 CFR § 200.328(a).

- A **schoolwide model**, available to any school with at least 40 percent poverty (or to schools below 40 percent poverty with a waiver, which must be issued by OSSE. This is available in the ESEA consolidated application).⁴⁸
 - Schools operating a schoolwide model can use Title I funds to upgrade their entire educational program;⁴⁹
 - All students are entitled to services and no school shall be required to identify any particular child as Title I eligible;⁵⁰ and
 - Schoolwide schools must develop a plan describing the services they will provide based on a comprehensive assessment of the school's needs.⁵¹ This needs assessment must take into account the academic achievement of all students, particularly the needs of those students struggling to meet state academic standards, and any other factors as determined by the LEA.⁵²
- A **targeted assistance model**, available to any DC Public School (DCPS) school with at least 35% poverty that does not operate a schoolwide program.⁵³ For DC charter schools, the DC School Reform Act defines eligibility for Title I as having a poverty percentage at least as high as the lowest-percentage DCPS school receiving Title I funding in the previous year.⁵⁴ Schools in their first year of operation must operate a targeted assistance model, unless they receive a waiver from OSSE to operate a schoolwide model. Schools operating a targeted assistance model must use Title I funds to help educationally-disadvantaged students meet state standards.⁵⁵

Students are eligible for Title I in a targeted assistance school if they:

1. Are failing, or at risk of failing, to meet state standards;
2. Participated in certain federally-funded preschool programs;
3. Received services under the Migrant Education Program;
4. Are in a local institution for neglected or delinquent children or are attending a community day program; or
5. Are homeless.⁵⁶

C. How Title I Funds May Be Used

Title I, Part A funds can support a wide range of activities to help Title I students meet state academic standards. These include:

- Providing eligible students with a well-rounded education;⁵⁷
- Instructional supports;
- Non-instructional supports like behavior and mentoring supports, and social and emotional learning, and

⁴⁸ ESEA, Section 1114(a)(1).

⁴⁹ ESEA, Section 1114(a)(1)(A).

⁵⁰ ESEA, Section 1114(a)(2).

⁵¹ ESEA, Section 1114(b).

⁵² ESEA, Section 1114(b)(6).

⁵³ ESEA, Section 1115.

⁵⁴ DC Code, Section 38-1802-10(a)

⁵⁵ ESEA, Section 1115(b)(2)(A).

⁵⁶ ESEA, Section 1115(c).

⁵⁷ Please see ESEA, Section 8101(52) defining a "well-rounded education" as:

[C]ourses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the SEA or LEA, with the purpose of providing all students access to an enriched curriculum and educational experience.

- Improving school quality.

Historically, many LEAs and schools have used Title I funds narrowly for discrete instructional supports primarily focused on reading and math. This happened because the law’s complexity has often led to misunderstandings about how Title I funds can be used. In fact, Title I may be used flexibly to meet a broad range of student needs, which can include reading and math instructional supports, but may also address other identified student needs.

For example, the chart below highlights common misunderstandings about Title I spending limitations beyond what federal law required under the No Child Left Behind Act (NCLB). NCLB is the version of the ESEA that preceded the Every Student Succeeds Act (ESSA). Understanding and addressing these prior limitations is important for ensuring ESSA’s Title I funds are used to their full potential.

Common Title I Misunderstandings under NCLB ⁵⁸	
Common Misunderstanding	Actual Legal Authority
Limiting Title I spending to reading/language arts and math	<i>NCLB did not impose such a restriction. Title I could be used broadly to improve education for the disadvantaged, including subjects like science, social studies, art, and others.⁵⁹ ESEA continues to permit Title I to be used for a broad range of subjects (see definition of well-rounded education above).</i>
Limiting Title I spending only to instruction or materials	<i>NCLB did not impose such a restriction. Title I could be used for non-instructional supports such as school climate, increasing attendance, school counselors, improving health (in some circumstances), etc.⁶⁰ ESSA continues to permit Title I to support these, and other, non-instructional supports.⁶¹</i>
Limiting Title I spending to remedial programs	<i>NCLB did not impose such a restriction. ED guidance permitted spending on advanced learning opportunities for struggling students.⁶² ESSA is now more explicit that Title I can be used for such activities.⁶³</i>
Limiting Title I spending to specific students in a schoolwide program school	<i>NCLB did not impose such a restriction. Title I permitted spending to upgrade the entire educational program of a schoolwide school.⁶⁴ ESSA continues to permit Title I spending on broad improvement strategies based on the school’s needs.⁶⁵</i>

⁵⁸ This table is based on CCSSO’s *Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment*: <http://www.ccsso.org/Documents/2016/ESSA/MaximizingESSAFormulaFundsforStudentsApril2016.pdf>. Please note that the citations in this chart are to ESEA under NCLB (not ESSA) and relevant NCLB guidance in order to highlight misunderstandings under NCLB.

⁵⁹ See NCLB, Sections 1111 and following, imposing no academic subject matter restrictions on Title I funding. See also the U.S. Department of Education’s (ED) guidance, *Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students* (September 2009) available at <https://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>, particularly Sections C and G. This guidance is referred to as “ED 2009 Title I Reform Guidance” for the rest of this document. Two notes about this guidance: (1) while the guidance was developed to provide information about the additional Title I money appropriated under the American Recovery and Reinvestment Act (ARRA), the guidance is applicable Title I funds generally (see page 15), and (2) the guidance was released under NCLB. ED may issue updated Title I spending guidance under ESSA.

⁶⁰ See *ED 2009 Title I Reform Guidance*, particularly Sections C, E, and G.

⁶¹ See, for example, ESEA, Section 1114(b)(7)(A)(iii)(I)&(III), ESEA, Section 1115(b)(2)(B)(ii), and ESEA, Section 1115(e)(2).

⁶² See *ED 2009 Title I Reform Guidance*, Section C.

⁶³ See, for example, ESEA, Section 1114(b)(7)(A)(II), ESEA, Section 1114(e), and ESEA, Section 1115(f).

⁶⁴ See NCLB, Section 1114. Also see ED guidance issued under NCLB, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2015) available at <http://www.ed.gov/policy/elsec/guid/eseatitleiswguidance.pdf> and *Designing Schoolwide Programs* (2006) available at <http://www.ed.gov/policy/elsec/guid/designingswpguid.doc>.

⁶⁵ ESEA, Section 1114(a)(1)(A). Also see ED guidance issued under ESEA, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2016) available at <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>.

I. Using Title I Funds at the LEA Level: Required and Discretionary Reservations

Before allocating Title I funds to schools, LEAs **must** reserve some Title I funds for the following required activities:

- **Services for homeless children** that do not attend Title I schools, which can include funding for the homeless liaison and transportation required under the McKinney Vento Homeless Education Act. DCPS must reserve “such funds as are necessary,” based on an assessment of homeless children’s needs; ESSA does not specify an amount.⁶⁶ Charter schools are not required to, but may also, set aside a necessary and reasonable amount.⁶⁷
- **Services for children in local institutions for neglected children**, and if appropriate, services for children in local institutions for delinquent children, and neglected or delinquent children in community day programs. DCPS must reserve “such funds as are necessary;” ESEA does not specify an amount.⁶⁸
- **Parent and family engagement** (required if the LEA receives \$500,000 or more of Title I funds). LEAs must reserve at least one percent,⁶⁹ 90 percent of which must be distributed to schools with priority given to high-need schools.⁷⁰
- **Equitable services for eligible private school students**. DCPS must reserve a proportional amount based on the number of eligible low-income private school students in the LEA attendance area, which is all of DC.⁷¹

LEAs **may** also reserve funds for the following discretionary activities:

- **Transportation** for students in comprehensive support and improvement (CSI) schools if the LEA offers these students the option to transfer to another school. LEAs may reserve up to five percent.⁷²
- **Financial incentives** and rewards to teachers in schools identified by the state accountability system as low performing schools, for the purpose of attracting and retaining qualified and effective teachers. LEAs may reserve up to five percent.⁷³

⁶⁶ ESEA, Section 1113(c)(3)(C).

⁶⁷ DC School Reform Act, DC Code Section 38–1802.10(a)(6)

⁶⁸ ESEA, Section 1113(c)(3).

⁶⁹ ESEA, Section 1116(a)(3)(A). ESSA clarifies LEAs can reserve more than one percent at their discretion.

⁷⁰ Please note ninety percent is a change from NCLB which required LEAs to distribute ninety-five percent of the reserved funds to schools.

⁷¹ ESEA, Section 1117(a)(4). Please note that under ESSA, equitable services now must be calculated based on an LEA’s total Title I, Part A allocation. Under NCLB, certain parts of an LEA’s Title I, Part A allocation were excluded from the calculation, such as funds reserved for school improvement. For more information about the equitable services calculation please see U.S. Department of Education, *Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)* (2016) available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>. Equitable Services requirements are discussed in more detail later in this part.

⁷² ESEA, Section 1111(d)(1)(D)(v). Under ESSA, states must identify two types of low-performing schools: **Targeted Support and Improvement (TSI)** schools, which are schools in which any subgroup of students is consistently underperforming, and **Comprehensive Support and Improvement (CSI)** schools, which include (a) not less than the lowest-performing five percent of Title I schools in the state, (b) any public high school failing to graduate one-third or more of its students, and (c) Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as students in the lowest-performing five percent of Title I schools, and that has failed to improve after the school has implemented a targeted support and improvement plan. OSSE plans to first identify CSI schools by December 2018. For more details, visit DC’s ESSA state plan, at <http://www.osse.dc.gov/essa>.

⁷³ ESEA, Section 1113(c)(4).

- **Early childhood education programs** for eligible children. The DC School Reform Act exempts charter schools from this reservation.⁷⁴ DCPS has discretion over how much, if any, to reserve; ESEA does not specify an amount.⁷⁵
- **The additional costs needed to transport children in foster care** to their school of origin consistent with Section 1112(c)(5). LEAs have discretion over how much, if any, to reserve; ESSA does not specify an amount.⁷⁶
- **Administering the Title I program.** LEAs may reserve a reasonable and necessary amount.⁷⁷ OSSE will carefully scrutinize administrative costs in excess of 10%.
- **District-managed initiatives** in Title I schools. See below.⁷⁸

A Deeper Look at District-Managed Title I Initiatives

LEAs have the option to reserve Title I funds to implement district-managed Title I initiatives. These initiatives are managed at the central office level (rather than the school level), and are designed to improve the achievement of Title I students. District-managed initiatives are sometimes called “districtwide” initiatives because they benefit all, or a group, of Title I schools. But these initiatives are not truly districtwide in an LEA with both Title I and non-Title I schools. An LEA cannot, for example, use Title I funds to benefit non-Title I students.

Guidance from ED permits LEAs to use Title I funds for the following types of district-managed initiatives for all, or a subset of, an LEA’s Title I schools:⁷⁹

- Contracting with an outside provider with expertise in school improvement to support low-achieving Title I schools;⁸⁰
- Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework;⁸¹
- Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English language learners;⁸²
- Hiring an outside expert to work with the staff of low-achieving Title I schools to build their capacity to analyze student data and identify promising interventions;⁸³
- Piloting a data dashboard to help teachers in Title I schools identify, track, and analyze data to help them better target interventions to low-achieving students;⁸⁴
- Paying for extended time for teachers in Title I schools to review data for at-risk students and identify interventions to better meet the needs of those students;⁸⁵ and
- Extending learning time in Title I schools (before- and after-school programs, Saturday school and summer school, extending half-day kindergarten to a full day, extending the school year, extended

⁷⁴ DC School Reform Act, DC Code Sec. 38-1802.10(a)(6)

⁷⁵ ESEA, Section 1113(c)(5).

⁷⁶ U.S. Department of Education and U.S. Department of Health and Human Services, *Ensuring Educational Stability for Children in Foster Care* (2016), Q&A 30, available at <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.

⁷⁷ 34 CFR Part 200, Reservation of funds by an LEA.

⁷⁸ 34 CFR Part 200, Reservation of funds by an LEA.

⁷⁹ *ED 2009 Title I Reform Guidance*, Q&A B-8.

⁸⁰ *ED 2009 Title I Reform Guidance*, Q&A B-8.

⁸¹ *ED 2009 Title I Reform Guidance*, Q&A C-1.

⁸² *ED 2009 Title I Reform Guidance*, Q&A C-8.

⁸³ *ED 2009 Title I Reform Guidance*, Q&A D-1.

⁸⁴ *ED 2009 Title I Reform Guidance*, Q&A D-3.

⁸⁵ *ED 2009 Title I Reform Guidance*, Q&A D-4.

learning opportunities during the school day, adding time during the day for teachers to plan collaboratively).⁸⁶

The examples above illustrate *possible* uses of Title I funds for a district-managed Title I initiative, and are not meant to limit the use of funds. Other uses of funds that are consistent with Title I rules are also permissible.

IMPORTANT NOTE: While there is no specific cap on the amount of money an LEA can reserve for district-managed initiatives, the bulk of Title I funds generally should be allocated to schools because Title I is designed to be a school-based program.

II. Using Title I Funds in Schools that Operate Schoolwide Programs

Schools with at least 40 percent poverty, as well as any school with a waiver of this poverty rate (which the state can issue),⁸⁷ may operate a schoolwide program as long as the school conducts a comprehensive needs assessment and develops a schoolwide plan for meeting its needs.⁸⁸

The premise of the schoolwide model is that high-poverty schools should have the flexibility to implement comprehensive school improvement strategies, and not be limited only to narrow add-on services for certain students.

In a schoolwide program all students and staff may participate in Title I-funded activities, and the school may use Title I to support any reasonable activity designed to improve the school's educational program so long as it is consistent with the school's needs and plan.

Spending Options in a Schoolwide Program

Depending on its needs, a schoolwide program school could use Title I to support:

- High-quality preschool or full-day kindergarten and services to facilitate the transition from early learning to elementary education programs;
- Recruitment and retention of effective teachers, particularly in high-need subjects;
- Instructional coaches to provide high-quality, school-based professional development;
- Increased learning time;
- Evidence-based strategies to accelerate the acquisition of content knowledge for English learners;
- Activities designed to increase access and prepare students for success in high-quality advanced coursework to earn postsecondary credit while in high school (e.g., Advanced Placement, International Baccalaureate, early college high schools, and dual or concurrent enrollment programs);
- Career and technical education programs to prepare students for postsecondary education and the workforce;
- Counseling, school-based mental health programs, mentoring services, and other strategies to improve students' nonacademic skills;
- School climate interventions (e.g., anti-bullying strategies, positive behavior interventions and supports);
- Equipment, materials, and training needed to compile and analyze student achievement data to monitor progress, alert the school to struggling students, and drive decision making;
- Response-to-intervention strategies intended to allow for early identification of students with learning or behavioral needs and to provide a tiered response based on those needs;

⁸⁶ ED 2009 Title I Reform Guidance, Q&A G-5.

⁸⁷ Under ESSA, SEAs have the discretion to waive the forty percent poverty threshold if the SEA believes it will best serve student needs. ESEA, Section 1114(a)(1)(B).

⁸⁸ ESEA, Section 1114(b).

- Activities that have been shown to be effective at increasing family and community engagement in the school, including family literacy programs;
- Devices and software for students to access digital learning materials and collaborate with peers, and related training for educators (including accessible devices and software needed by students with disabilities); and
- Two-generation approaches that consider the needs of both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.⁸⁹

For more information about using Title I funds in a schoolwide setting under ESSA, please see ED’s guidance *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* at <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>.

The Schoolwide Plan and Its Relationship to the Use of Title I Funds

The schoolwide plan is a strategic tool that identifies the school’s needs and explains which improvement strategies it will use to address those needs. In general, the school may then spend Title I funds to support the strategies identified in its plan.

The composition of the schoolwide plan changed under ESSA. Under NCLB, schools had to address ten components in their schoolwide plans. ESSA takes a more comprehensive approach, as described below and updated in the DC’s ESEA consolidated application.

