

LEA Elementary and Secondary Education Act (ESEA)
Spending Guidance Handbook

Understanding the Federal Funds School Districts Receive under *ESEA*
as Amended by the *Every Student Succeeds Act (ESSA)*



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Purpose

The purpose of this document is to provide school and district leaders, grant administrators, teachers, and other stakeholders with an overview of formula grants under the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). Formula grants under ESEA are non-competitive grants that local educational agencies (LEAs) are eligible for based on the make-up of their student population. To access the funds it is eligible for, an LEA must:

- Apply each year through the CSDE's eGrants Management System (eGMS);
- Agree to spend the funds it receives only on allowable uses under the law; and
- Agree to comply with all other rules and restrictions established in law.

Introduction

When the Elementary and Secondary Education Act (ESEA) was passed in 1965, it committed new funding to education to ensure equitable access to educational resources and opportunities for all students. The Act, then and now, sets forth requirements that states and school districts must follow to qualify for funds. Most of the funds flow through the state to school districts.

Periodically, Congress reauthorizes ESEA. ESSA is the most recent version of the ESEA which was signed into law on December 10, 2015. The version of ESEA prior to ESSA was most recently known as the No Child Left Behind Act (NCLB). Through reauthorization, the way funding is distributed to states and school districts and the activities that may be paid for with those funds are subject to change. ESSA went into full effect on July 1, 2017. For more information about ESSA, and the transition from NCLB, please see <http://www2.ed.gov/policy/elsec/leg/essa/index.html>

This document provides an overview of formula grants under ESEA as amended by ESSA. While this document provides a helpful summary, readers should reference the actual law for more detailed information regarding the many other compliance requirements that apply to each of these programs.

Formula grants under ESEA that affect the majority of Connecticut school districts are primarily governed by:

- Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies;
- Title II, Part A – Supporting Effective Instruction;
- Title III, Part A – English Language Acquisition, Language Enhancement and Academic Achievement; and
- Title IV, Part A – Student Support and Academic Enrichment Grants (newly authorized under ESSA).

While this document is broken up by program title, the CSDE encourages school districts to consider how federal funds can work in a coordinated way to meet identified student needs. To help facilitate this coordinated approach, the CSDE will post additional guidance materials to its ESSA website.

There are three general issues that affect LEA spending under all of the programs discussed in this handbook:

- First, all costs paid for with formula funds must be necessary and reasonable considering the amount of money being spent and the needs of the program. Specifically, costs must be “necessary and reasonable for the performance of the Federal award.” Thus, costs must be appropriate for meeting the intents and purposes of the law, and consistent with what a reasonable person would pay for a similar activity, program, or service. This requirement comes from a set of federal regulations known as the Uniform Grant Guidance (UGG), which applies to all federal grants including U.S. Department of Education grants;
- Second, activities and programs supported by formula funds must be consistent with the LEA’s application for funds approved by the state; and
- Third, as discussed throughout this document, some ESSA 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:
 - 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 ESSA funds (unless those activities are being paid for by other funding sources.

Spending Title I, Part A Funds to Support Student Achievement

Title I, Part A is the U.S. Department of Education's (ED) largest K-12 grant program. It provides supplemental funding to help low-income schools improve the academic achievement of educationally disadvantaged students. 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." To achieve that, states must develop accountability systems to identify and support schools with academically struggling students, and LEAs and schools must use their Title I funds to improve student outcomes, including academic achievement.

ED awards Title I funds to State Educational Agencies (SEAs), which then subgrant funds to local education agencies (LEAs). LEAs keep some money to carry out certain activities (described below) and then must allocate the rest to eligible schools through a poverty-based formula.

As a condition of receiving Title I, Part A funds, LEAs and schools have specific responsibilities.

Among other requirements, LEAs must...

- Develop policies and provide services to engage parents and families;¹
- Provide services to homeless students;²
- Provide 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;³
- Provide services to eligible private schools students;⁴
- Allocate Title I funds to eligible schools through a poverty-based formula known as "ranking and serving";⁵
- Oversee Title I activities in Title I schools;⁶
- Report student achievement and other data to the SEA and the public;⁷ and
- Develop and implement plans to support and improve low-performing schools identified by the state through its accountability system.⁸

Among other requirements, schools must...

- Design and implement programs to support eligible Title I students using one of two models:

¹ ESSA, Section 1116

² ESSA, Section 1113(c)(3)(A)(i)

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

⁴ ESSA, Section 1117

⁵ ESSA, Section 1113

⁶ 2 CFR § 200.328(a)

⁷ See, for example, ESSA, Section 1111(h)

⁸ ESSA, Section 111(d)(1)&(2)

	Schoolwide Model	Targeted Assistance Model
What is the model's general approach?	A school that operates a schoolwide model may use Title I funds to upgrade its educational program.	A school that operates a targeted assistance model must use Title I funds to support specifically identified students.
Which Title I schools are eligible to operate this model?	<p>Any school with at least 40 percent poverty, or any school below 40 percent poverty with a waiver from the state.⁹</p> <p>To operate a schoolwide program, an eligible school must develop a <u>plan</u> describing the services it will provide based on a <u>comprehensive assessment of the school's needs</u>.¹⁰ More information about the schoolwide plan and comprehensive needs assessment is available later in this document.</p>	Any school that does not operate a schoolwide program. ¹¹
Which students can be served by this model?	All students in the school are considered to be Title I students. ¹²	<p>Students that:</p> <ul style="list-style-type: none"> • Are failing, or at risk of failing, to meet state standards; • Participated in certain federally-funded preschool programs (such as Head Start); • Received services under the Migrant Education Program; • Are in a local institution for neglected or delinquent children or are attending a community day program; or • Are experiencing homelessness.¹³ <p>From among these eligible groups, schools must identify the specific students they will serve.¹⁴</p>

For more information about Title I, please contact Marlene Padernacht at marlene.padernacht@ct.gov .

⁹ ESSA, Section 1114(a)(1).

¹⁰ ESSA, Section 1114(b).

¹¹ ESSA, Section 1115.

¹² ESSA, Section 1114(a)(2).

¹³ ESSA, Section 1115(c).

¹⁴ ESSA, Section 1115(b)(2)(A).

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. This includes:

- Providing eligible students with a well-rounded education;
- Instructional supports;
- Non-instructional supports like behavior and social and emotional learning;
- Improving school quality; and
- Services like counseling, specialized instructional support services, mentoring services, preparation for postsecondary education and the workforce, behavioral supports, early intervention services, and other activities.¹⁵

‘Well-Rounded Education’ is defined in ESSA as courses, 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.

Historically, many LEAs and schools have used Title I, Part A 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.

