Spending Handbook for

Title I, Part A;

Title II, Part A;

Title III, Part A; and

Title IV, Part A

**Virginia Department of Education**

**Office of ESEA Programs**

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# **Introduction to Spending Handbook: Overview**

This document provides general guidance on how local educational agencies (LEAs) may spend funds under the *Every Student Succeeds Act of 2015* (ESSA). ESSA is the most recent version of the Elementary and Secondary Education Act (ESEA) which was signed into law on December 10, 2015, and replaced the *No Child Left Behind Act of 2001* (NCLB). ESSA went into effect on July 1, 2017. More information about ESSA is available on the [U.S. Department of Education’s website](http://www2.ed.gov/policy/elsec/leg/essa/index.html).

This spending guidance addresses the following four formula programs:

* Title I, Part A (Improving Basic Programs),
* Title II, Part A (Supporting Effective Instruction),
* Title III, Part A (Language Instruction for English Learners and Immigrant Students), and
* Title IV, Part A (Student Support and Academic Enrichment Grants).

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

**General Spending Considerations**

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

First, all costs charged must be **necessary and reasonable** considering the amount of money being spent and the needs of the program.[[1]](#footnote-1) This requirement comes from a set of federal regulations known as the Uniform Grant Guidance (UGG).[[2]](#footnote-2) The UGG affects grant spending in a number of ways. It:

* Lists costs that may never be paid for with federal funds.[[3]](#footnote-3) For example, federal funds can never pay for alcohol[[4]](#footnote-4) and typically cannot pay for lobbying.[[5]](#footnote-5)
* Lists general criteria all costs supported with federal funds must satisfy.[[6]](#footnote-6) For example, federal funds can only pay for costs that are allocable to the relevant grant.[[7]](#footnote-7)
* Sets additional requirements for certain costs supported with federal funds.[[8]](#footnote-8) For example, LEAs that use federal funds for employee salaries and benefits must keep records documenting how much time the employees spent on grant activities.[[9]](#footnote-9)
* Sets rules for how LEAs procure goods and services with federal funds,[[10]](#footnote-10) how they track items paid for with federal funds,[[11]](#footnote-11) and the kinds of records they must keep about their grant spending.[[12]](#footnote-12)

Second, activities supported by the programs discussed in this handbook must be **consistent with the LEA’s application** for funds approved by the SEA.[[13]](#footnote-13)

Third, as discussed throughout this document, some ESSA programs require LEAs to use funds for 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, 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**

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

Title I, Part A, is the U.S. Department of Education’s (USED) largest K-12 grant program.[[14]](#footnote-14) It provides supplemental funding to help low-income schools improve the academic achievement of educationally disadvantaged students.

USED awards Title I funds to state educational agencies (SEAs), which then subgrant funds to LEAs. LEAs retain some money to carry out certain activities, and then must allocate the rest to eligible schools.

This document:

* Provides an overview of the Title I, Part A, program,
* Addresses the use of Title I, Part A, funds by LEAs,
* Addresses the use of Title I, Part A, funds by schools operating “schoolwide programs,”
* Addresses the use of Title I, Part A, funds by schools operating “targeted assistance programs,” and
* Addresses key fiscal tests LEAs must meet as a condition of receiving Title I, Part A funds.

For convenience, this section will refer to the program as “Title I.” For more information about Title I please contact Tiffany Frierson, Title I Coordinator, at [Tiffany.Frierson@doe.virginia.gov](mailto:Tiffany.Frierson@doe.virginia.gov) or by phone at 804-371-2682.

# **Purpose of Title I**

The purpose of Title I is to provide all children “significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”[[15]](#footnote-15) Under ESSA, 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.