1. Schoolwide Plan Elements

- A schoolwide plan must be based on a **comprehensive needs assessment** of the entire school that takes into account information on the academic achievement of children, particularly the needs of those children who are failing, or are at-risk of failing, to meet state standards, and any other factors as determined by the LEA.⁹⁰ The school must consider student performance on the state assessment, but could also consider other data including enrollment counts, dropout rates, graduation rates, school demographics, classroom observations and/or surveys of students, teachers, parents, and community attitudes and perceptions. For more information on conducting a needs assessment for a Title I schoolwide plan, view OSSE’s webinar here: <https://attendee.gotowebinar.com/rt/7744056491661060098>.
- Using the information from the comprehensive needs assessment, the schoolwide plan must describe the strategies the school will implement to address its needs, including a description of how the strategies will:
 - Provide opportunities for all children, including each subgroup of students, to meet state standards;
 - Use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and
 - Address the needs of all children in the school, but particularly the needs of those at risk of not meeting state standards.

The schoolwide plan must be developed:

⁸⁹ U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, pp. 4-5 (2016), available at <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>. This guidance will be referred to as “ED 2016 Schoolwide Guidance” for the rest of this document.

⁹⁰ ESEA, Section 1114(b)(6).

- **Over a one-year period**, unless the LEA and school determines less time is needed, or the school was already operating a schoolwide program on December 9, 2015, in which case the school may continue or amend the schoolwide plan within the first year;⁹¹
- **With the involvement of key stakeholders** who will carry out the schoolwide program plan, including but not limited to principals, assistant principals, teachers, counselors, school social workers, the LEA, and paraprofessionals;⁹² and
- **In coordination and integration with other federal, state, and local services, resources, and programs**, if appropriate, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities.⁹³

ESSA clarifies that schoolwide plans:

- **Remain in effect for the duration of the school's participation in Title I**, except that schools must regularly monitor and revise their plan and implementation as necessary based on student needs to ensure that all students are provided opportunities to meet state standards;⁹⁴
- **Must be available to the LEA, parents, and the public**, and the information contained in the plan should be understandable to the extent practical;⁹⁵ and
- **Must be Evaluated Regularly**: The school must regularly conduct a review of the strategies in the schoolwide plan to determine if they are contributing to the desired outcomes. One way these desired outcomes may be considered is in terms of improvement in student achievement. Another way is in terms of increases in other activities that lead to increased student achievement, such as greater parental involvement or more high-quality professional development. Using the evaluation results for making data-based decisions may increase the effectiveness of the plan.

2. Schoolwide Plan Activities

Schoolwide plan activities may include the following:

- **Strategies to help students achieve high academic standards**, including:
 - **Counseling, school-based mental health, specialized instructional support services, mentoring**, and other strategies to improve students' skills outside the academic subject areas;
 - Preparation for and awareness of opportunities for **postsecondary education and the workforce**, including career and technical education, Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools;
 - A **schoolwide multi-tiered system of supports** to address behavior problems and early intervention services coordinated with the Individuals with Disabilities Education Act (IDEA);
 - **Professional development** and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects; and
 - **Strategies for assisting preschool transition.**

⁹¹ ESEA, Section 1114(b)(1).

⁹² ESEA, Section 1114(b)(2). ESSA specifies parents and other members of the community and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals, administrators, the LEA, tribes and tribal organizations (to the extent feasible), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school.

⁹³ ESEA, Section 1114(b)(5).

⁹⁴ ESEA, Section 1114(b)(3).

⁹⁵ ESEA, Section 1114(b)(4).

- **Preschool programs for children under age 6.** Note that if LEAs use Title I funds for preschool services, they must follow Head Start performance standards, available at the U.S. Department of Health and Human Services (HHS) website here: <https://eclkc.ohs.acf.hhs.gov/policy>.
- **Dual or Concurrent Enrollment Programs with institutions of higher education.** Such funds may be used to help low-achieving secondary school students, with costs including training teachers, joint professional development in collaboration with career and technical educators and educators from institutions of higher education; tuition, fees, books, required instructional materials, and innovative delivery methods; and transportation to and from such programs. For more information, visit <https://osse.dc.gov/service/secondary-and-post-secondary-partnerships>.
- **Partnerships with nonprofit or for-profit external providers** with expertise in using **evidence-based** or other effective strategies to improve student achievement.

III. Using Title I Funds in Schools that Operate Targeted Assistance Programs

Any Title I school that does not operate a schoolwide program must operate a targeted assistance program. In a targeted assistance school, the school uses Title I funds to provide additional supports to specifically identified students struggling to meet state standards.

Identifying Students Eligible for Title I Services

Targeted assistance schools must determine which students they will serve by identifying the students with the greatest need for assistance from among the following eligible groups:

- Students identified as failing, or most at risk of failing, to meet state standards;
- Students who participated in Head Start, or certain ESEA -funded preschool programs or literacy programs for young children, within the past two years (including Title I supported preschool);
- Migrant students;
- Neglected and delinquent students; and
- Homeless children.⁹⁶

Spending Options in a Targeted Assistance Program

Targeted assistance schools must use Title I funds to help identified students meet state standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education.⁹⁷

Targeted assistance schools may use Title I funds to serve their eligible students by:

- **Expanding learning time** for eligible students, including before- and afterschool programs, and summer programs and opportunities;
- **Providing early intervening services** to eligible students or a **schoolwide multi-tiered system of supports** to address behavior problems, coordinated with similar activities and services carried out under IDEA;
- **Providing eligible students with extra supports** aligned to the school's regular education program, which may include services to **assist preschool children in the transition** from early childhood education programs to elementary school programs;
- **Providing professional development** to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible students;
- Providing **dual or concurrent enrollment program** services to eligible children;⁹⁸ and

⁹⁶ ESSA, Section 1115(c).

⁹⁷ ESSA, Section 1115(b)(2)(A).

⁹⁸ ESSA, Section 1115(f).

- Implementing strategies to **increase the involvement of parents** of eligible students, including family literacy.⁹⁹

Targeted assistance schools can also use Title I funds to provide eligible students with **health, nutrition, and other social services**¹⁰⁰ that are not otherwise available to them if:

- The school has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, if appropriate; and
- Funds are not reasonably available from other public or private sources.¹⁰¹

Targeted assistance schools must:

- Help provide an **accelerated, high-quality curriculum**;
- **Minimize the removal of children from the regular classroom** during regular school hours for instruction provided by Title I; and
- **Review the progress of eligible students on an ongoing basis** and revise the targeted assistance program, if necessary, to provide students additional assistance to meet state standards.¹⁰²

Coordinating Targeted Services with Other Programs and Supports

Because targeted assistance programs can only serve specifically identified students, schools sometimes “wall-off” their Title I programs to prove that only eligible students participated. This is not required by the Title I law or federal rules. In fact, Title I encourages schools to coordinate Title I services with other programs, including the regular education program.

For example, the targeted assistance section of the law says:

Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.¹⁰³

The law also encourages targeted assistance schools to coordinate and integrate federal, state, and local services and programs, such as programs supported under ESEA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities.¹⁰⁴

This coordination extends beyond student services and includes Title I staff as well. For example, to promote the integration of Title I staff into the regular school program and overall school planning and improvement efforts, such staff can:

- Participate in general professional development and school planning activities, and
- Assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such

⁹⁹ ESSA, Section 1115(b)(2).

¹⁰⁰ Examples of such services include basic medical equipment such as eyeglasses and hearing aids, compensation of a coordinator, family support and engagement services, integrated student supports, and professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children. ESEA, Section 1115(e)(2)(B).

¹⁰¹ ESEA, Section 1115(e)(2).

¹⁰² ESEA, Section 1115(b)(2)(G).

¹⁰³ ESEA, Section 1115(e)(1).

¹⁰⁴ ESEA, Section 1115(b)(2)(F).

duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.¹⁰⁵

IV. Special Considerations for Using Title I Funds in Schools Identified for Support and Improvement

Under ESSA, states must identify two types of low-performing schools: **Targeted Support and Improvement (TSI)** schools, which are schools in which any subgroup of students is consistently underperforming, and **Comprehensive Support and Improvement (CSI)** schools, which include (a) not less than the lowest-performing five percent of Title I schools in the state, (b) any public high school failing to graduate one-third or more of its students, and (c) Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as students in the lowest-performing five percent of Title I schools, and that has failed to improve after the school has implemented a targeted support and improvement plan. Note that Targeted Support and Improvement schools are an accountability determination, and are different from Title I **Targeted Assistance** schools, which are based on the percentage of eligible high-need students at the school.¹⁰⁶

TSI and CSI schools¹⁰⁷ must develop plans for improving student outcomes that (among other things):

- Are informed by all the indicators for differentiating schools,
- Include evidence-based interventions (see box below), and
- Are based on an assessment of the school's needs.¹⁰⁸

Definition of "Evidence-Based" Activity in ESSA¹⁰⁹

Evidence-based activity means an activity, strategy, or intervention that:

- i. demonstrates a **statistically significant effect on improving student outcomes or other relevant outcomes based on—**
 - (I) **strong evidence from at least one well-designed and well-implemented experimental study;**
 - (II) **moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or**
 - (III) **promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or**
- ii. (I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and
(II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

Under ESSA, TSI and CSI schools that receive Title I funds have the same Title I, Part A spending options as any other Title I school, and can also use their Title I, Part A funds to support the school's TSI and CSI initiatives. For more information on evidence-based practices in ESSA, view OSSE's webinar at <https://attendee.gotowebinar.com/rt/563067985330487810>.

¹⁰⁵ ESEA, Section 1115(d).

¹⁰⁶ OSSE plans to first identify TSI and CSI schools by December 2018. For more information on TSI and CSI schools, visit DC's ESSA state plan, at <http://www.osse.dc.gov/essa>.

¹⁰⁷ For CSI schools, the LEA develops the plan, which must be approved by the school. ESEA, Section 1111(d)(1)(B).

¹⁰⁸ ESEA, Section 1111(d)(1)(B) and Section 1111(d)(2)(B).

¹⁰⁹ ESEA, Section 8101(21)(A).

V. Title I-Specific Spending Rules

The beginning of the ESEA section of this document includes general spending requirements applicable to all ESEA programs. This section includes additional nuances for ESEA Title I specifically. For detailed guidance on ESEA's spending rules, visit the U.S. Department of Education guidance here: <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.

Supplement, not Supplant (SNS) in Title I

Title I has a supplement not supplant (SNS) requirement that is more specific than ESEA overall. Title I funds must add to (supplement) and not replace (supplant) state and local funds that are necessary to provide a free public education. Under ESSA, compliance with SNS will no longer be tested through individual Title I costs.¹¹⁰

As updated by the Every Student Succeeds Act, an LEA must demonstrate that **the methodology used to allocate state and local funds to each Title I school ensures that each Title I school receives all state and local funds it would otherwise receive without federal Title I funds.**

No LEA is required to identify an individual cost or service as supplemental, nor provide services through a particular instructional method or setting. Under No Child Left Behind, there were different SNS compliance tests at the district and school level, including Title I schoolwide programs. ESSA has replaced these different tests with a single SNS provision applicable to both the school and district level.

LEAs must comply with new supplement, not supplant requirements no later than December 10, 2017. OSSE is working to help LEAs address this requirement by using an interim reporting tool for the 2017-2018 school year and incorporating the requirement into larger fiscal reporting requirements beginning in the 2018-2019 school year, in a way that minimizes burden but ensures appropriate oversight. Additional guidance will be issued this fall.

However, as LEAs begin each school year, it is important to ensure that they are utilizing a methodology for distributing Uniform Per Student Funding Formula (UPSFF) funds and any other local funding to schools in a manner that:

- addresses the core requirements of SNS; and
- allows the LEA to demonstrate compliance.

Key questions for LEAs to consider include the following:

- How does the LEA currently distribute state and local funds to schools, and are we currently meeting requirements? If not, what adjustments are needed before the start of the school year?
- How much state and local money, or what state-and-locally-funded resources, should each Title I school be expected to receive under the LEA's distribution process?
- How will the LEA ensure that each Title I school receives that amount?
- How will the LEA demonstrate compliance to monitors?

Comparability

The Title I comparability requirement requires LEAs to use state and local funds to provide services in Title I schools that, taken as a whole, are at least comparable to the services provided in schools that are not receiving Title I funds. LEAs may meet this requirement on a grade span or school-by-school basis. LEAs may also meet the requirement if it files with OSSE a written assurance that it has an LEA-wide salary schedule and equivalence policy among schools in teachers, staff, and materials. To determine expenditures per pupil from state and local funds, LEAs need not account for staff salary differentials based on years of employment, and may exclude

¹¹⁰ ESEA, Section 1118(b)(3)(A).

unpredictable changes in student enrollment or staff placement after the beginning of the school year. Each LEA must develop procedures for compliance and maintain records updated biennially. The LEA may exclude from calculations any state and local funds used for language instruction and excess costs for providing services to students with disabilities.¹¹¹

¹¹¹ ESEA, Section 1118(c).

Spending Title II, Part A Funds to Support Effective Instruction

This section provides information about how local educational agencies (LEAs) can spend Title II, Part A funds.

Title II, Part A is a U.S. Department of Education (ED) grant program that provides supplemental funding to help support effective instruction. ED awards Title II, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs.

For convenience this section will refer to the program as “Title II.” For more information about Title II please contact con.app@dc.gov.

A. Purpose of the Title II Program

In general, Title II funds can be used to provide supplemental activities that strengthen the quality and effectiveness of teachers, principals, and other school leaders.¹¹² The purpose of Title II is to:

1. Increase student achievement consistent with the state challenging academic standards,
2. Improve the quality and effectiveness of teachers, principals, and other school leaders,
3. Increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools, and
4. Provide low-income and minority students greater access to effective teachers, principals, and other school leaders.¹¹³

B. How Title II Funds May Be Used

I. **Overview and General Requirements**

LEAs can use Title II funds for a wide range of activities to support the quality and effectiveness of teachers, principals and other school staff. Activities supported with Title II funds must:

- Be consistent with Title II’s purpose (see above), and
- Address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students.¹¹⁴

LEAs must prioritize Title II, Part A funds to schools that:

- Are implementing comprehensive support and improvement (CSI) activities or targeted support and improvement (TSI) activities, **and**
- Have the highest percentage of children counted under section 1124(c)¹¹⁵ (these are primarily low-income children)¹¹⁶

ESSA implementation affords LEAs an opportunity to examine current uses of Title II funds and consider modifications to ensure effective and efficient uses of these resources.

¹¹² For federal non-regulatory guidance on the Title II program, please see U.S. Department of Education, *Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Learning* (September 2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>. This guidance will be referred to as *ED 2016 Title II, Part A Guidance* for the rest of this document.

¹¹³ ESEA, Section 2001.

¹¹⁴ ESEA, Section 2103(b)(1)-(2).

¹¹⁵ ESEA, Section 2102(b)(2)(C).

¹¹⁶ ESEA, Section 1124(c) is located in Title I of ESEA, and describes the children that should be counted.

LEAs are required to submit an application to OSSE, as part of the consolidated application, which includes descriptions of:

- Activities the LEA will carry out and how they will be aligned to challenging state academic standards;
- The LEA's systems of professional growth and improvement, including induction, building teacher capacity, or teacher leadership;
- How the LEA will prioritize funding to comprehensive support and improvement (CSI) and targeted support and improvement (TSI) schools and have the highest percentage of students from low-income families; and
- How the LEA will use data and ongoing consultation to update and improve activities.¹¹⁷

Requirement for Stakeholder Consultation When Deciding How to Use Local Title II Funds

Title II requires LEAs to consult meaningfully with a wide array of stakeholders on the LEA's plan for carrying out Title II activities.¹¹⁸ LEAs must also conduct ongoing consultation with those stakeholders to update and improve activities supported with Title II funds.¹¹⁹

In carrying out consultation, ED suggests LEAs consider the following activities:

- Conduct outreach to, and solicit input from relevant stakeholders during the design and development of plans for Title II funds ensuring there is a diverse representation of educators from across LEA, especially those who work in high-need schools and in early education;
- Be flexible when consulting with stakeholders, especially educators, by holding meetings or conferences outside the hours of the school day or by using a variety of communications tools, such as electronic surveys;
- Seek out diverse perspectives within stakeholder groups, when possible, and ensure that consultation is representative of the LEA as much as possible;
- Make stakeholders aware of past and current uses of Title II funds, and research or analysis of the effectiveness of those uses, if available, as well as research or analysis of proposed new uses of funds, in order to consider the best uses for schools and districts to support teacher and school leader development; and
- Consider the concerns identified during consultation, and revise uses of Title II funds when appropriate.¹²⁰

Requirement for Coordination with Other Programs and Strategies

LEAs using Title II funds must:

- Coordinate Title II professional development with other federal, state, and local programs¹²¹; and
- Coordinate with other related strategies, programs, and activities in the community.¹²²

II. Uses of Local Title II Funds

Overview

¹¹⁷ ESEA, Section 2102(b)(2)

¹¹⁸ ESEA, Section 2102(b)(3). Stakeholders include teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a LEA that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet Title II purposes. ESEA, Section 2102(b)(3)(A).