Common Misconceptions	
Myth	Fact
Title I funds may only be used to support reading/language arts and math.	Title I can be used broadly to improve education for the disadvantaged, including to support subjects like science, social studies, art, and others. ¹⁶
Title I funds may only be used to support instruction and/or purchase instructional materials.	Title I can be used for non-instructional supports such as school counselors, positive behavioral supports, social-emotional learning, etc. that improve school climate, increase attendance, and improve physical and mental health. ¹⁷
Title I funds may only be used to support remedial programs.	Title I can support advanced learning opportunities for Title I students. ¹⁸
Title I funds may only be used to support specific students, even in a schoolwide program.	If a school is implementing a schoolwide program, Title I funds may be used to upgrade the entire educational program and benefit all students in the school. ¹⁹

¹⁵ ESSA, Sections 1114 and 1115

¹⁶ ESSA, Sections 1114(b)(7)(A)(ii), 1115(b)(2)(A), and 8101(52).

¹⁷ See, for example, ESSA, Section 1114(b)(7)(A)(iii)(I)&(III), ESSA, Section 1115(b)(2)(B)(ii), and ESSA, Section 1115(e)(2).

¹⁸ ESSA, Sections 1114(b)(7)(A)(II), 1114(e), and ESSA, Section 1115(f).

¹⁹ ESSA, Section 1114(a)(1)-(2).

A Word about Supplement, not Supplant

Title I funds are required to supplement, not supplant existing state and local funding. In plain language, this means that federal funds should add to, and not replace, state and local funds. Before ESSA, Title I, Part A's 'supplement, not supplant' requirement was tested through three presumptions that looked at each activity supported with Title I funds to determine if it was something an LEA or school would have paid for with state and/or local funds if Title I funds were not available.

Effective in the 2017-18 school year, these presumptions no longer apply to Title I, Part A. Instead, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and locally-funded resources it would receive if it did not participate in the Title I program. In short, LEAs and schools will be required to demonstrate that Title I, Part A *funding* is supplemental and not that the *individual activities or services supported with Title I* are supplemental.

This should expand LEAs' spending options for Title I funds. Costs must still be consistent with the purpose of Title I – improving student achievement – and must still support eligible students among other requirements.

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**, which can include funding for the homeless liaison and transportation required under the McKinney Vento Homeless Education Act.²⁰ *LEAs must reserve "such funds as are necessary," based on an assessment of homeless children's needs; ESSA does not specify an amount.*²¹
- **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. *LEAs must reserve "such funds as are necessary;" ESSA does not specify an amount.*²²

²⁰ Please note ESSA amended the set-aside for homeless children. Under NCLB, the set-aside was limited to homeless children "who do not attend participating schools," meaning homeless children who do not attend Title I schools. This limitation was removed from ESSA.

²¹ ESSA, Section 1113(c)(3)(C).

²² ESSA, Section 1113(c)(3).

- **Parent and family engagement** (required if the LEA receives more than \$500,000 of Title I funds). *LEAs must reserve at least one percent,²³ ninety percent of which must be distributed to schools.²⁴*
- **Equitable services for eligible private school students.** *LEAs must reserve a proportional amount based on the number of eligible private school students in the LEA.²⁵ See the Private Schools section of this document for more information.*

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

- Transportation for students in comprehensive support and improvement schools *if* the LEA offers these students the option to transfer to another school. *LEAs may reserve up to five percent.²⁶*
- Financial incentives and rewards to teachers in schools identified for comprehensive or targeted support and improvement for the purpose of attracting and retaining qualified and effective teachers. *LEAs may reserve up to five percent.²⁷*
- Early childhood education programs for eligible children. *LEAs have discretion over how much, if any, to reserve; ESSA does not specify an amount.²⁸*
- 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.²⁹*
- Administering the Title I program. *LEAs may reserve a reasonable and necessary amount.³⁰*
- District-managed initiatives in Title I schools. *No amount is specified (see next page for examples of district-managed initiatives).³¹*

²³ ESSA, Section 1116(a)(3)(A). ESSA clarifies LEAs can reserve more than one percent at their discretion.

²⁴ Please note ninety percent is a change from NCLB which required LEAs to distribute ninety-five percent of the reserved funds to schools.

²⁵ 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 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/essguidance160477.pdf>.

²⁶ ESSA, Section 1111(d)(1)(D)(v).

²⁷ ESSA, Section 1113(c)(4).

²⁸ ESSA, Section 1113(c)(5).

²⁹ 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>.

³⁰ 34 CFR § 200.77.

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

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 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:³²

- Contracting with an outside provider with expertise in school improvement to support low-achieving Title I schools,³³
- Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework,³⁴
- Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English learners,³⁵
- 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,³⁶
- 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,³⁷
- 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,³⁸ 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 learning opportunities during the school day, adding time during the day for teachers to plan collaboratively).³⁹

The above examples are *possible* uses of Title I funds for a district-managed Title I initiative, and are not meant to be an exhaustive list. 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.

³² ED 2009 Title I Reform Guidance, Q&A B-8.

³³ ED 2009 Title I Reform Guidance, Q&A B-8.

³⁴ ED 2009 Title I Reform Guidance, Q&A C-1.

³⁵ ED 2009 Title I Reform Guidance, Q&A C-8.

³⁶ ED 2009 Title I Reform Guidance, Q&A D-1.

³⁷ ED 2009 Title I Reform Guidance, Q&A D-3.

³⁸ ED 2009 Title I Reform Guidance, Q&A D-4.

³⁹ ED 2009 Title I Reform Guidance, Q&A G-5.

Using Title I Funds in Schools that Operate Schoolwide Programs

Schools with at least forty percent poverty, as well as any school with a waiver of this poverty threshold (which the state can issue),⁴⁰ may operate a schoolwide program as long as the school conducts a comprehensive needs assessment and develops a schoolwide plan for meeting its needs.⁴¹

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.

A. 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;
- Multi-tiered system of supports;
- 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;

⁴⁰ Under ESSA, SEAs have the discretion to waive the forty percent poverty threshold if the SEA believes it will best serve student needs. ESSA, Section 1114(a)(1)(B).

⁴¹ ESSA, 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.⁴²

For additional information on what is and is not allowable in a schoolwide program, see [U.S. Department of Education guidance](#).

B. 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. Schools that are currently operating schoolwide programs must amend their existing plans to reflect these changes within one year of ESSA taking effect.⁴³

Components of Schoolwide Program Plan

A schoolwide plan, which remains in effect for the duration of a school’s participation in Title I, **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;⁴⁴
- **Developed with the involvement of key stakeholders;**⁴⁵
- **Developed in coordination and integration with other federal, state, and local services, resources, and programs**, if appropriate, such as programs supported under ESEA, violence prevention, nutrition, housing, Head Start, adult education, career and technical education, as

⁴² U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, pp. 4-5 (2016), available at <http://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.](#)

⁴³ ESSA, Section 1114(b)(1).

⁴⁴ ESSA, Section 1114(b)(6).

⁴⁵ 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.

well as schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d);⁴⁶

- **Developed during a one-year planning period** for schools not already operating schoolwide programs, unless the LEA determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program;⁴⁷
- **Regularly monitored and revised as necessary based on student needs** to ensure that all students are provided opportunities to meet state standards;⁴⁸ and
- **Available to the LEA, parents, and the public**, and the information contained in the plan should be understandable to the extent practical.⁴⁹

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, through activities which may include:
 - Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas,
 - Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools),
 - Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act,
 - 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

⁴⁶ ESSA, Section 1114(b)(5)

⁴⁷ ESSA, Section 1114(b)(1)

⁴⁸ ESSA, Section 1114(b)(3)

⁴⁹ ESSA, Section 1114(b)(4)

- Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs.⁵⁰

In addition, if a schoolwide school consolidates Title I with other funds, the plan must also list the specific state, local, and federal programs that will be consolidated in the schoolwide program.⁵¹ 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.*⁵²

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.