¹¹⁹ ESEA, Section 2102(b)(2)(D).

¹²⁰ *ED 2016 Title II, Part A Guidance*, p. 28.

¹²¹ ESEA, Section 2103(b)(2)(F)

¹²² ESEA, Section 2103(b)(3)(C)

An LEA **must** use Title II funds to **address the learning needs of all students**, including students with disabilities, English learners, and gifted and talented students.

What follows is an overview of all LEA **spending options** under the Title II law. LEAs are encouraged to prioritize activities that will have the highest impact on teaching and learning. When determining which of the many allowable Title II strategies and activities will have the highest impact, ED guidance suggests LEAs undertake a five-step framework:

1. Choose interventions aligned with identified local needs,¹²³
2. Consider the evidence base and the local capacity when selecting a strategy,
3. Develop a robust implementation plan,
4. Provide adequate resources so the implementation is well-supported, and
5. Gather information regularly to examine the strategy and to reflect on and inform next steps.¹²⁴

LEAs must use data and ongoing stakeholder consultation to continually update and improve Title II-supported services.

Note: ED's Title II guidance includes resources and considerations for specific strategies here: <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>).

Recruiting, Hiring, and Retaining Effective Teachers; Implementing Supports for Principals and Other School Leaders

LEAs may use Title II funds to develop and implement initiatives to recruit, hire, and retain effective teachers to improve the equitable distribution of teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet state standards.¹²⁵ LEAs may also use Title II funds to implement supports for principals and other schools leaders.

This can include:

- Expert help in screening candidates and enabling early hiring;¹²⁶
- Differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;¹²⁷
- Teacher, paraprofessional, principal, or other school leader advancement and professional growth,¹²⁸ which, according to ED guidance can include creating hybrid roles that allow teachers to provide instructional coaching to colleagues while remaining in the classroom, as well as other responsibilities such as collaborating with administrators to develop and implement distributive leadership models and leading decision-making groups;¹²⁹
- New teacher, principal, or other school leader induction and mentoring programs,¹³⁰
- Development and provision of training for school leaders, coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform decision-making about professional development, improvement strategies, and personnel decisions,¹³¹ and

¹²³ LEAs were required to conduct a formal needs assessment under No Child Left Behind (NCLB). ESSA eliminated that requirement.

¹²⁴ *ED 2016 Title II, Part A Guidance*, p. 30. Pages 30-34 of ED's guidance contain more information about these five steps.

¹²⁵ ESEA, Section 2103(b)(3)(B).

¹²⁶ ESEA, Section 2103(b)(3)(B)(i).

¹²⁷ ESEA, Section 2103(b)(3)(B)(ii).

¹²⁸ ESEA, Section 2103(b)(3)(B)(iii).

¹²⁹ *ED 2016 Title II, Part A Guidance*, p. 14.

¹³⁰ ESEA, Section 2103(b)(3)(B)(iv).

¹³¹ ESEA, Section 2103(b)(3)(B)(v).

- A system for auditing the quality of evaluation and support systems.¹³²

Example: Teacher Residency Program

According to ED guidance,¹³³ LEAs may use Title II funds to establish, improve, or support school-based residency programs for teachers in which prospective teachers, for at least one academic year:

- Teach alongside an effective teacher who is the teacher of record for the classroom, and
- Receive concurrent instruction – from either the LEA or the teacher preparation program – in the teaching of the content area in which the teacher will become certified or licensed, and
- Acquire effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the state.¹³⁴

Example: Supporting Educator Diversity

According to ED guidance, LEAs may use Title II funds for:

- Providing financial support to educator recruitment programs within the community to improve hiring and retention of a diverse workforce;
- Offering career advancement opportunities for current staff members, such as paraprofessionals, who have worked in the community for an extended period of time, to support their efforts to gain the requisite credentials to become classroom instructors;
- Partnering with preparation providers including local community colleges, Institutions of Higher Education (IHEs), Minority Serving Institutions, and alternative route providers, to build a pipeline of diverse candidates;
- Providing ongoing professional development aimed at cultural competency and responsiveness and equity coaching, designed to improve conditions for all educators and students, including educators and students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientations;
- Providing time and space for differentiated support for all teachers, including affinity group support,
- Supporting leadership and advancement programs aimed to improve career and retention outcomes for all educators, including educators from underrepresented minority groups; and
- Developing and implementing other innovative strategies and systemic interventions designed to better attract, place, support, and retain culturally competent and culturally responsive effective educators, especially educators from underrepresented minority groups, such as having personnel or staff-time dedicated to recruiting diverse candidates of high-quality who can best teach to the diversity of the student population.¹³⁵

Recruiting from Other Fields

LEAs may use Title II funds to recruit qualified individuals from other fields to become teachers, principals, or other school leaders. Qualified individuals from other fields include mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of

¹³² ESEA, Section 2103(b)(3)(B)(vi).

¹³³ *ED 2016 Title II, Part A Guidance*, p. 8.

¹³⁴ ESEA, Section 2002(5).

¹³⁵ *ED 2016 Title II, Part A Guidance*, p. 19.

academic distinction who demonstrate the potential to become effective teachers, principals or other school leaders.¹³⁶

Class Size Reduction

LEAs may use Title II funds to reduce class size to a level that is evidence-based, to the extent the SEA (in consultation with LEAs) determines such evidence is reasonably available.¹³⁷ According to ED guidance, LEAs may consider reducing class size as one strategy to attract and retain effective educators in high-need schools.¹³⁸

Personalized Professional Development

LEAs may use Title II funds to provide high-quality, personalized professional development¹³⁹ for teachers, instructional leadership teams, principals, or other school leaders.¹⁴⁰ The professional development must be evidence-based, to the extent the SEA (in consultation with LEAs) determines such evidence is reasonably available. The professional development must also focus on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders to:

- Effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);
- Use data to improve student achievement and understand how to ensure individual student privacy is protected;
- Effectively engage parents, families, and community partners, and coordinate services between school and community;
- Help all students develop the skills essential for learning readiness and academic success;
- Develop policy with school, LEA, community, or state leaders; and
- Participate in opportunities for experiential learning through observation.¹⁴¹

Personalized Professional Development Examples

According to ED guidance, among other activities, LEAs may use Title II funds for:

- Peer-led, evidence-based professional development in LEAs and schools;¹⁴²
- Community of learning opportunities and other professional development opportunities with diverse stakeholder groups such as parents, civil rights groups, and administrators, to positively impact student outcomes; for example, through a forum to discuss the implications of a policy or practice on a school community, or organizing a community-wide service learning project, where teachers work together afterwards to incorporate lessons learned into their teaching;¹⁴³
- Community of learning opportunities where principals and other school leaders engage with their school teams to fully develop broad curriculum models;¹⁴⁴

¹³⁶ ESEA, Section 2103(b)(3)(C).

¹³⁷ ESEA, Section 2013(b)(3)(D).

¹³⁸ *ED 2016 Title II, Part A Guidance*, p. 24.

¹³⁹ ED's guidance describes ESSA's definition of "professional development" in the following way:

Section 8101(42) defines "professional development," specifically noting that the professional development activities are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused. *ED 2016 Title II, Part A Guidance*, p. 11. For the full definition of professional development, please see ESEA, Section 8101(42).

¹⁴⁰ ESEA, Section 2103(b)(3)(E).

¹⁴¹ ESEA, Section 2103(b)(3)(E)(i)-(vi).

¹⁴² *ED 2016 Title II, Part A Guidance*, p. 14.

¹⁴³ *ED 2016 Title II, Part A Guidance*, p. 14.

¹⁴⁴ *ED 2016 Title II, Part A Guidance*, p. 15.

- Opportunities for principals and other school leaders to collaborate, problem-solve, and share best practices;¹⁴⁵
- “Teacher time banks” to allow effective teachers and school leaders in high-need schools to work together to identify and implement meaningful activities to support teaching and learning (for example, when implementing teacher time banks, Title II funds may be used to pay the costs of additional responsibilities for teacher leaders, use of common planning time, use of teacher-led developmental experiences for other educators based on educators’ assessment of the highest leverage activities, and other professional learning opportunities);¹⁴⁶ and
- Ongoing cultural proficiency training to support stronger school climate for educators and students.¹⁴⁷

Increasing Teacher Effectiveness for Students with Disabilities and English Learners

LEAs may use Title II to develop programs and activities that increase teachers’ ability to effectively teach children with disabilities and English learners, which may include the use of multi-tiered systems of support and positive behavioral intervention and supports.¹⁴⁸

Supporting Early Education

LEAs may use Title II funds to provide programs and activities to increase the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing.¹⁴⁹ LEAs may also use Title II funds to provide programs and activities to increase the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age eight, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school.¹⁵⁰

Supporting Effective Use of Assessments

LEAs may use Title II funds to provide training, technical assistance, and capacity-building to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate.¹⁵¹

Supporting Awareness and Treatment of Trauma and Mental Illness, and School Conditions for Student Learning

LEAs may use Title II funds to carry out in-service training for school personnel in:

- The techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness;
- The use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate;
- Forming partnerships between school-based mental health programs and public or private mental health organizations; and

¹⁴⁵ ED 2016 Title II, Part A Guidance, p. 15.

¹⁴⁶ ED 2016 Title II, Part A Guidance, p. 24.

¹⁴⁷ ED 2016 Title II, Part A Guidance, p. 24.

¹⁴⁸ ESEA, Section 2103(b)(3)(F).

¹⁴⁹ ESEA, Section 2103(b)(3)(G)(i).

¹⁵⁰ ESEA, Section 2013(b)(3)(G)(ii).

¹⁵¹ ESEA, Section 2103(b)(3)(H).

- Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.¹⁵²

Supporting Gifted and Talented Students

LEAs may use Title II funds to provide training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as:

- Early entrance to kindergarten;
- Enrichment, acceleration, and curriculum compacting activities (techniques relating to differentiated instruction); and
- Dual or concurrent enrollment programs in secondary school and postsecondary education.¹⁵³

School Library Programs

LEAs may use Title II funds to support the instructional services provided by effective school library programs.¹⁵⁴

Preventing and Recognizing Child Sexual Abuse

LEAs may use Title II funds to provide training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.¹⁵⁵

Supporting Science, Technology, Engineering, and Mathematics (STEM)

LEAs may use Title II funds to develop and provide professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science.¹⁵⁶

Feedback Mechanisms to Improve School Working Conditions

LEAs may use Title II funds to develop feedback mechanisms to improve school working conditions. This can include periodically and publicly reporting feedback on educator support and working conditions.¹⁵⁷

Supporting Postsecondary and Workforce Readiness

LEAs may spend Title II funds to provide high-quality professional development for teachers, principals, or other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning (if appropriate), which may include providing common planning time, to help prepare students for postsecondary education and the workforce.¹⁵⁸

Other Activities

LEAs may also spend Title II funds on other activities that meet Title II purposes (see “Purpose of the Title II Program” above) and are evidence-based to the extent the SEA (in consultation with LEAs) determines that such evidence is reasonably available.¹⁵⁹

III. Other Title II Spending Rules

¹⁵² ESEA, Section 2103(b)(3)(I).

¹⁵³ ESEA, Section 2103(b)(3)(J).

¹⁵⁴ ESEA, Section 2103(b)(3)(K).

¹⁵⁵ ESEA, Section 2103(b)(3)(L).

¹⁵⁶ ESEA, Section 2103(b)(3)(M).

¹⁵⁷ ESEA, Section 2103(b)(3)(N).

¹⁵⁸ ESEA, Section 2103(b)(3)(O).

¹⁵⁹ ESEA, Section 2103(b)(3)(P).

LEA-Level Administrative Costs

The Title II statute is silent on how much money LEAs may use for administrative costs. Generally, ED has advised LEAs may use a necessary and reasonable amount.

Supplement not Supplant

LEAs that receive Title II funds must comply with a supplement not supplant (SNS) requirement.¹⁶⁰ Additional details on SNS are in Part I of this guide. In general terms, SNS means that Title II funds should add to (supplement) and not replace (supplant) state and local funds.

Please note ESSA made a change to the way supplement not supplant is tested in Title I. This change does not affect how supplement not supplant is tested in Title II.

In Title II, supplanting is presumed when:

- An LEA uses Title II funds to pay for an activity that is required by federal, state or local law; or
- An LEA uses Title II funds to pay for an activity it supported with state or local funds the prior year.

An LEA may be able to overcome a presumption of supplanting if it has written documentation (for example, state or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the Title II, Part A funds.

Equitable Services for Eligible Private School Children

Title II funds are subject to an equitable services requirement.¹⁶¹ **Please note ESSA changes the way DCPS must reserve Title II funds for equitable services for private schools.** Under NCLB, DCPS only had to reserve a share of the Title II, Part A money it spent on professional development. Under ESSA, the reservation is now based on a DCPS school's entire Title II allocation.¹⁶² For more details on Equitable Services, see Part I of the document.

¹⁶⁰ ESEA, Section 2301.

¹⁶¹ ESEA, Section 8501(b)(1)(B).

¹⁶² ESEA, Section 8501(b). See also *ED 2016 Fiscal Changes Guidance*, Q&A P-1 & P-2.

Spending Title III, Part A Funds to Support English Learners

This section provides information about how LEAs can spend Title III, Part A funds.

Title III, Part A is a U.S. Department of Education (ED) grant program that provides supplemental funding to help support English learners (ELs) and immigrant students. ED awards Title III, Part A funds to SEAs, which then subgrant funds to LEAs.

For convenience this section will refer to the program as “Title III.” For more information about Title III please contact con.app@dc.gov.

A. **Purpose of Title III Subgrants to LEAs**

In General

LEAs must use Title III funds for effective approaches and methodologies for teaching ELs and immigrant children and youth for the following:

1. Developing and implementing new language instruction educational programs and academic content instructional programs for ELs and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.
2. Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for ELs and immigrant children and youth.
3. Implementing schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.
4. Implementing LEA-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.¹⁶³

Definition of English Learner and Immigrant Children and Youth

Under ESSA, the term “English learner” refers to an individual —

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C) (i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
 - (i) the ability to meet the challenging State academic standards;
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.¹⁶⁴

Under ESSA, the term “immigrant children and youth” refers to individuals who—

¹⁶³ ESEA, Section 3115(a). For federal non-regulatory guidance on the Title III program, please see U.S. Department of Education, *English Learners and Title III of the Elementary and Secondary Education Act (ESEA)*, as amended by the Every Student Succeeds Act (ESSA) (September 2016) available at <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguideenglishlearners92016.pdf>. This guidance will be referred to as *ED 2016 Title III, Part A Guidance* for the rest of this document.

¹⁶⁴ ESSA, Section 8101(20). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

- (A) are aged 3 through 21;
- (B) were not born in any State; and
- (C) have not been attending one or more schools in any one or more States for more than 3 full academic years.¹⁶⁵

B. How Title III Funds May Be Used

Title III includes two types of subgrants to LEAs. First “formula” subgrants available to LEAs (or a consortium of LEAs) that generate at least \$10,000 under a formula established in the Title III law. These subgrants must be used to support ELs in learning English and meeting state academic standards. (See Section I below – these funds will be referred to as “Title III EL funds.”) Second are “targeted” subgrants SEAs might award to LEAs that experience a significant increase in immigrant children and youth and should provide immigrant children with enhanced instructional opportunities. (See Section II below – these funds will be referred to as “Title III Immigrant funds.”)

I. Title III Funds for English Language Acquisition

LEAs may apply on their own or jointly with other LEAs for a Title III subgrant. In addition, an individual LEA or a group of LEAs may apply in collaboration with a college or university, community-based organization, or a State educational agency. The law forbids states from providing an LEA an allocation less than \$10,000. Thus LEAs that are slated to receive a formula allocation less than \$10,000 must form a consortium with other LEAs to be eligible for funds.

LEAs must use Title III EL funds to assist ELs in learning English and meeting state academic standards.¹⁶⁶

Required Uses of Title III EL Funds at the LEA Level

LEAs **must use** Title III EL funds for three activities:

1. Providing **effective language instruction educational programs (LIEPs)** the meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement.¹⁶⁷
2. Providing **effective professional development** to classroom teachers (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:
 - Designed to improve the instruction and assessment of ELs,
 - Designed to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs,
 - Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers, and
 - Of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom.¹⁶⁸
3. Providing and implementing other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which must include **parent, family, and community**

¹⁶⁵ ESSA, Section 3201(5). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

¹⁶⁶ ESSA, Section 3115(a).

¹⁶⁷ ESSA, Section 3115(c)(1). For federal guidance about LIEPs, please see *ED 2016 Title III, Part A Guidance*, Section C.

¹⁶⁸ ESSA, Section 3115(c)(2). For federal guidance on educators of English Learners, including professional development, please see *ED 2016 Title III, Part A Guidance*, Section D.

engagement activities, and may include strategies that serve to coordinate and align related programs.¹⁶⁹

As with all Title III costs, these three required Title III EL activities – effective LIEPs, effective professional development, and effective parent, family, and community engagement activities – **must be supplemental to state and locally funded programming** the LEA is delivering to meet its civil rights obligations to EL students.

Authorized Uses of Title III Funds at the LEA Level

In addition to spending on the required three activities above, **LEAs may spend** their Title III EL funds on other supplemental activities, including:

- **Upgrading program objectives** and effective instructional strategies;¹⁷⁰
- Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures;¹⁷¹
- Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators;¹⁷²
- Developing and implementing effective preschool,¹⁷³ elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services;¹⁷⁴
- Improving the English language proficiency and academic achievement of ELs;¹⁷⁵
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children;¹⁷⁶
- Improving the instruction of ELs, which may include ELs with a disability, by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs;¹⁷⁷
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education;¹⁷⁸ and
- Carrying out other activities that are consistent with the purposes of Title III subgrants.¹⁷⁹

If an LEA uses its Title III EL funds for one of the above authorized activities, it must ensure the funds are supplemental, including the requirement that the funds not be used to meet its civil rights obligations under Title VI of the Civil Rights Act¹⁸⁰ and the Equal Educational Opportunities Act (EEOA).¹⁸¹

¹⁶⁹ ESSA, Section 3115(c)(3). For federal guidance on parent, family, and community engagement, please see *ED 2016 Title III, Part A Guidance*, Section E.

¹⁷⁰ ESSA, Section 3115(d)(1).

¹⁷¹ ESSA, Section 3115(d)(2).

¹⁷² ESSA, Section 3115(d)(3).

¹⁷³ For more information on Title III and Early Learning, please see *ED 2016 Title III, Part A Guidance*, Section F.

¹⁷⁴ ESSA, Section 3115(d)(4).

¹⁷⁵ ESSA, Section 3115(d)(5).

¹⁷⁶ ESSA, Section 3115(d)(6).

¹⁷⁷ ESSA, Section 3115(d)(7).

¹⁷⁸ ESSA, Section 3115(d)(8).

¹⁷⁹ ESSA, Section 3115(d)(9).

¹⁸⁰ <http://legcounsel.house.gov/Comps/Civil%20Rights%20Act%20Of%201964.pdf>

¹⁸¹ 20 U.S. Code Sec. 1701 et. seq. <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title20/pdf/USCODE-2010-title20-chap39-subchapl-part2-sec1703.pdf>

II. Title III Immigrant Funds

LEAs that have experienced a **significant increase in immigrant children and youth** might receive an “immigrant subgrant” from their SEA. These Title III immigrant funds must be used to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, and may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;
- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth,
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program;
- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education; and
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.¹⁸²

III. Title III Specific Spending Considerations and Rules

LEA-Level Administrative Costs

LEAs may use up to **two percent** of their Title III funds for direct administrative costs.¹⁸³ Indirect costs are not part of the two percent cap.¹⁸⁴

Title III and the Supplement not Supplant Requirement

Title III is subject to a strict “supplement not supplant” (SNS) requirement that affects how Title III funds are spent.¹⁸⁵ Because SNS works differently in Title III than other federal programs, this section adds additional nuances from what is included in Part I of this guide. At its most basic, SNS requires Title III funds to add to (supplement) and not replace (supplant) other federal, state, and local funds. Whether a cost complies with SNS is situation specific, but in general there are three issues to consider:

1. Compliance with SNS is tested using two “presumptions;”
2. An LEA may not use Title III funds to meet its civil rights obligations to EL students; and
3. In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I, Part A.

These issues are described in more detail below, with examples of potential violations or impermissible uses of funds.

Issue 1: Compliance with SNS is tested using two “presumptions”

The federal government presumes Title III supplanting in the following two situations:

¹⁸² ESSA, Section 3115(e). See also *ED 2016 Title III, Part A Guidance*, Question G-4.

¹⁸³ ESSA, Section 3115(b).

¹⁸⁴ *ED 2016 Title III, Part A Guidance*, Question A-10.

¹⁸⁵ ESSA, Section 3115(g).

1. An LEA uses Title III funds to provide services the LEA is required to make available under other laws; or
2. An LEA uses Title III funds to provide services the LEA paid for with state or local funds the prior year.¹⁸⁶

These presumptions can be “rebutted” (disputed with evidence) and possibly overcome if the LEA can show it could not have provided the services in question with state or local funds.¹⁸⁷

For example, paying for an interventionist that provides intensive small-group interventions to EL students with Title III funds would violate the second presumption of supplanting if the LEA paid for this interventionist with local funds the prior year. However, the LEA may be able to rebut this presumption of supplanting if it can show it did not have local funds available to pay for the interventionist.

Issue 2: An LEA may not use Title III funds to meet its civil rights obligations to EL students

Under the first presumption of supplanting, an LEA may not use Title III funds to meet the requirements of federal, state, or local law. Under federal law, specifically Title VI of the Civil Rights Act of 1964 and the EEOA Equal Educational Opportunities Act (EEOA), LEAs have legal obligations to ensure that ELs can meaningfully and equally participate in educational programs and services.¹⁸⁸ ED guidance explains that to meet these civil rights obligations to EL students, LEAs must:

- Identify and assess all potential EL students in a timely, valid, and reliable manner;¹⁸⁹
- Provide EL students with a language assistance program that is educationally sound and proven successful, consistent with *Castañeda v. Pickard* and the U.S. Supreme Court decision in *Lau v. Nichols*;
- 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 under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 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) to ensure that EL students in each program acquire English proficiency and that each program is reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time; and

¹⁸⁶ ED 2016 Title III, Part A Guidance, Question A-2.

¹⁸⁷ ED 2016 Title III, Part A Guidance, Question A-2.

¹⁸⁸ ED 2016 Title III, Part A Guidance, Question A-2 and A-3.

¹⁸⁹ An LEA may not use Title III funds to identify EL students because identifying EL students is a civil rights obligation under Title VI and the EEOA. See ED 2016 Title III, Part A Guidance, Question A-8.

- Ensure meaningful communication with limited English proficient (LEP) parents.¹⁹⁰

Because Title III funds may not be used to meet legal obligations, including civil rights obligations, Title III may not be used to meet the obligations in the above list.

However, an LEA that meets its civil rights obligations on staffing may use Title III funds to hire extra staff. For example, ED guidance states that an LEA may use Title III funds to hire a specialist on EL students with interrupted formal education or English learners with disabilities to provide supplemental support to these unique populations; an LEA could also use Title III funds to hire staff that would provide supplemental LEA-wide instructional support to teachers of ELs. ED guidance also notes that determinations about the supplement not supplant requirement in Title III are always fact-specific.¹⁹¹

Issue 3: In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I
Under the first presumption of supplanting, an LEA may not use Title III funds to meet the requirements of federal, state, or local law. Under No Child Left Behind (NCLB), this meant LEAs could not use Title III funds to pay for Title I, Part A's EL-related requirements. Under ESSA, however, certain requirements that were previously part of the Title III program have moved to Title I, Part A. Because of this, ED guidance permits LEAs to use Title III funds to pay for activities that were in Title III under NCLB, but are now part of Title I, Part A in ESSA such as:

- EL parental notification regarding language instruction educational programs (LIEPs) and related information (ESEA Section 1112(e)(3)),
- Parental participation (e.g., regular EL parent meetings) (ESEA Section 1116(f)), and
- Reporting to the State on the number and percentage of ELs achieving English language proficiency (ESEA Section 1111(h)(2)).¹⁹²

ED's guidance states that LEAs may only use Title III funds for activities that moved from Title III to Title I *if* they ensure that:

1. The activity being supported is consistent with the purposes of Title III and meets federal guidelines for "reasonable and necessary costs,"¹⁹³
2. The activity being supported is supplemental to the LEA's civil rights obligations to ELs under Title VI of the Civil Rights Act and the EEOA, and
3. The LEA can demonstrate it is also using Title III funds to conduct activities required under Title III.¹⁹⁴ (See below for more information about required Title III EL activities).

Please note LEAs *may not* use Title III funds for Title I, Part A activities that are *also* used to meet civil rights obligations. For example, under Title VI of the Civil Rights Act of 1964 and the EEOA, LEAs must track EL student progress in achieving English language proficiency. LEAs often use the annual English language proficiency (ELP) assessment, which is now required under Title I,¹⁹⁵ to meet this civil rights obligation. If an LEA uses the annual

¹⁹⁰ ED 2016 Title III, Part A Guidance, Question A-3. Additional information about the civil rights obligations to EL students is available in a joint U.S. Department of Education and U.S. Department of Justice Dear Colleague Letter (2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

¹⁹¹ ED 2016 Title III, Part A Guidance, Question D-7.

¹⁹² ED 2016 Title III, Part A Guidance, Question A-4.

¹⁹³ The concept of "reasonable and necessary" costs comes from federal regulations known as the Uniform Grant Guidance (UGG). See, for example, the discussion in *Basic Considerations* of the UGG, available at https://www.ecfr.gov/cgi-bin/text-idx?SID=1ab34260fd33363573a554baedb4aa24&mc=true&node=pt2.1.200&rgn=div5#sg2.1.200_1401.sg12.

¹⁹⁴ ED 2016 Title III, Part A Guidance, Question A-4.

¹⁹⁵ ESEA, Section 1111(b)(2)(G).

ELP assessment to meet its civil rights obligations, Title III funds could not be used to pay for costs related to administering the ELP assessment.¹⁹⁶

¹⁹⁶ *ED 2016 Title III, Part A Guidance*, Question A-7.

Spending Title IV, Part A Funds for Student Support and Academic Enrichment

This section provides information about how local educational agencies (LEAs) can spend funds under the Student Support and Academic Enrichment (SSAE) grant program under Title IV, Part A, Subpart 1.¹⁹⁷

SSAE is a U.S. Department of Education (ED) grant program that provides supplemental funding to help provide students with a well-rounded education, improve school conditions, and improve the use of technology. ED awards Title IV, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs. For more information about SSAE, please contact con.app@dc.gov.

A. Purpose of the SSAE Program

The purpose of the SSAE grant program is to improve students' academic achievement by increasing the capacity of states, LEAs, schools, and local communities to:

1. Provide all students with access to a well-rounded education;
2. Improve school conditions for student learning; and
3. Improve the use of technology in order to improve the academic achievement and digital literacy of all students.¹⁹⁸

LEAs may apply on their own or jointly with other LEAs for a Title IV subgrant. The law forbids states from providing an LEA grant less than \$10,000. Thus LEAs that are slated to receive a formula allocation that is less than \$10,000 must form a consortium with other LEAs to be eligible for funds.

B. How SSAE Funds May Be Used

I. Use of Funds Overview

ESSA consolidated several previous federal education programs into a new flexible formula block grant. The purpose of Title IV, Part A is to improve academic achievement by providing all students with access to a well-rounded education; improve school conditions for student learning; and improve the use of technology in order to improve the academic achievement and digital literacy of all students. SSAE can pay for a wide range of activities, in three major categories:

- Well-rounded educational opportunities;
- Safe and healthy students; and
- The effective use of technology.

LEA spending options are listed in the section below, but there are several things to consider when deciding which activities to support, including:

- LEA needs;
- School needs;
- The LEA's objectives and intended outcomes;
- Stakeholder input; and
- Funding floors and ceilings on certain activities.

¹⁹⁷ Title IV of ESEA is divided into different "parts" and "subparts," each of which contains one or more grant programs. Title IV, Part A, Subpart 1, which is the focus of this handbook, is known as Student Support and Academic Enrichment (SSAE) Grants.

¹⁹⁸ ESEA, Section 4101. For federal non-regulatory guidance on the SSAE program, please see U.S. Department of Education, *Non-Regulatory Guidance: Student Support and Academic Enrichment Grants* (October 2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>. This guidance will be referred to as *ED 2016 SSAE Guidance* for the rest of this document.

Local Needs Assessment

LEAs that receive \$30,000 or more in SSAE funds must, at least once every three years,¹⁹⁹ conduct a comprehensive needs assessment of the following:

- Access to and opportunities for, a well-rounded education for all students,
- School conditions for student learning to create a healthy and safe school environment,
- Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.²⁰⁰

LEAs that receive less than \$30,000 in SSAE funds do not have to conduct a formal needs assessment,²⁰¹ but are encouraged to consider the needs above when deciding how to spend SSAE funds.²⁰²

Prioritizing High-Need Schools

LEAs must prioritize SSAE funds to schools that:

- Have the greatest needs as determined by the LEA;
- Have the highest percentages or numbers of low-income children;
- Are identified for Comprehensive Support and Improvement under Title I;
- Are implementing Targeted Support and Improvement plans under Title I; or
- Are identified as a persistently dangerous school under Section 8532.²⁰³

Objectives and Outcomes

LEAs must develop objectives for their SSAE programs and intended outcomes for SSAE-funded activities.²⁰⁴ LEAs must use these objectives and outcomes to periodically evaluate the effectiveness of SSAE-funded activities.²⁰⁵

LEAs must also provide SEAs with information about their progress towards their objectives and outcomes so SEAs can satisfy their reporting requirements.²⁰⁶

Stakeholder Engagement

LEAs must meaningfully consult with a wide array of stakeholders when designing their SSAE programs.²⁰⁷ They must also engage in continuing consultation with stakeholders to improve SSAE activities and to coordinate SSAE activities with other activities conducted in the community.²⁰⁸

Funding Floors and Ceilings

1. Required activities

¹⁹⁹ ESEA, Section 4106(d)(3).

²⁰⁰ ESEA, Section 4106(d).

²⁰¹ ESEA, Section 4106(d)(2).

²⁰² *ED 2016 SSAE Guidance*, p. 16 at footnote 14.

²⁰³ ESEA, Section 4106(e)(2)(A). ESSA requires LEAs to prioritize the distribution of funds to high-need schools. ED's SSAE guidance clarifies that an LEA can provide district-wide services with SSAE funds, but must prioritize activities for high-need schools (pp.14-15).

²⁰⁴ ESEA, Section 4106(e)(1)(E).

²⁰⁵ ESEA, Section 4106(e)(1)(E).

²⁰⁶ ESEA, Section 4104(a)(2); see also ESEA, Section 4106(e)(2)(F).

²⁰⁷ Stakeholders include parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet SSAE purposes. Section 4106(c)(1).

²⁰⁸ ESEA, Section 4106(c)(2).