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 ESSA-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.⁵³

A. 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.⁵⁴

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;

⁵⁰ ESSA, Section 1114(b)(7)(A).

⁵¹ ESSA, Section 1114(b)(7)(B). See also *ED 2016 Schoolwide Guidance*, pp. 9-10, for more information about consolidation.

⁵² See *ED 2016 Schoolwide Guidance*, p.9, stating:

NOTE: A schoolwide program school has flexibility in its use of Title I funds even absent consolidation. The uses of Title I funds described throughout this document are available to a schoolwide program school that does not consolidate its Title I or other Federal funds. Consolidation, however, affords even greater flexibility.

⁵³ ESSA, Section 1115(c).

⁵⁴ ESSA, Section 1115(b)(2)(A).

- Providing early intervening services to eligible students, including services 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; and
- Implementing strategies to increase the involvement of parents of eligible students.⁵⁵

Targeted assistance schools can also use Title I funds to provide eligible students with health, nutrition, and other social services⁵⁶ 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.⁵⁷

A secondary school operating a targeted assistance program may use Title I funds to provide dual or concurrent enrollment program services to eligible children.⁵⁸

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.⁵⁹

B. 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

⁵⁵ ESSA, Section 1115(b)(2)

⁵⁶ 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. ESSA, Section 1115(e)(2)(B).

⁵⁷ ESSA, Section 1115(e)(2).

⁵⁸ ESSA, Section 1115(f).

⁵⁹ ESSA, Section 1115(b)(2)(G).

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.*⁶⁰

The law also encourages targeted assistance schools to coordinate and integrate federal, state, and local services and programs, 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 comprehensive support and improvement activities or targeted support and improvement activities.⁶¹

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 duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.⁶²

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* schools, which are schools with one or more consistently underperforming subgroups.⁶³ In Connecticut, these schools are referred to as Focus Schools.
- *Comprehensive support and improvement* schools, known in Connecticut as Turnaround Schools, which include:
 - The lowest-performing five percent of Title I schools in the state,
 - Any public high school failing to graduate one-third or more of its students, and
 - 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

⁶⁰ ESSA, Section 1115(e)(1).

⁶¹ ESSA, Section 1115(b)(2)(F).

⁶² ESSA, Section 1115(d).

⁶³ ESSA, Section 1111(c)(4)(C)(iii) and Section 1111(d)(2). ESSA does not define what it means to be consistently underperforming, but rather leaves it for states to define.

failed to improve after the school has implemented a targeted support and improvement plan.⁶⁴

Focus and Turnaround schools⁶⁵ must develop plans for improving student outcomes that (among other things):

- Are informed by all the indicators for differentiating schools listed above,
- Include evidence-based interventions (see box below), and
- Are based on an assessment of the school’s needs.⁶⁶

Definition of “Evidence-Based” in ESSA⁶⁷

Evidence-based 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.

While Focus and Turnaround schools must implement evidence-based interventions under ESSA’s school improvement requirements, this requirement does not directly affect their use of Title I, Part A funds under ESSA. Under ESSA, Focus and Turnaround schools that receive Title I funds have the same Title I, Part A spending options as any other Title I school.

⁶⁴ ESSA, Section 1111(c)(4)(D).

⁶⁵ For CSI (Turnaround) schools, the LEA develops the plan, which must be approved by the school. ESSA, Section 1111(d)(1)(B).

⁶⁶ ESSA, Section 1111(d)(1)(B) and Section 1111(d)(2)(B).

⁶⁷ ESSA, Section 8101(21)(A).

Other Spending Considerations and Fiscal Rules

As a condition of receiving Title I, Part A funds, LEAs must comply with three fiscal tests designed to ensure that Title I funds add to state and local education funding:

	Purpose	What Does This Require LEAs to Do?
Maintenance of Effort⁶⁸	Ensures districts maintain a consistent level of state/local funding for education from year to year.	Districts may not reduce the amount of state and local money they spend on education by more than 10% from year-to-year. The CSDE must reduce a district's Title I, Part A allocation if it fails to comply twice within a five-year span.
Supplement, not supplant⁶⁹	Ensures districts do not deprive Title I schools of state/local funds or resources because they participate in the Title I program.	Districts must demonstrate that the methodology used to allocate state and local funds to schools provides each Title I school all the state and local money it would have received if it did not participate in Title I.
Comparability of services⁷⁰	Ensures districts use state/local funding to provide services that, taken as a whole, are comparable between Title I and non-Title I schools.	Must ensure that state and local funds are used to provide comparable services for Title I and non-Title I schools.

⁶⁸ Section 1118(a) and 8521

⁶⁹ Section 1118(b)

⁷⁰ Section 1118(c)

Spending Title II, Part A Funds to Support Effective Instruction

This section provides information about how local education 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 James Dargati at james.dargati@ct.gov.

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.⁷¹ The purpose of Title II is to:

1. Increase student achievement consistent with state 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.⁷²

Using Title II Funds to Support Effective Instruction

I. Use of Funds Overview

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.⁷³

LEAs must prioritize Title II funds for activities in schools that:

- Are implementing comprehensive support and improvement activities in Turnaround Schools and targeted support and improvement activities in Focus Schools, **and**
- Have the highest percentage poverty levels (as defined by the law).⁷⁴

Note on Funding under ESSA

As of 2017-18, LEAs will no longer receive a hold harmless (or minimum) Title II allocation. Instead, each LEA's Title II allocation will be based on its number of 5-17 year olds (which will count for 20% of the formula), and its number of low-income 5-17 year olds (which will count for 80% of the formula).

⁷¹ 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.

⁷² ESSA, Section 2001.

⁷³ ESSA, Section 2103(b)(1)-(2).

⁷⁴ ESSA, Section 2012(b)(2)(C). When prioritizing schools by poverty levels, ESSA directs LEAs to consider the number of children aged 5 to 17, inclusive, who live in (1) families with incomes at or below the poverty level (according to Department of Commerce); (2) families with incomes above the poverty level, but who receive local assistance through Part A of Title IV of the Social Security Act (i.e., Temporary Aid to Needy Families, or TANF) (according to Department of Health and Human Services); (3) institutions for neglected and delinquent children that local governments administer (according to Department of Education); and (4) foster homes in which the foster parents receive payments from a state or county for the children's support (according to Department of Health and Human Services).

II. Allowable Uses of Local Title II Funds

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,⁷⁵
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.⁷⁶

LEAs must use data and ongoing stakeholder consultation to continually update and improve Title II-supported activities.⁷⁷

A. Evaluation and Support Systems

LEAs may use Title II funds to develop or improve evaluation and support systems for teachers, principals, or other school leaders that are (1) based in part on student achievement, (2) include multiple measures of performance, and (3) provide clear, timely, and useful feedback.⁷⁸

B. 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.⁷⁹ 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,⁸⁰

⁷⁵ LEAs were required to conduct a formal needs assessment under No Child Left Behind (NCLB). ESSA eliminated that requirement.

⁷⁶ *ED 2016 Title II, Part A Guidance*, p. 30. Pages 30-34 of ED's guidance contain more information about these five steps.

⁷⁷ ESSA, Section 2102(b)(2)(D).

⁷⁸ ESSA, Section 2103(b)(3)(A).

⁷⁹ ESSA, Section 2103(b)(3)(B).

⁸⁰ ESSA, Section 2103(b)(3)(B)(i).

- 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,⁸¹
- Teacher, paraprofessional, principal, or other school leader advancement and professional growth,⁸² 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,⁸³
- Expanding upon Connecticut’s required mentoring and induction programs for new teachers, principals or other school leaders,⁸⁴
- 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,⁸⁵ and
- A system for auditing the quality of evaluation and support systems.⁸⁶

Example: Teacher Residency Program

According to ED guidance,⁸⁷ 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.⁸⁸

⁸¹ ESSA, Section 2103(b)(3)(B)(ii).

⁸² ESSA, Section 2103(b)(3)(B)(iii).

⁸³ *ED 2016 Title II, Part A Guidance*, p. 14.

⁸⁴ ESSA, Section 2103(b)(3)(B)(iv).

⁸⁵ ESSA, Section 2103(b)(3)(B)(v).

⁸⁶ ESSA, Section 2103(b)(3)(B)(vi).

⁸⁷ *ED 2016 Title II, Part A Guidance*, p. 8.

⁸⁸ ESSA, Section 2002(5).

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.⁸⁹

C. 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 academic distinction who demonstrate the potential to become effective teachers, principals or other school leaders.⁹⁰

⁸⁹ ED 2016 Title II, Part A Guidance, p. 19.

⁹⁰ ESSA, Section 2103(b)(3)(C).

D. Class Size Reduction

LEAs may use Title II funds to reduce class size to a level that is evidence-based. When using funds for class-size reduction, LEAs must show that there is evidence to suggest that reducing class-size in the circumstance can have a positive impact on student achievement.⁹¹

According to the US. Department of Education guidance, LEAs can consider reducing class size as one strategy to attract and retain effective educators in high-needs schools.⁹²

E. Personalized Professional Development

LEAs may use Title II funds to provide high-quality, personalized professional development⁹³ for teachers, instructional leadership teams, principals, or other school leaders.⁹⁴ 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.⁹⁵

⁹¹ Section 2013(b)(3)(D)

⁹² *ED 2016 Title II, Part A Guidance*, p. 24

⁹³ 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 ESSA, Section 8101(42).

⁹⁴ ESSA, Section 2103(b)(3)(E).

⁹⁵ ESSA, Section 2103(b)(3)(E)(i)-(vi).

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,⁹⁶
- 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,⁹⁷
- Community of learning opportunities where principals and other school leaders engage with their school teams to fully develop broad curriculum models,⁹⁸
- Opportunities for principals and other school leaders to collaborate, problem-solve, and share best practices,⁹⁹
- “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),¹⁰⁰ and
- Ongoing cultural proficiency training to support stronger school climate for educators and students.¹⁰¹

F. 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.¹⁰² LEAs should coordinate any professional development planned and paid for with Title II funds with their professional development efforts funded under the *Individuals with Disabilities Act (IDEA)* and Title I and Title III of ESEA.

⁹⁶ ED 2016 Title II, Part A Guidance, p. 14.

⁹⁷ ED 2016 Title II, Part A Guidance, p. 14.

⁹⁸ ED 2016 Title II, Part A Guidance, p. 15.

⁹⁹ ED 2016 Title II, Part A Guidance, p. 15.

¹⁰⁰ ED 2016 Title II, Part A Guidance, p. 24.

¹⁰¹ ED 2016 Title II, Part A Guidance, p. 24.

¹⁰² ESSA, Section 2103(b)(3)(F).

G. Supporting Early Education¹⁰³

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.¹⁰⁴

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.¹⁰⁵

H. 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.¹⁰⁶

I. 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;
- Supporting collaborative problem-solving teams and school climate/safety teams; and
- Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.¹⁰⁷

J. 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:

¹⁰³ For more information on Supporting Early Education, see ED's Title II, Part A Guidance at p. 25

¹⁰⁴ ESSA, Section 2103(b)(3)(G)(i).

¹⁰⁵ ESSA, Section 2013(b)(3)(G)(ii).

¹⁰⁶ ESSA, Section 2103(b)(3)(H).

¹⁰⁷ ESSA, Section 2103(b)(3)(I).

- 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.¹⁰⁸

K. School Library Programs

LEAs may use Title II funds to support the instructional services provided by effective school library programs.¹⁰⁹

L. 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.¹¹⁰

M. 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.¹¹¹

N. 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.¹¹²

O. 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.¹¹³

¹⁰⁸ ESSA, Section 2103(b)(3)(J).

¹⁰⁹ ESSA, Section 2103(b)(3)(K).

¹¹⁰ ESSA, Section 2103(b)(3)(L).

¹¹¹ ESSA, Section 2103(b)(3)(M).

¹¹² ESSA, Section 2103(b)(3)(N).

¹¹³ ESSA, Section 2103(b)(3)(O).

P. 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.¹¹⁴

Other Spending Considerations and Fiscal Rules

A. Requirement for Stakeholder Consultation

Title II requires LEAs to consult meaningfully with a wide array of stakeholders on the LEA’s plan for carrying out Title II strategies and activities.¹¹⁵ LEAs must also conduct ongoing consultation with stakeholders to update and improve activities supported with Title II funds.¹¹⁶

B. 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.

C. Maintenance of Effort

LEAs that receive Title II funds must comply with a maintenance of effort requirement.¹¹⁷ In short, LEAs may not reduce the amount of state and local money they spend on education by more than 10% from year-to-year. The CSDE must reduce a district’s Title II, Part A allocation if it fails to comply twice within a five-year span.

D. Supplement, not Supplant (SNS)

LEAs that receive Title II funds must comply with a supplement not supplant requirement.¹¹⁸ In general terms, this means that Title II funds should add to (supplement) and not replace (supplant) state and local funds.

Supplement, not Supplant Note
While the Every Student Succeeds Act (ESSA) changed Title I SNS rules, **it did not** change Title II SNS rules.

An LEA is considered in violation of Title II supplanting if:

- The LEA uses Title II funds to pay for an activity that is required by federal, state or local law; or
- The 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

¹¹⁴ ESSA, Section 2103(b)(3)(P).

¹¹⁵ Section 2012(b)(3)

¹¹⁶ Section 2012(b)(2)(D)

¹¹⁷ ESSA, Section 8521.

¹¹⁸ ESSA, Section 2301.

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.