Under ESSA, LEAs that receive \$30,000 or more in SSAE funds must spend:

- At least 20 percent on activities to support a well-rounded education;
- At least 20 percent to activities to support safe and healthy students, and
- At least some funds for activities to support the effective use of technology.²⁰⁹ (Please note the cap on technology infrastructure below.)

Please note that a single activity can satisfy more than one category of required costs.²¹⁰

LEAs that receive *less* than \$30,000 in SSAE funds must meet at least one of the above requirements (that is, spend at least 20 percent on activities to support a well-rounded education or at least 20 percent on activities to support safe and healthy students or at least some funds for activities to support the effective use of technology).²¹¹

2. Cap on Technology Infrastructure

Of the SSAE funds spent on technology, LEAs may not spend more than 15 percent of those technology funds to purchase technology infrastructure.²¹² Specifically, this means that LEAs may not spend more than fifteen percent of its SSAE technology funds on devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases.²¹³

3. Cap on Administrative Costs

LEAs may not spend more than two percent of their SSAE funds on direct administrative costs.²¹⁴

II. Local SSAE Spending Options

What follows is an overview of all LEA SSAE spending options under the law, but spending in a specific LEA should be aligned to the spending floors and ceilings, the LEA's needs assessment (where required), and stakeholder input as described above. The spending options are organized by the three spending categories described in the law.

Activities to Support a Well-Rounded Education

LEAs may (and in some cases must²¹⁵) spend SSAE funds to develop and implement programs and activities that support access to a well-rounded education.²¹⁶ Activities should be coordinated with other schools and community-based services and programs.²¹⁷ They can also be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success.²¹⁸

Allowable activities are listed below.²¹⁹

²⁰⁹ ESEA, Section 4106(e)(2)(C)-(E).

²¹⁰ *ED 2016 SSAE Guidance*, p. 13.

²¹¹ ESEA, Section 4106(f).

²¹² ESEA, Section 4109(b).

²¹³ *ED 2016 SSAE Guidance*, p. 32.

²¹⁴ ESEA, Section 4105(c).

²¹⁵ LEAs that receive \$30,000 or more in SSAE funds must spend at least twenty percent of funds on activities to support a well-rounded education. Section 4106(e)(2)(C).

²¹⁶ ESEA, Section 4107(a).

²¹⁷ ESEA, Section 4107(a)(1).

²¹⁸ ESEA, Section 4107(a)(2).

²¹⁹ For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 39-43.

3. College and Career Guidance

LEAs may use SSAE funds for college and career guidance and counseling programs like postsecondary education and career awareness and exploration activities, training counselors to effectively use labor market information in assisting students with postsecondary education and career planning, and financial literacy and Federal financial aid awareness activities.²²⁰

4. Music and Arts to Support Student Success

LEAs may use SSAE funds for programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution.²²¹

5. Science, Technology, Engineering, and Mathematics (STEM)

LEAs may use SSAE funds for programs and activities to improve instruction and student engagement in STEM, including computer science.²²² Examples include:

- Increasing access to high-quality courses for underrepresented student groups such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students;
- Supporting low-income students to participate in nonprofit competitions related to STEM subjects;
- Providing hands-on learning and exposure to STEM and supporting the use of field-based or service learning to enhance student understanding;
- Supporting the creation and enhancement of STEM-focused specialty school;
- Facilitating collaboration among school, afterschool program, and informal program personnel to improve the integration of programming and instruction; and
- Integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education.²²³

6. Accelerated Learning

LEAs may use SSAE funds to raise student academic achievement through accelerated learning programs that provide courses or instruction accepted for credit at institutions of higher education (like dual or concurrent enrollment courses, early college high school courses, AP and IB).²²⁴ This can include reimbursing low-income students for part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning exams.²²⁵ (Please note LEAs may use SSAE funds to cover fees for exams taken in the 2016-2017 school year.²²⁶)

It can also include increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses.²²⁷

OSSE has provided more detailed guidance on the use of SSAE funds for AP and IB test fees, available here: <https://osse.dc.gov/publication/guidance-leas-advanced-placement-ap-and-international-baccalaureate-ib-funding-under>.

7. Other Instructional Opportunities

LEAs may use SSAE funds for:

²²⁰ ESEA, Section 4107(a)(3)(A).

²²¹ ESEA, Section 4107(a)(3)(B).

²²² ESEA, Section 4107(a)(3)(C).

²²³ ESEA, Section 4107(a)(3)(C)(i)-(vi).

²²⁴ ESEA, Section 4107(a)(3)(D). See also ESSA, Section 4104(b)(3)(A)(i)(IV).

²²⁵ ESEA, Section 4107(a)(3)(D)(i).

²²⁶ ESEA, Section 4107(b).

²²⁷ ESEA, Section 4107(a)(3)(D)(ii).

- Activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education;²²⁸
- Foreign language instruction;²²⁹ and
- Environmental education.²³⁰

8. Volunteerism and Community Involvement

LEAs may use SSAE funds for programs and activities that promote volunteerism and community involvement.²³¹

9. Integrating Multiple Disciplines

LEAs may use SSAE funds to support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics.²³²

10. Other Activities

LEAs may use SSAE for other activities and programs to support student access to, and success in, a variety of well-rounded education experiences.²³³

Activities to Support Safe and Healthy Students

LEAs may (and in some cases must²³⁴) use SSAE funds to develop, implement and evaluate comprehensive programs and activities that:

- Are coordinated with other schools and community based services and programs;
- Foster safe, healthy, supportive, and drug-free environments that support academic achievement; and
- Promote parent involvement in activities or programs.²³⁵

LEAs may conduct activities in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success.²³⁶

Allowable activities are listed below.²³⁷

1. Evidence-Based Drug and Violence Prevention

LEAs may spend SSAE funds on drug and violence prevention activities and programs that are evidence-based, to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available.²³⁸

This can include:

²²⁸ ESEA, Section 4107(a)(3)(E).

²²⁹ ESEA, Section 4107(a)(3)(F).

²³⁰ ESEA, Section 4107(a)(3)(G).

²³¹ ESEA, Section 4107(a)(3)(H).

²³² ESEA, Section 4107(a)(3)(I).

²³³ ESEA, Section 4107(a)(3)(J).

²³⁴ LEAs that receive \$30,000 or more in SSAE funds must spend at least twenty percent of funds on activities to support safe and healthy students. Section 4106(e)(2)(D).

²³⁵ ESEA, Section 4108(1)-(3).

²³⁶ ESEA, Section 4108(4).

²³⁷ For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 43-45.

²³⁸ ESEA, Section 4108(5)(A).

- Programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes; and
- Professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention.²³⁹

2. School-Based Mental Health Services

LEAs may use SSAE funds for school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers.²⁴⁰

LEAs may also use SSAE funds for school-based mental health services partnership programs that are conducted in partnership with a public or private mental health entity or health care entity, and provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are:

- Based on trauma-informed practices that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available);
- Coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (IDEA); and
- Provided by qualified mental and behavioral health professionals who are certified or licensed by the state and practicing within their area of expertise.²⁴¹

LEAs must obtain prior written consent from the parent of each child under the age of 18 to participate in any mental-health assessment or service funded with SSAE and conducted in connection with school.²⁴² Before obtaining consent, the LEA must provide the parent with written notice describing in detail:

- The mental health assessment or service;
- The purpose for the assessment or service;
- The provider of such assessment or service;
- When the assessment or service will begin; and
- How long such assessment or service may last.²⁴³

Providing this consent does not waive any rights or protections under the Family Educational Rights and Privacy Act (FERPA).²⁴⁴

3. Health and Safety Activities or Programs

LEAs may use SSAE funds for programs or activities that:

- Integrate health and safety practices into school or athletic programs;
- Support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led

²³⁹ ESEA, Section 4108(5)(A)(i)-(ii).

²⁴⁰ ESEA, Section 4108(5)(A)(B)(i).

²⁴¹ ESEA, Section 4108(5)(A)(B)(ii).

²⁴² ESEA, Section 4001(a)(1)(A). Please note informed written consent is not required in an emergency where it is necessary to protect the immediate health and safety of the child, other children, or LEA personnel. Informed written consent is also not required when the LEA actively seeks parental consent but cannot reasonably obtain it, including when a parent does not respond to notice from the LEA, or the child is at least 14 years old and is considered an “unaccompanied youth” under Section 725 of the McKinney Vento Homeless Education Act. Section 4001(a)(2).

²⁴³ ESEA, Section 4001(a)(1)(B).

²⁴⁴ ESEA, Section 4001(a)(1)(C).

by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students;

- Help prevent bullying and harassment;
- Improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment;
- Provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse,
- Establish or improve school dropout and reentry programs; or
- Establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports.²⁴⁵

4. Addressing Trauma and Violence

LEAs may use SSAE funds for high-quality training for school personnel, including specialized instructional support personnel, related to:

- Suicide prevention;
- Effective and trauma-informed practices in classroom management;
- Crisis management and conflict resolution techniques;
- Human trafficking;²⁴⁶
- School-based violence prevention strategies;
- Drug abuse prevention, including educating children facing substance abuse at home; and
- Bullying and harassment prevention.²⁴⁷

5. Addressing Sexual Abuse

LEAs may use SSAE funds for child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide:

- Age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and
- Information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child.²⁴⁸

6. Reducing Exclusionary Discipline Practices

LEAs may use SSAE funds for designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that:

- Is consistent with best practices;
- Includes strategies that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available); and
- Is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services.²⁴⁹

²⁴⁵ ESEA, Section 4108(5)(C).

²⁴⁶ Defined as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) available at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section7102&num=0&edition=prelim>.

²⁴⁷ ESEA, Section 4108(5)(D).

²⁴⁸ ESEA, Section 4108(5)(E).

²⁴⁹ ESEA, Section 4108(5)(F).

7. Positive Behavioral Interventions and Supports

LEAs may use SSAE funds to implement schoolwide positive behavioral interventions and supports (PBIS).²⁵⁰ This can include coordinating with similar IDEA activities to improve academic outcomes and school conditions for student learning.

8. Resource Coordinator

LEAs can use SSAE funds to designate a site resource coordinator to provide a variety of services like:

- Establishing partnerships within the community to provide resources and support for schools;
- Ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and
- Strengthening relationships between schools and communities.²⁵¹

9. Pay for Success

LEAs may use pay for success initiatives aligned with the goal of supporting safe and healthy students.²⁵² A pay for success initiative is a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector.²⁵³

Activities to Support the Effective Use of Technology

LEAs may (and in some cases must²⁵⁴) use SSAE funds to improve the use of technology to improve the academic achievement, academic growth and digital literacy of all students.²⁵⁵ Of the amount an LEA chooses to spend on technology, only fifteen percent may be used for technology infrastructure. Please see section above “Funding Floors and Ceilings” for more information about this fifteen percent cap.

Allowable activities are listed below.²⁵⁶

1. Professional Learning

LEAs may use SSAE funds to provide educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to:

- Personalize learning to improve student academic achievement;
- Discover, adapt, and share relevant high-quality educational resources,
- Use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and
- Implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning.²⁵⁷

2. Technological Capacity and Infrastructure

LEAs may use SSAE funds to build technological capacity and infrastructure, which may include:

²⁵⁰ ESEA, Section 4108(5)(G).

²⁵¹ ESEA, Section 4108(5)(H).

²⁵² ESEA, Section 4108(5)(I).

²⁵³ ESEA, Section 8101(40). More information about pay for success initiatives is available from ED at <http://www2.ed.gov/about/initiatives/ed/pay-for-success/index.html>.

²⁵⁴ LEAs that receive \$30,000 or more in SSAE funds must spend some SSAE funds on activities that support the effective use of technology. Section 4106(e)(2)(E).

²⁵⁵ ESEA, Section 4109(a).

²⁵⁶ For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 46-47.

²⁵⁷ ESEA, Section 4109(a)(1).

- Procuring content and ensuring content quality; and
- Purchasing devices, equipment, and software applications in order to address readiness shortfalls.²⁵⁸

LEAs may not spend more than fifteen percent of the SSAE funds used for technology on technology infrastructure.²⁵⁹

3. Delivering Courses through Technology

LEAs may use SSAE funds to develop or use effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.²⁶⁰

4. Blended Learning

LEAs may use SSAE funds to carry out blended learning projects, which must include:

- Planning activities like developing new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases (that do not include significant construction or renovation of facilities) (please note all technology infrastructure costs count towards the fifteen percent cap noted above); or
- Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project.²⁶¹

5. Professional Development on Use of Technology in STEM Areas

LEAs may use SSAE funds to provide professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in STEM areas.²⁶²

6. Access to Digital Learning Experiences

LEAs may use SSAE funds to provide students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.²⁶³

III. **SSAE Specific Spending Rule: Supplement not Supplant**

LEAs that receive SSAE funds must comply with an SNS requirement.²⁶⁴ In general terms, this means that SSAE funds should add to (supplement) and not replace (supplant) state and local funds.

For the SSAE program, supplanting is presumed when:

- An LEA uses SSAE funds to pay for an activity that is required by federal, state or local law, or
- An LEA uses SSAE funds to pay for an activity it supported with state or local funds the prior year.²⁶⁵

²⁵⁸ ESEA, Section 4109(a)(2).

²⁵⁹ ESEA, Section 4109(b).

²⁶⁰ ESEA, Section 4109(a)(3).

²⁶¹ ESEA, Section 4109(a)(4).

²⁶² ESEA, Section 4109(a)(5).

²⁶³ ESEA, Section 4109(a)(6).

²⁶⁴ ESEA, Section 4110.

²⁶⁵ *ED 2016 SSAE Guidance*, p. 14.

An LEA may overcome a presumption of supplanting if it has written documentation (e.g., State or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the SSAE program funds.²⁶⁶

²⁶⁶ *ED 2016 SSAE Guidance*, p. 14

PART III: INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

PART B

Overview

This Part provides general guidance on the major funding requirements under Part B of the Individuals with Disabilities Education Act (IDEA) (Pub. L. 108-446)

The IDEA is a federal entitlement grant program that provides funds to state educational agencies (SEAs) and local educational agencies (LEAs) to help ensure that eligible students with disabilities ages 3 through 21 have access to a free appropriate public education (FAPE) in the least restrictive environment and designed to meet each student's unique needs and prepare him or her for further education, employment, and independent living. IDEA Section 611 provides funding for children ages 3 through 21 while IDEA Section 619 provides additional funding for preschool children ages three through five. ED awards these funds to the SEA, which then subgrants funds to LEAs using formulas outlined in the IDEA regulations. IDEA funds are non-discretionary and must be spent for specific purposes.

Funding Requirements

Subgrantees must submit a set of “substantially approvable” assurances in Phase I of its application to OSSE prior to July 1st of each award year. Subgrantees may begin obligating expenses against their IDEA Part B grant funds for each award year upon the date that their Phase I application was substantially approved.

Reimbursement requests for expenditures will not be accepted until the Phase II application is completed and approved.

A. Maintenance of Effort

Generally, maintenance of effort is the requirement that LEAs must spend the same amount of non-federal funding on a program from year to year. The intent of the maintenance of effort requirement is to ensure that the level of state and local funding remains consistent from year to year and that federal funds are not used as a basis for a federal grant recipient to reduce the amount of money that it has previously spent on a program. LEAs must maintain (or increase) the level of non-federal funding that it spends to educate children with disabilities from year to year.

Under the IDEA, maintenance of effort must be demonstrated at the application stage for purposes of showing that an LEA is eligible for the IDEA award and also after the end of the LEA's fiscal year to determine whether the LEA has complied with the requirement. Both standards are discussed below. There are exceptions to the IDEA maintenance of effort requirement and adjustments that may be made to the calculation, also discussed below.²⁶⁷

Eligibility Standard

To determine whether an LEA is eligible for the IDEA award, OSSE compares the LEA's budgeted allocation in the LEA's upcoming fiscal year for the education of children with disabilities with what the LEA actually spent in the LEA's most recent fiscal year for which information is available.²⁶⁸ The budgeted amount must be at least the same amount as the amount actually spent by the LEA.