E. Equitable Services for Private Schools

Title II funds are subject to an equitable services requirement.¹¹⁹ In short, this means LEAs must reserve funds to provide Title II services to eligible private school teachers and other educational personnel. See the Private Schools section of this document for more information.

ESSA and Equitable Services

ESSA changed the way LEAs must reserve funds for private school services. Under NCLB, LEAs only had to reserve a share of the Title II, Part A money they spent on professional development. Under ESSA, the reservation is now based on an LEA's entire Title II allocation.

¹¹⁹ ESSA, Section 8501(b)(1)(B).

Spending Title III, Part A Funds to Support English Learners

This section provides information about how local educational agencies (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 state educational agencies (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 Megan Alubicki Flick at megan.alubicki@ct.gov.

Purpose of Title III Subgrants to LEAs

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 English learners (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.¹²⁰

Definition of English Learner and Immigrant Children and Youth under ESSA

Under ESSA, an “English learner,” when used with respect to an individual, means 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;

¹²⁰ ESSA, 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/essatitleiiiiguidenglishlearners92016.pdf>. This guidance will be referred to as *ED 2016 Title III, Part A Guidance* for the rest of this document.

- (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
- (iii) the opportunity to participate fully in society.¹²¹

Definition of Immigrant Children and Youth under ESSA

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

- (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.¹²²

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.¹²³ Because SNS works differently in Title III than other federal programs this section addresses SNS before addressing other Title III spending issues.

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.

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

The federal government presumes **an LEA is out of compliance with SNS rules for Title III in the following two situations:**

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.¹²⁴

¹²¹ ESSA, Section 8101(20). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

¹²² ESSA, Section 3201(5). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

¹²³ ESSA, Section 3115(g).

¹²⁴ *ED 2016 Title III, Part A Guidance*, Question A-2.

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.¹²⁵

Example: Presumed Supplanting Violation

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.

NOTE: 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 *Equal Educational Opportunities Act (EEOA)*, LEAs have legal obligations to ensure that ELs can meaningfully and equally participate in educational programs and services.¹²⁶ 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;
- 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;

¹²⁵ ED 2016 Title III, Part A Guidance, Question A-2.

¹²⁶ ED 2016 Title III, Part A Guidance, Question A-2 and A-3.

- 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
- Ensure meaningful communication with limited English proficient (LEP) parents.¹²⁷

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.

Example: Impermissible Title III Spending on Civil Rights Obligations

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.¹²⁸

Example: Supplanting

An LEA uses its Title III funds for the cost of an interpreter to assist in the evaluation of ELs suspected of having a disability. The LEA’s use of Title III funds supplants state/local funds because the LEA is required to evaluate ELs for a disability pursuant to IDEA or Section 504 of the Rehabilitation Act of 1973. Therefore, in the absence of Title III funds, the LEA would be required to provide interpretation services during the evaluation process.

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)).¹²⁹

¹²⁷ 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>.

¹²⁸ ED 2016 Title III, Part A Guidance, Question A-8.

¹²⁹ ED 2016 Title III, Part A Guidance, Question A-4.

LEAs can use Title III funds for activities that moved 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;”¹³⁰
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.¹³¹ (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,¹³² to meet this civil rights obligation. If an LEA uses the annual 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.¹³³

Title III: Two Types of Subgrants

Title III includes two types of subgrants to LEAs. First, are “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 and will be referred to as “Title III EL funds.” Second, are “targeted” subgrants the CSDE awards to LEAs that experience a significant increase in immigrant children and youth. These subgrants will be referred to as “Title III-Immigrant” and must be used to support immigrant students and their families in acclimating to U.S. schools and to help immigrant students achieve academically.

Using Title III Funds to Support English Language Acquisition and Language Enhancement and Academic Achievement

LEAs must use Title III EL funds to assist ELs in learning English and meeting state academic standards.¹³⁴

¹³⁰ 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.

¹³¹ *ED 2016 Title III, Part A Guidance*, Question A-4.

¹³² ESSA, Section 1111(b)(2)(G).

¹³³ *ED 2016 Title III, Part A Guidance*, Question A-7.

¹³⁴ ESSA, Section 3115(a).

A. 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)** that meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement.¹³⁵
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.¹³⁶
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 engagement activities**, and may include strategies that serve to coordinate and align related programs.¹³⁷

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.

B. 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;¹³⁸

¹³⁵ ESSA, Section 3115(c)(1). For federal guidance about LIEPs, please see *ED 2016 Title III, Part A Guidance*, Section C.

¹³⁶ 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.

¹³⁷ 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.

¹³⁸ ESSA, Section 3115(d)(1).

- Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures;¹³⁹
- 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;¹⁴⁰
- Developing and implementing effective preschool,¹⁴¹ elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services;¹⁴²
- Improving the English language proficiency and academic achievement of ELs;¹⁴³
- 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;¹⁴⁴
- 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;¹⁴⁵
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education;¹⁴⁶ and
- Carrying out other activities that are consistent with the purposes of Title III subgrants.¹⁴⁷

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 Act and the EEOA.

Title III Funds to Support Immigrant Children and Youth

The Title III-Immigrant subgrant is targeted to LEAs that have experienced a significant increase in immigrant children and youth. These funds must be used to pay for activities that address the unique needs of 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;

¹³⁹ ESSA, Section 3115(d)(2).

¹⁴⁰ ESSA, Section 3115(d)(3).

¹⁴¹ For more information on Title III and Early Learning, please see *ED 2016 Title III, Part A Guidance*, Section F.

¹⁴² ESSA, Section 3115(d)(4).

¹⁴³ ESSA, Section 3115(d)(5).

¹⁴⁴ ESSA, Section 3115(d)(6).

¹⁴⁵ ESSA, Section 3115(d)(7).

¹⁴⁶ ESSA, Section 3115(d)(8).

¹⁴⁷ ESSA, Section 3115(d)(9).

- 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.¹⁴⁸

Other Spending Considerations and Rules

A. LEA-Level Administrative Costs

LEAs may use up to two percent of their Title III funds for direct administrative costs.¹⁴⁹ Indirect costs are not part of the two percent cap.¹⁵⁰

B. Maintenance of Effort

LEAs that receive Title III funds must comply with a maintenance of effort requirement.¹⁵¹ In short, LEAs may not reduce the amount of state and local money they spend on education by more than 10% from year-to-year. The CSDE must reduce a district's Title III, Part A allocation if it fails to comply twice within a five-year span.

¹⁴⁸ ESSA, Section 3115(e). See also *ED 2016 Title III, Part A Guidance*, Question G-4.

¹⁴⁹ ESSA, Section 3115(b).

¹⁵⁰ *ED 2016 Title III, Part A Guidance*, Question A-10.

¹⁵¹ ESSA, Section 8521.

C. Equitable Services

Title III funds are subject to an equitable services requirement.¹⁵² In short, this means that the LEA must ensure that eligible private school students, their teachers, and other educational personnel are served by Title III.¹⁵³ See the Private Schools section of this document for more information.

¹⁵²ESSA, Section 8501(b)(1)(C).

¹⁵³ *ED 2016 Title III, Part A Guidance*, Question C-6. See also [ED 2016 Fiscal Changes Guidance](#), Section P.

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 1.¹⁵⁴

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 Lynn Nauss Cipriano at lynn.cipriano@ct.gov.

¹⁵⁴ Title IV of ESSA 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.

Purpose of Title IV, Part A Funds for Student Support and Academic Enrichment (SSAE)

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:

- Provide 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.¹⁵⁵

Using SSAE Funds to Support Students

I. Use of Funds Overview

SSAE can pay for a wide range of activities to support:

- 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.

A. Local Needs Assessment

LEAs that receive **\$30,000 or more** in SSAE funds must, at least once every three years,¹⁵⁶ 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; and

¹⁵⁵ ESSA, 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.

¹⁵⁶ ESSA, Section 4106(d)(3).

- Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.¹⁵⁷

LEAs that receive less than \$30,000 in SSAE funds do not have to conduct a formal needs assessment,¹⁵⁸ but are encouraged to consider the unique and diverse needs of its students when deciding how to spend SSAE funds.¹⁵⁹

B. 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 8532.¹⁶⁰

C. Objectives and Outcomes

LEAs must develop objectives and intended outcomes for their SSAE-funded programs, strategies and activities.¹⁶¹ LEAs must use these objectives and outcomes to periodically evaluate the effectiveness of SSAE-funded activities.¹⁶² LEAs must also provide SEAs with information about their progress towards their objectives and outcomes so the CSDE can satisfy its reporting requirements.¹⁶³

¹⁵⁷ ESSA, Section 4106(d).

¹⁵⁸ ESSA, Section 4106(d)(2).

¹⁵⁹ *ED 2016 SSAE Guidance*, p. 16 at footnote 14.

¹⁶⁰ ESSA, 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).

¹⁶¹ ESSA, Section 4106(e)(1)(E).

¹⁶² ESSA, Section 4106(e)(1)(E).

¹⁶³ ESSA, Section 4104(a)(2); see also ESSA, Section 4106(e)(2)(F).

D. Stakeholder Engagement

LEAs must meaningfully consult with a wide array of stakeholders when designing their SSAE programs.¹⁶⁴ 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.¹⁶⁵

E. Special Funding Rules

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

- At least twenty percent on activities to support a well-rounded education;
- At least twenty percent to activities to support safe and healthy students; and
- At least some funds for activities to support the effective use of technology.¹⁶⁶ (Please note the cap on technology infrastructure below.)

Note: A single activity can satisfy more than one category of required costs.¹⁶⁷

LEAs that receive *less* than \$30,000 in SSAE funds must meet at least one of the above requirements (that is, spend at least twenty on activities to support a well-rounded education or at least twenty percent on activities to support safe and healthy students or at least some funds for activities to support the effective use of technology).¹⁶⁸

1. *Cap on Technology Infrastructure*

Of the SSAE funds spent on technology, LEAs may not spend more than fifteen percent of those technology funds to purchase technology infrastructure.¹⁶⁹ 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.¹⁷⁰

2. *Cap on Administrative Costs*

¹⁶⁴ 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).

¹⁶⁵ ESSA, Section 4106(c)(2).

¹⁶⁶ ESSA, Section 4106(e)(2)(C)-(E).

¹⁶⁷ *ED 2016 SSAE Guidance*, p. 13.

¹⁶⁸ ESSA, Section 4106(f).

¹⁶⁹ ESSA, Section 4109(b).

¹⁷⁰ *ED 2016 SSAE Guidance*, p. 32.

LEAs may not spend more than two percent of their SSAE funds on direct administrative costs.¹⁷¹

II. Local SSAE Spending Options

What follows is an overview of all LEA SSAE spending options under the law. LEAs are encouraged to prioritize funding strategies and activities that are aligned to the unique and diverse needs of its students, informed by stakeholder input and that will have the greatest impact on academic achievement and student outcomes.

Strategies and Activities to Support a Well-Rounded Education

LEAs may (and in some cases must¹⁷²) spend SSAE funds to develop and implement programs and activities that support access to a well-rounded education.¹⁷³ Activities should be coordinated with other schools and community-based services and programs.¹⁷⁴ 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.¹⁷⁵

Allowable strategies and activities are listed below.¹⁷⁶

A. 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.¹⁷⁷

B. 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.¹⁷⁸

¹⁷¹ ESSA, Section 4105(c).

¹⁷² 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).

¹⁷³ ESSA, Section 4107(a).

¹⁷⁴ ESSA, Section 4107(a)(1).

¹⁷⁵ ESSA, Section 4107(a)(2).

¹⁷⁶ For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 39-43.

¹⁷⁷ ESSA, Section 4107(a)(3)(A).

¹⁷⁸ ESSA, Section 4107(a)(3)(B).

C. 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.¹⁷⁹ 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.¹⁸⁰

D. 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).¹⁸¹

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.¹⁸²

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.¹⁸³

E. Other Instructional Opportunities

LEAs may use SSAE funds for:

¹⁷⁹ ESSA, Section 4107(a)(3)(C).

¹⁸⁰ ESSA, Section 4107(a)(3)(C)(i)-(vi).

¹⁸¹ ESSA, Section 4107(a)(3)(D). See also ESSA, Section 4104(b)(3)(A)(i)(IV).

¹⁸² ESSA, Section 4107(a)(3)(D)(i).

¹⁸³ ESSA, 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;¹⁸⁴
- Foreign language instruction;¹⁸⁵ and
- Environmental education.¹⁸⁶

F. Volunteerism and Community Involvement

LEAs may use SSAE funds for programs and activities that promote volunteerism and community involvement.¹⁸⁷

G. Integrating Multiple Disciplines

LEAs may use SSAE funds to support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics.¹⁸⁸

H. 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.¹⁸⁹

Strategies and Activities to Support Safe and Healthy Students

LEAs may (and in some cases must¹⁹⁰) 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.¹⁹¹

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.¹⁹²

¹⁸⁴ ESSA, Section 4107(a)(3)(E).

¹⁸⁵ ESSA, Section 4107(a)(3)(F).

¹⁸⁶ ESSA, Section 4107(a)(3)(G).

¹⁸⁷ ESSA, Section 4107(a)(3)(H).

¹⁸⁸ ESSA, Section 4107(a)(3)(I).

¹⁸⁹ ESSA, Section 4107(a)(3)(J).

¹⁹⁰ 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).

¹⁹¹ ESSA, Section 4108(1)-(3).

¹⁹² ESSA, Section 4108(4).

Allowable strategies and activities are listed below.¹⁹³

A. 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.¹⁹⁴

This can include:

- 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.¹⁹⁵

B. 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.¹⁹⁶

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.¹⁹⁷

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

¹⁹³ For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 43-45.

¹⁹⁴ ESSA, Section 4108(5)(A).

¹⁹⁵ ESSA, Section 4108(5)(A)(i)-(ii).

¹⁹⁶ ESSA, Section 4108(5)(A)(B)(i).

¹⁹⁷ ESSA, Section 4108(5)(A)(B)(ii).

school.¹⁹⁸ 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.¹⁹⁹

Providing this consent does not waive any rights or protections under Family Educational Rights and Privacy Act (FERPA).²⁰⁰

C. 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 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.²⁰¹

¹⁹⁸ ESSA, 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 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).