²⁶⁷ ED Guidance on the maintenance of effort requirement can be found at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osepmemo1510leamoeqa.pdf>

²⁶⁸ 34 CFR § 300.203(a)

In the District, an LEA may meet the eligibility standard based on total local funds (i.e., District of Columbia funds) or local funds on a per capita basis. Per capita refers to the total local funds divided by the number of children with disabilities served by the LEA.

Compliance Standard

The compliance standard is an expenditure test to determine whether the LEA did, in fact, meet the maintenance of effort requirement. In determining whether an LEA is in compliance, OSSE will compare the LEAs' actual expenditures from the most recent fiscal year for which information is available with the actual expenditures from the second preceding fiscal year.²⁶⁹ The actual expenditures from the most recent fiscal year must be at least as much as the actual expenditures from the second preceding fiscal year. As with the eligibility standard, the LEA may meet the compliance standard based on total local funds or local funds on a per capital basis. Valid expenditures are only allowable special education costs. Special education attorney fee expenditures made pursuant to 34 CFR § 300.517 shall not be included in the IDEA MOE calculation.

Exceptions and Adjustments to MOE. ²⁷⁰

In certain circumstances, an LEA may reduce its budget or level of expenditures for special education services without penalty. Exceptions to the IDEA maintenance of effort requirement²⁷¹ are:

- The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel;
- A decrease in the enrollment of children with disabilities;
- The termination of the obligation of the LEA to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by OSSE, because the child
 - Has left the jurisdiction of the LEA;
 - Has reached the age at which the LEA's obligation to provide FAPE has terminated; or
 - No longer needs the special education program.
- The termination of costly expenditures for long-term purchases (e.g., the purchase of equipment or the construction of school facilities)
- The assumption of cost by a high cost fund operated by the SEA under 34 CFR § 300.704(c).²⁷²

An LEA may also make an adjustment to its maintenance of effort calculation in certain years.²⁷³ If the LEA's IDEA allocation for a fiscal year is more than its IDEA award from the prior year, the LEA may reduce its level of local expenditures (including expenditures spent on early intervening services under 34 CFR § 300.226) by not more than 50%. The LEA must then use the reduction in local expenditures to carry out activities that could be supported with funds under the ESEA. An LEA, however, may not take this adjustment if OSSE determines that the LEA is unable to establish and maintain programs of FAPE or has taken enforcement action against the LEA.

These exceptions and adjustments may be applied by the LEA to meet both the eligibility and compliance standards.

²⁶⁹ 34 CFR § 300.203(b)

²⁷⁰ The Code of Federal Regulations table of contents for Title 34, Part 300, Assistance to States for the Education of Children with Disabilities, is available here: <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=d60501c276087923aa0dcc6d2e064620&mc=true&n=pt34.2.300>

²⁷¹ 34 CFR § 300.204

²⁷² OSSE currently does not operate a high cost fund.

²⁷³ 34 CFR § 300.204

If it is determined at any point, that an LEA has failed to maintain the appropriate level of effort for expenditures made with non-federal, District funds for special education as defined in 34 CFR § 300.203-205 of IDEA, OSSE shall coordinate with the LEA on options for repayment of funds to the U.S. Department of Education.

B. Excess Costs

The excess cost requirement prevents an LEA from using IDEA funding to pay for all of the costs associated with educating a child with a disability.²⁷⁴ Rather, IDEA funds are intended to pay only the excess costs for educating a child with a disability above the amounts used for educating all school children, including non-disabled children. Excess costs are those costs for the education of an elementary school or secondary school child with a disability that are in excess of the average annual per student expenditure in an LEA during the preceding school year for an elementary school or secondary school student, as may be appropriate. An LEA must spend at least the average annual per student expenditure on the education of an elementary school or secondary school child with a disability before funds under Part B of the Act are used to pay the excess costs of providing special education and related services.²⁷⁵ Subgrantees are required to comply with the excess cost requirement annually.

C. Coordinated Early Intervening Services (CEIS)

IDEA allows LEAs to use funds provided under Part B of the IDEA for Coordinated Early Intervening Services (CEIS). These services are for children from kindergarten through grade 12, with an emphasis on children from kindergarten through grade 3, who are not currently identified as children with disabilities needing special education and related services but who need additional academic and behavior support to succeed in the general education environment.²⁷⁶ An LEA is limited to using 15% of its IDEA Part B award for CEIS. If an LEA opts to use part of its IDEA funding on CEIS, the LEA must annually report to OSSE: (i) the number of children who received CEIS and (ii) the number of children who received CEIS and subsequently were identified as children with disabilities and received special education and related services in the two year period prior to the report.

In certain circumstances, an LEA will be required to provide CEIS. OSSE must determine annually whether an LEA is required to implement CEIS. This decision is based on whether OSSE determines that an LEA has significant disproportionality in racial or ethnic representation with respect to:

- The identification of children as children with disabilities, including the identification of children as children with disabilities with a particular impairment;
- The placement in particular educational settings; and
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.²⁷⁷

If an LEA is determined to have significant disproportionality, the LEA will be required to review and, if appropriate, revise its policies and practices used in the identification or placement of children to ensure compliance with IDEA requirements. The LEA will also be required to reserve the full 15% set-aside for CEIS and to provide these services to children in the LEA and particularly (but not exclusively) to children in the groups that were significantly overidentified.

is required to implement CEIS, it must set aside 15 percent of its total IDEA Part B funds awarded for the identified school year. When the LEA chooses to voluntarily implement CEIS, it may set aside any amount of its IDEA funds, with a maximum set aside of 15 percent.

²⁷⁴ 34 CFR § 300.202

²⁷⁵ 34 CFR § 300.16

²⁷⁶ IDEA, Section 613(f) and 34 CFR § 300.226

²⁷⁷ 34 CFR §300.646

D. Supplement Not Supplant

Similar to the Title programs under ESSA, the IDEA also has a supplement not supplant requirement. IDEA funds must be used to supplement local and other Federal funds and not to supplant those funds.²⁷⁸

E. Use of IDEA funds for ESEA Schoolwide programs

As discussed in Part II of this guidance, an LEA may use its IDEA Part B grant award in consolidation with other federal and local funding to operate a schoolwide program under ESSA Section 1114.²⁷⁹ The IDEA funding that may be used for the schoolwide program is limited to the per pupil funding based on the federal award multiplied by the total number of children with disabilities participating in the schoolwide program. IDEA grant funds used for an ESSA schoolwide program must be considered IDEA funds for purposes of compliance with the excess cost and supplement not supplant requirements. The LEA must also ensure compliance with other parts of IDEA Part B, including ensuring that children participating in the schoolwide program continue to receive services in accordance with their individualized education programs (IEP) and are afforded all of the procedural rights and protections required under the IDEA.

²⁷⁸ 34 CFR § 300.202(a)(3)

²⁷⁹ 34 CFR § 300.206

Appendix: Examples of Using Federal Funds Strategically to Support Specific Programs, Activities, and Initiatives

This section has been adapted with permission from a similar guide by the New Jersey Department of Education.²⁸⁰

The appendix describes how districts and schools can use different federal funds to support specific educational programs, activities, and initiatives. This guidance focuses on the six initiatives below due to the availability of evidence demonstrating how improvement or investment in them has the potential to improve student outcomes.

- Implementing Multi-Tiered System of Supports (MTSS)
- Focusing on Grade-Level Literacy Rates
- Focusing on Algebra I Outcomes
- Supporting a Positive School Climate
- Focusing on Rates of Chronic Absenteeism
- Increasing Availability of Job-embedded Professional Development

Implementing Multi-Tiered System of Supports

Why Invest in this Initiative?

Multi-Tiered System of Supports (MTSS) is a framework of academic and behavioral supports and interventions to improve student achievement, based on the three-tier prevention logic of Response to Intervention (RTI). With a foundation of strong district and school leadership, a positive climate, and family and community engagement, MTSS can build upon intervention and referral services, and give schools a structure to meet the academic, behavioral, health, enrichment and social-emotional needs of all students.

This System Can Help Address:

- Academic, behavioral, social-emotional and health needs of students
- Disproportionality among subgroups in disciplinary practices and in identification for special education services
- Suspension rates
- Academic achievement and achievement of post-secondary goals

MTSS gives schools and districts a systematic way to address learner variability and engage all students in learning. MTSS can maximize the efficient use of resources to improve support for all classroom teachers and targets interventions to students based on their needs. Through regular monitoring of student progress, along with data-based decision making by problem solving teams and providing a continuum of supports and interventions based on student performance, MTSS offers a variety of evidence-based practices designed to improve achievement and promote positive student outcomes.

How Federal Funds May be Used to Implement MTSS

²⁸⁰ New Jersey Department of Education. [Unlocking your federal funds: Making the Funds Received Under the Elementary and Secondary Education Act \(ESEA\) as Amended by the Every Student Succeeds Act \(ESSA\) Work More Effectively for Students and Educators](#). June 2017.

Below you will find some strategies and activities a school or district could support with federal funds to implement MTSS. These do not represent all the strategies and activities that may be paid for with federal funds for this purpose. For more information on whether a specific activity or program may be funded with a specific federal funding source, consult the law.

Source	Sample Activities/Strategies that May Be Funded
Title I, Part A	<p>In general, Title I, Part A funds may be used for some or all activities associated with implementing the nine components of MTSS, including those listed in each of the Titles below.</p> <p>Example: A school receiving Title I funds (schoolwide or targeted) offers a small group intervention for reading to students who demonstrate a need based on the results of a universal screening tool. In such a scenario, Title I funds may be used to:</p> <ul style="list-style-type: none"> • Hire/pay for intervention teachers (e.g., salary); • Purchase supplementary materials needed to address students’ needs in specific areas of reading; • Purchase and use a data management system, including data analysis tools, such as an Instructional Improvement System to help educators manage and analyze student data to improve instruction and decision-making; or • Provide professional development on intervention strategies (e.g., hire consultants, send educators to training, purchase materials) to ensure the effective implementation of interventions.
Title II, Part A	<p>In general, Title II, Part A funds may be used to support professional development for all educators, or a subset of educators, on effectively implementing MTSS, which may include training on how to:</p> <ul style="list-style-type: none"> • Deliver targeted, small group interventions; • Deliver intensive, customized interventions aligned to a student’s needs; • Use techniques, supports, and referral mechanisms to identify students at-risk of academic or behavioral difficulties; • Support programs that implement systems and supports for educators to learn to effectively use data to improve instruction; or • Make data-based decisions regarding when to provide a student with a support or service
Title III, Part A	<p>While funds received under Title III, Part A may be used to support implementation of MTSS, the allowable uses are more situation specific. Funds may be used to implement some or all activities associated with implementing MTSS for English language learners (ELLs) and/or immigrant students only.</p> <p>Example 1: A school receives an influx of students with interrupted formal education (SIFEs). Many of these students are several grade levels behind. The district may use Title III, Part A Immigrant funds for the salary of a new trauma counselor to help students with their adjustment to the school.</p> <p>Example 2: A school has ELLs who need additional instructional time to master the third-grade math curriculum. The district may use its Title III, Part A funds to provide an extended day bilingual math tutorial program (e.g., stipends for teachers, materials and supplies)</p>

Title IV, Part A	<p>In general, Title IV, Part A funds may be used for many of the activities associated with implementing MTSS.</p> <p>Note: These funds may be used in isolation or in coordination with Title I, Part A; Title II, Part A; or IDEA, Part B and other funds to implement these components.</p>
IDEA, Part B	<p>Please note that IDEA, Part B funds must be used only to pay the excess costs of providing a free and appropriate education (FAPE) to students with disabilities.</p> <p>Use of IDEA, Part B funds to implement MTSS components may include:</p> <ul style="list-style-type: none"> • Supplementary materials, curricula and services specific to the needs of only students with Individualized Education Programs (IEPs), in any of the three tiers of instruction and intervention; • Supplementary assessments and accommodations that are necessary to include students with disabilities in any district assessment process (e.g., an alternate assessment for reading administered to students with more significant disabilities on the same schedule as the district’s reading assessment administered to all other students); • Staff members whose participation in instruction, problem-solving, data analysis and professional development relates to students with disabilities (e.g., special education teacher, school psychologist, learning consultant, behaviorist, social worker); • Activities to promote parent and family engagement and positive school climate when including students with disabilities and/or their families; • Supports, interventions, and activities necessary for the integration/ inclusion of students with disabilities; or • Activities to help reduce paperwork, including expanding the use of technology in the IEP process (e.g., a data management system, such as an Instructional Improvement System). <p>Students with IEPs may receive instruction at any tier in MTSS in addition to the supports provided in their IEPs. Some examples include:</p> <p>Example 1: A student with an IEP is receiving a small-group intervention for reading, available to students with and without IEPs who demonstrate need. IDEA, Part B funds may be used to purchase a tablet for the student with an IEP since it is an excess cost specific to the needs of that student. The tablet is an individualized support that enables the student to participate with nondisabled peers in the general education, small-group intervention.</p> <p>Example 2: A student with an IEP uses a specific software program during small group time in the literacy block (general education class, Tier 1) as per his IEP. IDEA, Part B funds may be used to purchase the software.</p>
IDEA, Part B, Coordinated Early Intervening Services (CEIS)	<p>Context: LEAs may use up to 15% of their IDEA, Part B funds to assist students in grades K-12 who are not currently identified as needing special education and related services, but who need additional academic and behavioral support.</p> <p>Such IDEA, Part B-CEIS funds can be used:</p> <ul style="list-style-type: none"> • To provide professional development; or • In coordination with ESEA funds, but must supplement not supplant ESEA funds for specific intervention activities

	<p>Example: The LEA has determined through a screening that 15 students in first grade require a small group, Tier 2 intervention in reading. The LEA may use its IDEA, Part B-CEIS funds to pay for the teacher and the materials for that intervention for those identified students. The students receiving this intervention would be part of the CEIS tracking mechanism.</p>
<p>Consolidated Use of Funds in a Title I, Schoolwide Program (blending ESEA and IDEA funds)</p>	
<p>An LEA may use funds received under IDEA, Part B for any fiscal year to carry out an approved Title I schoolwide program.</p> <p>The amount of IDEA, Part B funds used in any school with an approved Title I schoolwide program may not exceed the number of children with disabilities in the school participating in the schoolwide program divided by the number of children with disabilities in the jurisdiction of that agency. In other words, the percentage of IDEA, Part B funds the district uses in the school with an approved schoolwide program must be consistent with the percentage of students with disabilities in that school relative to the number of students with disabilities in the district as a whole.</p> <p>Example: Five students with disabilities participate in a Tier 2 general education reading intervention (occurs three times per week, in addition to the literacy block) in one school that has a Title I schoolwide program. The district may use IDEA, Part B funds alone or in combination with other federal, state or local funds to support the program, as long as such use complies with the formula above.</p>	

Supporting a Positive School Climate

Why Invest in this Initiative?

An enduring safe and positive school climate is essential for fostering learning and positive youth development that results in productive and fulfilling lives. The establishment and maintenance of positive school climates and cultures, as is the case with other school improvement efforts, require reliable data from which to identify strengths and concerns and draw actionable conclusions. Schools can use climate data to promote meaningful staff, family and student engagement and to enhance conditions for learning.

Needs that a positive school climate can impact:

- Chronic absenteeism;
- Discipline rates, including incidents of bullying and violence in schools;
- Alcohol and drug use;
- Academic outcomes; and
- Graduation rates.

OSSE believes that a school's climate and student and family engagement are deeply important and are necessary foundations for academic achievement and progress. Although a statewide school survey instrument is not ready for inclusion in a formal accountability system at this time, OSSE supports the ongoing efforts of LEAs and schools in using a range of school climate instruments and surveys, and are also coordinating the implementation of a school climate initiative with approximately 30 schools (both DCPS and public charter schools) and other DC government partners under a grant from the National Institutes of Justice. Because OSSE is committed to the importance of school climate work and to exploring this measure, OSSE also plans to begin an opt-in program with LEAs and schools who are interested in piloting a school survey for possible future use in the accountability framework.