¹⁹⁹ ESSA, Section 4001(a)(1)(B).

²⁰⁰ ESSA, Section 4001(a)(1)(C).

²⁰¹ ESSA, Section 4108(5)(C).

D. 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;²⁰²
- School-based violence prevention strategies;
- Drug abuse prevention, including educating children facing substance abuse at home; and
- Bullying and harassment prevention.²⁰³

E. 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.²⁰⁴

F. 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.²⁰⁵

²⁰² 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>.

²⁰³ ESSA, Section 4108(5)(D).

²⁰⁴ ESSA, Section 4108(5)(E).

²⁰⁵ ESSA, Section 4108(5)(F).

G. Positive School Climate

LEAs may use SSAE funds to implement schoolwide positive behavioral interventions and supports.²⁰⁶ This can include coordinating with similar IDEA activities to improve academic outcomes and school conditions for student learning.

H. 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.²⁰⁷

I. Pay for Success

LEAs may use pay for success initiatives aligned with the goal of supporting safe and healthy students.²⁰⁸

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.²⁰⁹

Strategies and Activities to Support the Effective Use of Technology

LEAs may (and in some cases must²¹⁰) use SSAE funds to improve the use of technology to improve the academic achievement, academic growth and digital literacy of all students.²¹¹

Allowable strategies and activities are listed below.²¹²

A. Professional Learning

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

²⁰⁶ ESSA, Section 4108(5)(G).

²⁰⁷ ESSA, Section 4108(5)(H)

²⁰⁸ ESSA, Section 4108(5)(I).

²⁰⁹ ESSA, Section 8101(40). More information about pay for success initiatives is available from ED at <http://www2.ed.gov/about/inits/ed/pay-for-success/index.html>.

²¹⁰ 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).

²¹¹ ESSA, Section 4109(a).

²¹² For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 46-47.

- 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.²¹³

B. Technological Capacity and Infrastructure

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

- Procuring content and ensuring content quality, and
- Purchasing devices, equipment, and software applications in order to address readiness shortfalls.²¹⁴

LEAs may not spend more than fifteen percent of the funds used for technology on technology infrastructure, including devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases.

C. 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.²¹⁵

D. 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), purchasing digital instructional resources, initial professional development activities, and one-time information technology purchases that do not include significant construction or renovation of facilities (As previously noted above, any technology infrastructure costs count towards the fifteen percent cap); 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.²¹⁶

²¹³ ESSA, Section 4109(a)(1).

²¹⁴ ESSA, Section 4109(a)(2).

²¹⁵ ESSA, Section 4109(a)(3).

²¹⁶ ESSA, Section 4109(a)(4).

E. 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.²¹⁷

F. 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.²¹⁸

Other Spending Considerations and Rules

I. Requirements for Stakeholder Consultation

LEAs must meaningfully consult with a wide array of stakeholders when designing their SSAE programs.²¹⁹ 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.²²⁰

II. LEA-Level Administrative Costs

LEAs may not spend more than 2% of their SSAE funds on direct administrative costs²²¹.

III. Maintenance of Effort

LEAs that receive SSAE funds must comply with a maintenance of effort requirement.²²² In short, LEAs may not reduce the amount of state and local money they spend on education by more than 10% from year-to-year. The CSDE must reduce a district's Title IV, Part A allocation if it fails to comply twice within a five-year span.

IV. Supplement not Supplant

LEAs that receive SSAE funds must comply with a supplement not supplant requirement.²²³ 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:

²¹⁷ ESSA, Section 4109(a)(5).

²¹⁸ ESSA, Section 4109(a)(6).

²¹⁹ ESSA, Section 4106(c)(1)

²²⁰ ESSA, Section 4106(c)(2)

²²¹ ESSA, Section 4105(c)

²²² ESSA, Section 8521.

²²³ ESSA, Section 4110.

- 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.²²⁴

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.²²⁵

V. Equitable Services

SSAE funds are subject to an equitable services requirement.²²⁶ In short, this means LEAs must reserve funds to provide SSAE services to eligible private school children, teachers, and other educational personnel in private schools.²²⁷ See the Private Schools section of this document for more information.

²²⁴ *ED 2016 SSAE Guidance*, p. 14.

²²⁵ *ED 2016 SSAE Guidance*, p. 14

²²⁶ ESSA, Section 4106(e)(2)(b); ESSA, Section 8501(b)(1)(D).

²²⁷ *ED 2016 SSAE Guidance*, p. 13, in particular footnote 13. See also [ED 2016 Fiscal Changes Guidance](#), Section P.

Equitable Services for Private Schools

LEAs that receive funds under the following programs must, after meaningful consultation with private school officials, reserve funds to provide services to eligible private school children, teachers and other educational personnel:

- Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies;
- Title I, Part C – Education of Migratory Children;
- Title II, Part A – Supporting Effective Instruction;
- Title III, Part A – Language Acquisition;
- Title IV, Part A – Student Support and Academic Enrichment Grants; and
- Title IV, Part B – 21st Century Community Learning Centers.²²⁸

These services, including materials and equipment, must be secular, neutral and non-ideological,²²⁹ and may be provided directly by the LEA or through contracts with public and/or private agencies, organizations, and/or institutions.

“Meaningful” Consultation²³⁰

Consultation with private school officials is required to be timely and meaningful. The goal of consultation is for school district and private school officials to reach an agreement on how to provide equitable and effective programs for eligible private school children.

For Title I, Part A, consultation must address issues such as:

- How the children’s needs will be identified;
- What services will be offered;
- How, where, and by whom the services will be provided;
- How the services will be academically assessed and how the results of that assessment will be used to improve those services;
- The size and scope of the equitable services to be provided to the eligible private school children, the amount the LEA will spend for such services, and how that amount is determined;
- The method or sources of data that are used to identify children from low-income families who live in Title I school attendance areas (which is part of the process of determining the amount that must be spent on equitable services, see more below);
- How and when decisions will be made about the delivery of services through third-party providers (must include considerations and analyses of private school officials);
- How, if the LEA disagrees with the views of the private school officials on the provision of services through a contract, the LEA will provide its reasons in writing;

²²⁸ ESSA, Section 1117 (for Title I, Part A) and ESSA, Section 8501(b) (for the other listed programs)

²²⁹ ESSA, Sections 1117(a)(2) and 8501(a)(2)

²³⁰ ESSA, Sections 1117(b) and 8501(c)

- Whether the LEA will provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
- Whether to pool Title I funds for all participating private schools, or whether to serve schools on a school-by-school basis;
- When, including the approximate time of day, services will be provided; and
- Whether to coordinate Title I, Part A funds with funds reserved from other ESEA programs.²³¹

LEAs must submit the results of the consultation regarding Title I, Part A programs to the CSDE's equitable services Ombudsman.²³²

For the other ESSA programs, consultation must address issues such as:

- How children's needs will be identified;
- What services will be offered;
- How, where, and by whom the services will be provided;
- How the services will be assessed and how the results of that assessment will be used to improve services;
- The size and scope of services provided, the amount of funds available for those services, and how that amount is determined;
- How and when decisions will be made about the delivery of services through third-party providers (must include considerations and analyses of private school officials);
- Whether to provide services directly or through a third-party provider; and
- Whether to pool funds for all participating private schools, or whether to serve schools on a school-by-school basis.²³³

"Timely" Consultation²³⁴

Consultation must provide a genuine opportunity for parties to express their views and **must take place:**

- Before the LEA makes any decisions that affect opportunities for eligible private school children, teachers and other educational personnel; and
- Throughout implementation and assessment of services provided.

Determining Funds for Private Schools²³⁵

Calculating the Amount to Be Spent Under Title I, Part A

ESSA made substantial changes to the way the equitable services reservation is calculated under Title I.

²³¹ ESSA, Section 1117(b)(1)

²³² ESSA, Section 1117(b)(1)

²³³ ESSA, Section 8501(c)(1)

²³⁴ ESSA, Section 8501(c)(3)

²³⁵ ESSA, Section 8501(c)(4)(A) and (B)

The following example is from the U.S Department of Education.²³⁶

Assume an LEA receives \$1 million in Title I, Part A funds and has 4 Title I schools. The LEA would calculate the amount it must reserve and spend for equitable services as follows:

Title I School	Number of Low-Income Public School Students Living in the School Attendance Area	Number of Low-Income Private School Students Living in the School Attendance Area	Total Number of Low-Income Students Living in the School Attendance Area
A	500	120	620
B	300	9	309
C	200	6	206
D	350	15	365
TOTAL	1,350	150	1,500
PROPORTIONATE SHARE	90% \$900,000	10% \$100,000	

First, the LEA determines how many low-income public school students live in each Title I school's attendance area and how many low-income private school students live in each Title I school's attendance area in order to determine the total number of low-income students living in each of the LEA's Title I school attendance areas.

Next, the LEA determines what percentage of all low-income students living in Title I school attendance areas are private school students. In this example, private school students are 10% of all low-income students living in Title I attendance areas.

Then, the LEA applies the percentage of low-income private school students to its total Title I allocation to determine the amount the LEA must reserve and spend on equitable services. In this case, the LEA must reserve and spend 10% of \$1 million, or \$100,000, on equitable services.

Last, the LEA sets aside some of the equitable services reservation for:

- Administration (a reasonable and necessary amount), and
- Parent and family engagement for the parents and families of eligible private school students (an amount equal to 1% of the LEA's total Title I, Part A allocation multiplied by the percentage of low-income private school students living in Title I attendance areas). For instance, in the example above, the LEA must spend \$1,000 of its \$100,000 equitable services reservation on parent and family engagement because:
 - 10% of the low-income students residing in the LEA's Title I school attendance areas are private school students,
 - 1% of the LEA's total \$1,000,000 Title I, Part A allocation is \$10,000, so

²³⁶ See U.S. Department of Education, *Non-Regulatory Guidance: 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)*, Q&A O-2, (2016), available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>. This guidance will be referred to as *ED 2016 ESSA Fiscal Changes and Equitable Services Guidance* from now on.

- 10% of \$10,000 = \$1,000 for parental and family engagement for eligible private school students.

NOTE: While this \$1,000 amount is *calculated* based on the 1% the LEA is required to spend for parent and family engagement under the law, the amount is *spent* out of the equitable services share.

More information the U.S. Department of Education's Non-Regulatory Guidance on *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>.

In calculating the number of private school children eligible for services under Title I, **the LEA must utilize one of the following methods:**

- Use the same measure of low income used to count public school children;
- Use the results of a survey that, to the extent possible, protects the identity of families of private school students, and allow such survey results to be extrapolated if complete actual data are unavailable;
- Apply the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or
- Use an equated measure of low income correlated with the measure of low income used to count public school children.²³⁷

Determination of equitable share of funds for services for private school children may be determined each year or every two years.²³⁸

Calculating the Amount to Be Spent Under Other ESSA Programs

Expenditures for services and other benefits provided to eligible private school children, teachers, and other educational personnel must be equal to the expenditures for participating public school children, taking into account the number and educational needs of the private school children to be served.

Timeline for Spending

In general, LEAs must spend the funds they reserve for equitable services within one year (e.g. if the LEA receives funds for the 2018-19 school year, it must obligate those funds to provide services and benefits to private school children, teachers, and other educational personnel for that school year).

However, U.S. Department of Education guidance recognizes there might be extenuating circumstances where an LEA cannot spend the entire amount in one year. In that case, the funds can be carried over for one more year, but must remain available for equitable services.²³⁹

²³⁷ ESSA, Section 1117(c)(1)

²³⁸ ESSA, Section 1117(a)(4)(D)

²³⁹ *ED 2016 ESSA Fiscal Changes and Equitable Services Guidance* at Q&A N-7.

Documentation²⁴⁰

Each year, LEAs must keep a record of and provide to the state documentation signed by officials from each participating private school that timely and meaningful consultation did or did not take place.

Complaints and Enforcement of Rules²⁴¹

- If private school officials believe the district did not meet consultation or other requirements, they may file a complaint with the CSDE:
 - If consultation was not meaningful or timely;
 - If the district did not give due consideration to the views of the private school official; or
 - If the district failed to make decisions that treat the private school or its students equitably.
- A State-designated Ombudsman will monitor and enforce private consultation and equitable service requirements to help ensure equitable services are provided to private children, teachers, and other educational personnel.

²⁴⁰ ESSA, Sections 1117(b)(5) and 8501(c)(5)

²⁴¹ ESSA, Sections 1117(b)(6) and 8501(a)(3)(B) and (c)(6)

Guidance on Evidence-Based Practices

Section 8101(21)(A) 8002 of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA) emphasizes the use of evidence-based activities, strategies and interventions (collectively referred to as “interventions”) and defines an evidence-based intervention as being supported by one of the following “tiers” of evidence:

1. Strong evidence
2. Moderate evidence
3. Promising evidence
4. Evidence that demonstrates a rationale

The U.S. Department of Education Non-Regulatory Guidance, “[Using Evidence to Strengthen Education Investments](#)” outlines the four tiers and provides additional support in the selection of appropriate interventions.

Since the summer of 2017, the CSDE has collaborated on our “first, best effort” under ESSA to identify the leading practices that research suggests will increase the likelihood of improved student outcomes. The practices found in the CSDE Evidence-Based Practice Guides are aligned to local, state, and federal long term education goals. The CSDE is committed to expanding the collection to include other topics and updating our guides as our stakeholders require and as the field of research grows.

The CSDE Evidence-Based Practice Guides are intended to inform school and district decision-making regarding instructional and student support programming and to optimize the use of local, state, and federal school improvement funds. We are pleased to offer the following resources:

- [Climate and Culture](#)
- [Early Learning](#)
- [English Language Proficiency](#)
- [Mathematics](#)
- [On-Track Graduation](#)
- [Reading](#)
- [Student/Family/Community Engagement](#)