Domains of School Climate

Research emphasizes the importance of using data to inform planning, guide implementation, and evaluate school improvement efforts. A school's climate is the product of multiple dimensions, such as the physical environment, morale in the school community, student relationships and others. By analyzing the data specific to each dimension or domain, a school will be able to focus on key areas to improve the quality of its school climate. The following eight domains are found to have a significant influence on the quality of a school's climate and the conditions for learning:

- **Physical Environment:** Focuses on scheduling, use of the building, and attitudes towards the building;
- **Teaching and Learning:** Focuses on the academic climate of the school and measures support for student development, levels of instructional challenge and relevance, and attitudes about "ownership" (i.e., a sense of personal responsibility for teaching and learning and personal pride in successfully achieving academic objectives) by students of learning and teachers of teaching; it also includes general attitudinal measures of satisfaction with the school's overall instructional quality;
- **Morale in the School Community:** Addresses the ownership of and identification with the school's central character, as well as a call to all stakeholders for "belonging" to the school;
- **Student Relationships:** Addresses the degree to which relationships between students are open, honest, respectful and promote positive outcomes above negative, preventable outcomes;
- **Parental Support:** Addresses the degree to which parents and community members are incorporated in both the social and academic environments of the school;

- **Safety:** Addresses attitudes toward the individual's sense of physical safety in and around the school;
- **Emotional Environment:** Addresses attitudes toward the social environment, including how students should behave, how they actually do behave, as well as the general fairness of the school; and
- **Perception of Administration Support:** The school leadership's perceived ability to support and rally the school community to healthy and positive outcomes in quality of communications, level of integrity, ease of teamwork, as well as the promotion of professional and academic success.

How Federal Funds May Be Used to Support a Positive School Climate

Below you will find some strategies and activities a school or district could support with federal funds to support a positive school climate. These do not represent all the strategies and activities that may be paid for with federal funds for this purpose. For more information on whether a specific activity or program may be funded with a specific federal funding source, consult the law.

Source	Sample Activities/Strategies that May Be Funded
Title I, Part A	<ul style="list-style-type: none"> • Implement a tiered system of supports: Purchasing tools and training for educators on universal screening processes; and/or purchase of and training on data systems to monitor mental health, behavioral health, and academic progress • Mental and behavioral health services: Hiring student support personnel (e.g., school psychologists, counselors, social workers, etc.) and/or training on and implementation of trauma-informed practices • Social and emotional learning (SEL): Training school staff on how to implement systemic and evidence-based SEL programs and approaches, which may include: <ul style="list-style-type: none"> • Purchase of training and program materials • Stipends to school staff for training, including for teacher leaders to lead implementation of SEL programs • Alternative discipline: Select and train staff on implementing alternative discipline practices, such as restorative justice practices, which may include: <ul style="list-style-type: none"> • Purchase of training and program materials • Stipends for school staff for training • School safety: Hire consultants to implement and train staff on intervention practices and coaching related to school safety • Professional development: Hire instructional coaches to provide high-quality, school-based professional development in instructional best practices around teaching and learning
Title II, Part A	<ul style="list-style-type: none"> • Implement a tiered system of supports: Training for teachers, principals, and school leaders on effectively implementing a tiered system of academic, emotional and behavioral supports • Mentoring: Hiring an instructional coach to provide ongoing mentoring and support for new and/or struggling teachers beyond 1-1 mentoring support • Data driven instruction: Training on how to use data to improve student achievement while ensuring individual student privacy is protected • Engaging stakeholders: Training on how to effectively engage parents, families, and community partners and coordinate services between school and community • Linking students to appropriate interventions²⁸¹: Training on how to effectively utilize referral mechanisms that effectively link children to appropriate treatment and intervention services

²⁸¹ ESEA, Section 2103(b)(3)(I)(ii)

	<ul style="list-style-type: none"> • Identifying sexual abuse²⁸²: Training for all school personnel regarding how to prevent and recognize child sexual abuse • Feedback mechanisms²⁸³: Developing feedback mechanisms for staff to give school personnel a voice regarding how to improve school climate and working conditions
Title III, Part A	<ul style="list-style-type: none"> • Acclimating ELL and immigrant students: Providing support services to acclimate ELL and immigrant students into a welcoming environment, which may include: <ul style="list-style-type: none"> ○ Hiring a community outreach coordinator to design participation programs and events to engage families²⁸⁴ ○ Purchasing materials to host a family, back to school, or welcome night for initial and ongoing face-to-face engagement with ELL and immigrant families²⁸⁵ ○ Developing materials in multiple languages including flyers, letters, and progress reports²⁸⁶
Title IV, Part A	<ul style="list-style-type: none"> • Leadership networks: Supporting principals and other school leaders to improve the climate for learning in their schools by paying for principals and other school leaders to attend training and/or engage in professional learning communities with other school leaders to collaborate on best practices • Reduce exclusionary discipline:²⁸⁷ Designing and implementing a plan to reduce exclusionary discipline practices in schools, which may include training school staff on school-based restorative justice practices, purchasing training or program materials, and providing stipends for staff trainings • Mental and behavioral health services:²⁸⁸ Funding school-based mental health service providers or partnerships for individual or group counseling services for students in need • Course offerings:²⁸⁹ Increasing the availability of, and enrollment in, Advanced Placement, music, arts, world languages, STEM and other elective courses to improve student engagement • Conflict resolution through the humanities:²⁹⁰ Funding specialized programs in music, arts, and the humanities focused on problem solving and conflict resolution • Incentives for students: Providing incentives for students for activities that promote a positive climate, including incentives related to: <ul style="list-style-type: none"> ○ Student attendance ○ Parent and family attendance at school events ○ Zero incidents of violence or suspension ○ Homework/assignment completion

²⁸² ESEA, Section 2103(b)(3)(L)

²⁸³ ESEA, Section 2103(b)(3)(N)

²⁸⁴ ESEA, Section 3115(c)(3)(A) and (d)(6).

²⁸⁵ ESEA, Section 3115(d)(6).

²⁸⁶ ESEA, Section 3115(d)(3)(B) and 3115(d)(9); Any translation paid for Title III, Part A funds must be strictly related to the Title III, Part A program or service. Title III, Part A funds cannot be used to meet civil rights obligations regarding translation.

²⁸⁷ ESEA, Section 4108(5)(G).

²⁸⁸ ESEA, Section 4108(5)(B).

²⁸⁹ ESEA, Section 4107(a)(3)(B) (C), (E), (F) and (J).

²⁹⁰ ESEA, Section 4107(a)(3)(B).

Focusing on Rates of Chronic Absenteeism

Why Invest in this Initiative?

Students must be present in school in order to learn, and a growing body of research demonstrates the strong link between attendance and student learning at all levels of schooling. Within the ESSA state plan, OSSE includes several measures of attendance as indicators of student success and overall school climate, including measures to reduce chronic absenteeism. In attendance research, **“chronic absenteeism” is frequently measured as the percentage of students who miss more than a 10 percent of the school year.** Students who are not in school at least 90 percent of school days are at risk for diminished learning outcomes across grade levels: For example, the benefit of early preparedness for school may be lost for students who are chronically absent in the early grades. A 2011 study found that students who scored highly on kindergarten readiness skills but were chronically absent lost their academic advantage compared to those with low readiness by third grade.²⁹¹ Also, high numbers of absences in middle and high school are tied to lack of credit accumulation, lower grade-point average, and reduced odds of graduation from high school. Research from Chicago Public Schools found that middle school grades and attendance were stronger predictors of high school performance than test scores.²⁹² Absences for any reason in the ninth grade predicted 77 percent of eventual dropouts.²⁹³ Every year, some students are at risk of not achieving their highest potentials due to chronic absenteeism. Chronic absenteeism is linked with a host of negative outcomes for students including, but not limited to, lower proficiency rates in reading and math in elementary and middle school, and higher dropout rates in high school.²⁹⁴

There are many factors affecting a student’s attendance, including, but not limited to:

- Neighborhood safety concerns (lack of safe routes to school with no available transportation)
- Poverty:
 - High school students working to contribute income to household
 - Homelessness/housing instability
 - Lack of access to food, health care, and/or clothing for inclement weather
- Family responsibilities (e.g. students pulled out of school to translate for family members who need them for daily tasks)
- Suspensions
- Chronic physical or mental health conditions
- Extended family trips
- Poor and/or unsafe school climate (including bullying)
- Disengagement due to academic struggles or not being challenged

Of course, some of these factors are within a school’s locus of control, and some are not. Suggested programs and activities to address rates of chronic absenteeism focus on factors within the control of the school district, school, and administrators.

²⁹¹ Attendance Works and Applied Survey Research. [Attendance in early elementary grades: Associations with student characteristics, school readiness, and third grade outcomes](#). July 2011. Attendance Works, San Francisco, CA.

²⁹² Allensworth, Gwynne, Moore, and de la Torre. [Looking forward to high school and college: Middle grade indicators of readiness in Chicago Public Schools](#). Nov. 2014.

²⁹³ Allensworth, Elaine and Easton, John. [What matters for staying on track and graduating in Chicago public high schools](#). July 2007.

²⁹⁴ Rice, Cynthia. [Showing up Matters: The State of Chronic Absenteeism in New Jersey](#). 2015.

Features of Successful Interventions to Address Chronic Absenteeism²⁹⁵

Specific, targeted interventions can help address the causes of chronic absenteeism in each school or district that has identified chronic absenteeism as an issue. For this reason, the programs, activities and intervention strategies may look different from school to school or district to district. However, there are several best practices that successful interventions have in common, some of which appear below:

1. **Identifying the root cause and implementing targeted solutions:** Causes of chronic absenteeism vary greatly. Be sure to choose solutions that meet specific, identified needs of students within the school/district.
2. **Engaging families early and often:** Families can play a significant role in identifying and confirming root causes for chronic absenteeism and the most effective solutions. Communicate student progress to families regularly in an easy-to-understand format.
3. **Utilizing collaborative problem-solving teams and differentiate supports and interventions:** Implement a tiered system of supports framework tailored to each student's circumstances.
4. **Establishing partnerships:** Strong family and community partnerships contribute to the nurturing of the whole child and his or her attendance. Partners to consider include families, service providers, Family Crisis Intervention Units, Mobile Response and Stabilization Services, housing authorities, the medical community, and faith-based organizations.
5. **Creating ongoing accountability and support structures:** Put structures in place to monitor students' attendance data at least once daily and track progress of chronically absent students to provide early and ongoing support. This could include providing mentors, coaches, and case managers to enhance relationship building and accountability for students. This could also include ongoing positive messaging on the importance of coming to school and/or establishing an early warning system that will indicate when a student is in danger of becoming chronically absent, and the most appropriate intervention to reinforce the student's attendance.
6. **Improving school climate:** Foster a warm and supportive school climate that emphasizes positive, proactive, and preventive practices aligned to a student's sense of physical and emotional safety. Students should experience joy in being present in school.
7. **Considering the needs of the school's community of learners:** Develop programming and structures that reflect the school community's specific needs. This could include offering early morning child care, after school child care, meal programs and other programs established to support the school community. This may also include creating opportunities for family counseling, hosting parent workshops encouraging student attendance, and establishing a team to conduct home visits and/or other more involved interventions for students with excessive absences.

How Federal Funds May Be Used to Focus on Rates of Chronic Absenteeism

Below you will find some strategies and activities a school or district could support with federal funds to focus on rates of chronic absenteeism. These do not represent all the strategies and activities that may be paid for with federal funds for this purpose. For more information on whether a specific activity or program may be funded with a specific federal funding source, consult the law.²⁹⁶

²⁹⁵ "Making the Case for Tracking Chronic Absence." www.attendanceworks.org. Attendance Works, Feb. 2014.

²⁹⁶ [The Every Student Succeeds Act. Ed.gov](http://www.ed.gov), 2015. December 7 2016.

Source	Sample Activities/Strategies that May Be Funded
Title I, Part A	<ul style="list-style-type: none"> • Mental health services:²⁹⁷ Implementing schoolwide mental health programs, which could include hiring full- or part-time school counselors or other health professionals • Mentors for students: Hiring mentors for students to monitor and support student attendance • Incentives and rewards:²⁹⁸ Providing financial incentives and rewards for teachers with improved class attendance in schools identified for comprehensive or targeted support • Two-generational services:²⁹⁹ Designing two generational services, which support both students and parents with health, safety, and educational outcomes • Universal screening:³⁰⁰ Partnering with outside organizations or consultants to conduct universal screenings to identify students' academic abilities and provide targeted instruction and early interventions
Title II, Part A	<ul style="list-style-type: none"> • Professional development: Provide professional development: <ul style="list-style-type: none"> ○ Focused on how to promote success and attendance in early grades³⁰¹ ○ Focused on how to effectively engage parents, families, and community partners and how to coordinate services between school and community³⁰² ○ Focused on addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism³⁰³ • Designed to help all school personnel identify reasons for absenteeism such as how to recognize child sexual abuse³⁰⁴
Title III, Part A	<ul style="list-style-type: none"> • Acclimating ELL and immigrant students: Providing support services to acclimate ELL and immigrant students into a welcoming environment, which may include: <ul style="list-style-type: none"> ○ Hiring a community outreach coordinator to design participation programs and events to engage families³⁰⁵ ○ Purchasing materials to host a family, back to school, or welcome night for initial and ongoing face-to-face engagement with ELL and immigrant families³⁰⁶ • Developing materials in multiple languages including flyers, letters, and progress reports³⁰⁷
Title IV, Part A	<ul style="list-style-type: none"> • Attendance officers:³⁰⁸ Hiring attendance officers to monitor student attendance • Data management:³⁰⁹ Purchasing and training staff on data management systems to properly manage and analyze student attendance data • Reduce exclusionary discipline:³¹⁰ Designing and implementing a plan to reduce exclusionary discipline practices in schools, which may include training school staff on

²⁹⁷ ESEA, Section 1114(b)(7)(iii)(I); Section 1115(b).

²⁹⁸ ESEA, Section 1113(c)(4).

²⁹⁹ U.S. Department of Education, [Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program](#), pp. 4-5 (2016).

³⁰⁰ ESEA, Sections 1114(b)(7)(A)(iii)(III) and 1115(b)(2)(B)(ii).

³⁰¹ ESEA, Section 2103(b)(3)(G)(i).

³⁰² ESEA, Section 2103(b)(3)(E)(iii).

³⁰³ ESEA, Section 2103(b)(3)(I)(iv).

³⁰⁴ ESEA, Section 2103(b)(3)(L).

³⁰⁵ ESEA, Section 3115(c)(3)(A) and (d)(6).

³⁰⁶ ESEA, Section 3115(d)(6).

³⁰⁷ ESEA, Section 3115(d)(3)(B) and 3115(d)(9); Any translation paid for Title III, Part A funds must be strictly related to the Title III, Part A program or service. Title III, Part A funds cannot be used to meet civil rights obligations regarding translation.

³⁰⁸ ESEA, Section 4108(5)(C)(v).

³⁰⁹ U.S. Department of Education Guidance on [Using Federal Funds to Support Technology Integration](#) (pg. 3).

³¹⁰ ESEA, Section 4108(5)(G).

	<p>school-based restorative justice practices, purchasing training or program materials, and providing stipends for staff trainings</p> <ul style="list-style-type: none"> • Drug and violence prevention:³¹¹ Partnering with nonprofits to create drug and violence prevention programs as well as programs to prevent bullying and harassment • Supporting an active lifestyle:³¹² Hiring additional school nurses or health educators to support a healthy, active lifestyle (may include nutritional education programs) • Parent liaisons:³¹³ Recruiting parent liaisons to help build and maintain positive relationships with families • Trauma-informed care:³¹⁴ Hiring school counselors and other specialized personnel to provide trauma services for students in need • Course offerings:³¹⁵ funding arts, music, world language, hands-on STEM and other elective programs to encourage student engagement and attendance <p>Note: many of these activities may also be supported with Title I, Part A funds</p>
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³¹¹ ESEA, Section 4108(5)(A)(i-ii)

³¹² ESEA, Section 4108(5)(C)(ii).

³¹³ ESEA, Section 4108(3).

³¹⁴ ESEA, Section 4108(5)(B)(i) and (ii).

³¹⁵ ESEA, Section 4107(a)(3)(B), (C), (F) and (J).

Focusing on Grade-Level Literacy Rates

Why Invest in this Initiative?

Literacy is one of the most important indicators of a child's success, not only as a student, but as a communicator, a citizen, and a professional.³¹⁶ Beyond just reading fluency and comprehension, being literate means being an effective communicator, a discerning and critical consumer of information, and a capable problem solver. There is overwhelming evidence that a child's early literacy education is critical to his or her academic success.³¹⁷

How Federal Funds May Be Used to Focus on Grade-Level Literacy Rates

Below are some strategies and activities a school or district could support with federal funds to focus on grade-level literacy rates. These do not represent all the strategies and activities that may be paid for with federal funds for this purpose. For more information on whether a specific activity or program may be funded with a specific federal funding source, consult the law.

Source	Sample Activities/Strategies that May Be Funded
Title I, Part A	<ul style="list-style-type: none">• Aligned assessment: Hiring a curriculum coordinator to create formative literacy assessments (short quizzes, exit tickets) strongly aligned to the Common Core State Standards• Additional instructional time: Creating before school or afterschool programming with a focus on targeted reading practice• Specialists:³¹⁸ Investing in library media and other literacy specialists to support literacy instruction and engagement• Professional development: Hiring coaches to provide high-quality, school-based professional development in instructional best practices related to literacy• Parent and family engagement:³¹⁹ Engaging families in afterschool family literacy programs• Student screening and evaluation: Conducting universal screenings to identify students' academic abilities to provide targeted instruction and early intervention• Early interventions: Providing differentiated, data-driven, small-group instruction for reading intervention• Early learning: Supporting best practices in preschool literacy curricula• Data-driven instruction: Using a data dashboard or data management system, such as an Instructional Improvement System to track and analyze data for targeted interventions and/or hiring a data expert to build teacher capacity in tracking and drawing actionable conclusions from student data
Title II, Part A	<ul style="list-style-type: none">• Curriculum training:³²⁰ Training for teachers and school leaders around curriculum review, analysis and evaluation, and effectively integrating technology, including ensuring alignment of the literacy program to the Common Core• Integrating literacy: Providing training on how to integrate literacy instruction into other subject areas such as mathematics, science, etc.

³¹⁶ Dickinson, David K., and Susan B. Neuman, eds. *Handbook of early literacy research*. Vol. 2. Guilford Press, 2007.

³¹⁷ "Early Literacy." [Family and Community Engagement Research Compendium](#). Scholastic.

³¹⁸ Lance, Keith Curry. "The Impact of School Library Media Centers on Academic Achievement." (1992).

³¹⁹ Henderson, Anne T., and Karen L. Mapp. "A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement. Annual Synthesis 2002." *National Center for Family and Community Connections with Schools* (2002).

³²⁰ ESEA, Section 2103(b)(3)(E) and (M).

	<ul style="list-style-type: none"> • Sharing best practices:³²¹ Supporting professional learning communities (PLCs) for sharing best practices around literacy instruction, assessment, intervention, and data review • Teacher review time:³²² Providing teachers with additional time to review student literacy data to effectively create and respond to assessment results (e.g., stipends for teachers to conduct data reviews once a week as an activity above and beyond the normal review time that occurs during contracted hours) • Data driven instruction:³²³ Training teachers, school leaders and administrators to effectively use technology to support student success in literacy (e.g., using available programs to utilize data tracking effectively), and/or training on effectively using a data management system to help improve instruction and decision-making • School library programs:³²⁴ Investing in effective school library services to support literacy instruction
Title III, Part A	<ul style="list-style-type: none"> • Family support and engagement:³²⁵ Providing family literacy services, parent and family outreach, and training activities to ELLs and their families to support the English language skills of ELLs and encourage parents and families to become active participants in the education of their children • Technology to support literacy development for ELLs:³²⁶ Incorporating educational technology or instructional materials into curricula and programs to support literacy instruction for ELLs; this could include purchasing materials in the ELL's native language to facilitate literacy instruction
Title IV, Part A ³²⁷	<ul style="list-style-type: none"> • Utilizing technology: Training teachers, school leaders and administrators to effectively use technology, including data management systems such as an Instructional Improvement System, to support student success in literacy • Teacher collaboration around best practices: Using technology to support teacher collaboration to effectively discover and share high-quality literacy resources • Effective use of technology: Investing in technology (e.g. hardware, software, or data management systems) to help improve literacy outcomes

³²¹ U.S. Department of Education [Title II, Part A Guidance](#) at p. 15

³²² ESEA, Section 2103(b)(3)(H).

³²³ ESEA, Section 2103(b)(3)(E)(i) and (ii).

³²⁴ ESEA, Section 2103(b)(3)(K).

³²⁵ ESEA, Section 3115(d)(6).

³²⁶ ESEA, Section 3115(d)(7).

³²⁷ ESEA, Section 4109(a)(1).

Focusing on Algebra I Outcomes

Why Invest in this Initiative?

"It is frequently called the gatekeeper subject. It is used by professionals ranging from electricians to architects to computer scientists. It is no less than a civil right." MacArthur Fellow Robert Moses is referring to algebra, the subject in which a student's success is considered an indicator for success in all future high school and college math courses. Proficiency in algebra increases the chance of completing a baccalaureate degree and earning more when entering the workforce.³²⁸ Success in algebra is not only important for students who go on to college, but also for students who want to pursue high-paying careers that don't require a baccalaureate degree, such as electrical work, plumbing and upholstery.³²⁹

How Federal Funds May Be Used to Focus on Algebra I Outcomes

Below you will find some strategies and activities a school or district could support with federal funds to focus on algebra I curriculum, instruction, and outcomes. These do not represent all the strategies and activities that may be paid for with federal funds for this purpose. For more information on whether a specific activity or program may be funded with a specific federal funding source, consult the law.

Source	Sample Activities/Strategies that May Be Funded
Title I, Part A	<ul style="list-style-type: none">• Aligned assessments: Hiring a curriculum coordinator to create formative assessments (short quizzes, exit tickets) tightly aligned to Algebra I standards• Additional instruction: Creating before school or afterschool programming with a focus on Algebra I practice, and/or embedding algebra practice in other subjects or extra-curricular activities• Classroom engagement:³³⁰ Investing in supplementary materials for research-based improvement strategies, such as manipulatives and digital tools to engage students and allow them to access course content• Student screening and evaluation: Conducting universal screenings to identify students' academic abilities to provide targeted instruction and early intervention• Data-driven instruction: Using a data dashboard or using a data management system, such as an Instructional Improvement System, to track and analyze data for targeted interventions and/or hiring a data expert to build teacher capacity in tracking and drawing actionable conclusions from student data• Professional development: Hiring instructional coaches to provide high-quality, school-based professional development in instructional best practices• Parent and family engagement:³³¹ Developing a community plan to engage families and the community in afterschool mathematics programs³³²• Improving access: Developing and implementing programs to prepare students for Algebra I courses in middle school, including expanding course offerings and funding support programs to help improve student success in such courses

³²⁸ [Why Is Algebra So Important? Great Schools, 2016.](#)

³²⁹ [Math Matters: The Links Between High School Curriculum, College Graduation, and Earnings. 2016.](#)

³³⁰ Christopher R. Rakes, Jeffrey C. Valentine, Maggie B. McGatha, and Robert N. Ronau. Methods of Instructional Improvement in Algebra: A Systematic Review and Meta-Analysis. Review of Educational Research September 2010 80: 372-400

³³¹ Henderson, Anne T., and Karen L. Mapp. "A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement. Annual Synthesis 2002." *National Center for Family and Community Connections with Schools* (2002).

³³² See [examples of how to partner with families to improve student math skills.](#)

Title II, Part A	<ul style="list-style-type: none"> • Curriculum training:³³³ Training for teachers and school leaders around curriculum review, analysis and evaluation, and effectively integrating technology, including ensuring the alignment of the Algebra I program to Algebra I standards • Sharing best practices:³³⁴ Supporting PLCs for sharing best practices around Algebra I instruction, assessment, intervention, and data review • Teacher review time:³³⁵ Providing teachers with additional time to review student Algebra I data to effectively create and respond to assessment results (e.g., stipends for teachers to conduct data reviews once a week as an activity above and beyond the normal review time that occurs during contracted hours) • Training on the use of technology:³³⁶ Training on how to use technology to improve instructional strategies and to collect and use data from a data management system³³⁷ to inform instruction
Title III, Part A	<ul style="list-style-type: none"> • Advancing Algebra I education for ELLs:³³⁸ Providing intensified instruction, which may include the purchase or development of materials in a student’s home language, or the use interpreters and translators, to support Algebra I outcomes for ELLs
Title IV, Part A ³³⁹	<ul style="list-style-type: none"> • Data driven instruction: Training teachers, school leaders and administrators to effectively use technology to support student success in Algebra I (e.g., using available programs to utilize data tracking effectively) • Teacher collaboration around best practices: Using technology to support teacher collaboration, in order to effectively discover and share high-quality Algebra I resources • Effective use of technology: Investing in technology, like hardware (e.g., tablets) or programs to help improve Algebra I outcomes; this may include training educators on effective use of technology to improve instruction

³³³ ESEA, Section 2103(b)(3)(E) and (M).

³³⁴ ED’s [Title II, Part A Guidance](#) at p. 15

³³⁵ ESEA, Section 2103(b)(3)(H).

³³⁶ ESEA, Section 2103(b)(3)(E)(i)

³³⁷ U.S. Department of Education Guidance on [Using Federal Funds to Support Technology Integration](#) (pg. 3)

³³⁸ ESEA, Section 3115(d)(3).

³³⁹ ESEA, Section 4109(a)(1).

Increasing Availability of Job-Embedded Professional Development

Why Invest in this Initiative?

According to ESSA, professional development funded with ESSA funds must be an integral part of school and local educational agency strategies for providing educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards.³⁴⁰ In addition, professional development funded with ESSA funds must include activities that are sustained (not stand-alone, one-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused. In brief, this definition entails that professional development supported by federal funds should be tightly linked to the educational needs of students and should be accomplished through ongoing, collective efforts by the educators responsible for those students.

By supporting ongoing job-embedded professional learning and development activities, school districts can improve the impact of their professional development investments. Job-embedded professional development is grounded in the everyday practice of educators, is primarily school- or classroom-based, is aligned with student performance standards and goals, and includes ongoing assessments of student progress to guide improvements to classroom instruction. Through job-embedded activities, teachers and leaders seek solutions to authentic and immediate problems of practice as part of a cycle of continuous improvement.³⁴¹

Professional learning communities (PLCs), classroom walk-throughs, peer-to-peer observations, study groups, teacher portfolios, instructional coaching, new teacher mentoring and support systems, data teams, and critical friends groups are all examples of job-embedded professional learning. Many of these depend on teacher collaboration and teamwork and allow teachers to actively benefit from the professional knowledge and experience held by colleagues while learning together to improve their practice. In addition, important job-embedded learning takes place through the implementation of teacher evaluation systems that support both focused conversations about practice and attention to student growth over time.

Job-embedded professional development can flourish within a school community that prioritizes a focus on student results, dedicates structured time for teachers to collaborate around common goals, and provides a safe space for colleagues to share successes and challenges. In sum, the most powerful professional learning takes place “in the workplace, not in a workshop.”³⁴²

Needs That Can Be Addressed Through Job-Embedded Professional Development

Job-embedded professional learning is foundational to impactful educator development and growth because it is a mechanism for transferring knowledge and training into deep learning that changes practice. Rather than being considered as a separate initiative, it should be considered as an operative model for educators’ professional practice. General and special educators of all grade-levels and content areas, educational services personnel such as counselors and librarians, and district and school leaders benefit from being actively engaged in continuous learning in support of student success.

How Federal Funds May Be Used to Implement Job-Embedded Professional Learning

Because job-embedded professional learning is a way of “doing business,” and not a stand-alone initiative, many different funding streams can potentially be used to support this type of professional engagement as appropriate to each fund’s priorities. For more information on whether a specific activity or program may be funded with a specific federal funding source, consult the law.

³⁴⁰ ESEA, Section 8101(42)

³⁴¹ Croft, A. et al. (2010). Job-Embedded Professional Development: What It Is, Who Is Responsible, and How to Get It Done Well. National Comprehensive Center for Teacher Quality (NCCTQ), *Issue Brief*, April 2010.

³⁴² Dufour, R. (2004). The best staff development is in the workplace, not in a workshop. *Journal of Staff Development*, v.25, no. 2, Spring 2004.

Source	Sample Activities/Strategies that May Be Funded
Title I, Part A	<ul style="list-style-type: none"> • Professional learning communities (PLCs) • Collaborative planning time: Providing collaborative time before, during, or after school for teachers (may include time for PLCs, student data analysis, development of common assessments, etc.) • Coaching supports: Providing coaches and other supports to help teachers improve instructional practices (e.g., salary for a coach, and stipends to educators to attend trainings after school, in summer etc.) • Use of data: Training for teachers and school leaders on how to review and use data to inform curriculum and instruction and set goals for student growth (can include stipends for data teams) • Mentoring and peer supports: Extending mentoring and peer supports for new and/or struggling teachers that goes beyond 1-1 mentoring support (consider how technology can support this initiative) <p>Note: many of these activities may also be supported with Title IV, Part A funds</p>
Title II, Part A	<ul style="list-style-type: none"> • Evaluation, feedback, and support: Providing supplemental training to improve building principals' and other school leaders' abilities to evaluate and provide feedback and support to teachers and leaders • School leader observation calibration: Providing opportunities for principals and other school leaders to calibrate observation and scoring protocols for teacher evaluations • Teacher leaders: Providing opportunities for teacher leaders to engage in informal observations and peer coaching • Peer-to-peer support: Creating networks of support for new teachers, to extend support beyond 1-1 mentoring (consider how technology can support this initiative)
Title II, Part A cont.	<ul style="list-style-type: none"> • Professional development: Providing professional development activities across a range of grade and content areas that are aligned to district and school goals; this could include: <ul style="list-style-type: none"> ○ Training and coaching on implementing PLCs ○ Training and coaching on effectively using data management systems, such as an Instructional Improvement System, to improve instruction ○ Training and coaching on how to integrate career and technical education and workforce skills into curriculum and instruction ○ Creating dedicated collaborative time for teams of teacher leaders to develop and deliver professional development ○ Creating opportunities for teachers to develop portfolios of work for purposes of self-reflection and to provide evidence of effective instruction • Assessments³⁴³: Training, technical assistance, and capacity-building around assessments to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement
Title III, Part A	<ul style="list-style-type: none"> • Mentoring: Hiring bilingual coach to provide additional mentoring to first-year and/or struggling bilingual and English as a second language (ESL) teachers • Supporting ELLs: Training to equip all teachers of ELLs with the knowledge and skills necessary to increase ELLs' access to classroom content as they acclimate to an English learning environment

³⁴³ ESEA, Section 2103(b)(3)(H)

	<ul style="list-style-type: none"> • Common planning time: Creating dedicated collaborative time for bilingual and ESL teachers to collectively plan, review data, and infuse rigor into the bilingual and/or ESL curriculum
Title IV, Part A	<ul style="list-style-type: none"> • Technology to improve collaboration and professional learning:³⁴⁴ Increasing opportunities for collaboration by improving access to digital professional learning resources and creating online communities of practice within and/or outside of the district • Blended learning:³⁴⁵ Improving/creating opportunities for teachers to learn about blended learning model instruction and receive personalized support for implementation • Curriculum development:³⁴⁶ Creating curriculum development opportunities to strengthen STEM, accelerated learning, civics, music, arts, and world languages programs
IDEA, Part B	<ul style="list-style-type: none"> • Improving instruction for students with disabilities: Coaching and professional development to assist teachers in delivering improved instruction for students with disabilities (can include special education teachers and general education teachers that serve students with disabilities)

³⁴⁴ ESEA, Section 4109(a)

³⁴⁵ ESEA, Section 4109(a)(4)

³⁴⁶ ESEA, Section 4107(a)(3)(B) (C), (E), (F) and (J)