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

* State-adopted challenging academic standards in mathematics, reading/language arts, and science,[[16]](#footnote-16)
* High-quality academic assessments that measure how well students are mastering state standards in mathematics, reading/language arts, and science,[[17]](#footnote-17)
* A system that differentiates school performance based on multiple indicators,[[18]](#footnote-18)
* A system to identify and support low-performing schools, and
* Reporting student achievement and other data to USED and the public.[[19]](#footnote-19)

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

* Developing and implementing plans to support and improve low-performing schools identified by the state through its accountability system,[[20]](#footnote-20)
* Reporting student achievement and other data to the SEA and the public,[[21]](#footnote-21)
* Notifying parents about issues such as teacher qualifications, assessments, and identification of students as English learners,[[22]](#footnote-22)
* Collaborating with child welfare agencies to ensure the educational stability of children in foster care,[[23]](#footnote-23)
* Providing services to homeless children,[[24]](#footnote-24)
* Providing services to children in local institutions for neglected children, and if appropriate, to children in local institutions for delinquent children, and neglected or delinquent children in community day programs,[[25]](#footnote-25)
* Allocating Title I funds to eligible schools through a poverty-based procedure known as “ranking and serving,”[[26]](#footnote-26)
* Developing policies and providing services to engage parents and families,[[27]](#footnote-27)
* Providing services to eligible private school students,[[28]](#footnote-28) and
* Overseeing Title I activities in Title I schools.[[29]](#footnote-29)

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

* A **schoolwide model**, available to any school with at least forty percent poverty (or to schools below forty percent poverty with a waiver, which, under ESSA, can be issued by the SEA).[[30]](#footnote-30)
  + Schools operating a schoolwide model can use Title I funds to upgrade their entire educational program,[[31]](#footnote-31)
  + All students are considered “Title I students,”[[32]](#footnote-32) and
  + Schoolwide schools must develop a [schoolwide plan](http://www.doe.virginia.gov/federal_programs/esea/title1/part_a/guidelines_procedures/essa-schoolwide-plan-template.docx) describing the services they will provide based on a comprehensive assessment of the school’s needs.[[33]](#footnote-33) This needs assessment must take into account the academic achievement of all students, particularly the needs of those of students struggling to meet state academic standards, and any other factors as determined by the LEA.[[34]](#footnote-34)
* A **targeted assistance model**, available to any Title I school that does not operate a schoolwide program.[[35]](#footnote-35)
  + Schools operating a targeted assistance model must use Title I funds to help educationally-disadvantaged students meet state standards, and[[36]](#footnote-36)
  + Students are eligible for Title I if they: (1) are failing, or at risk of failing, to meet state standards, (2) participated in certain federally-funded preschool programs, (3) received services under the Migrant Education Program, (4) are in a local institution for neglected or delinquent children or are attending a community day program, or (5) are homeless.[[37]](#footnote-37)

# **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,[[38]](#footnote-38)
* Instructional supports,
* Non-instructional supports like behavior and mentoring supports, and social and emotional learning, and
* Improving school quality.

Examples of allowable expenditures are provided on the [Virginia Department of Education’s Title I website](https://www.doe.virginia.gov/federal_programs/esea/title1/part_a/index.shtml).

## **Using Title I Funds at the LEA Level: Required and Discretionary Reservation**

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.[[39]](#footnote-39) *LEAs must reserve “such funds as are necessary,” based on an assessment of homeless children’s needs; ESSA does not specify an amount.[[40]](#footnote-40)*
* 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.[[41]](#footnote-41)*
* Parent and family engagement. *LEAs that receive $500,000 or more of Title I funds must reserve at least one percent of their total award,[[42]](#footnote-42) ninety percent of which must be distributed to schools.[[43]](#footnote-43)*
* 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.[[44]](#footnote-44)*

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.*[[45]](#footnote-45)
* Financial incentives and rewards to teachers in comprehensive support and improvement or targeted support and improvement schools for the purpose of attracting and retaining qualified and effective teachers. *LEAs may reserve up to five percent.*[[46]](#footnote-46)
* Early childhood education programs for eligible children. *LEAs have discretion over how much, if any, to reserve; ESSA does not specify an amount.[[47]](#footnote-47)*
* 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.[[48]](#footnote-48)*
* Administering the Title I program. *LEAs may reserve a reasonable and necessary amount.[[49]](#footnote-49)*
* Division level initiatives in Title I schools. *See below.[[50]](#footnote-50)*

**A Deeper Look at Division Level Title I Initiatives**

LEAs have the option to reserve Title I funds to implement division level 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. Division level initiatives benefit all, or a group, of Title I schools. Guidance from USED permits LEAs to use Title I funds for the following types of division level initiatives for all, or a subset of, an LEA’s Title I schools:[[51]](#footnote-51)

* Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework,
* Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English language learners,
* 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,
* 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,
* 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, 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).

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

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

**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 rate (which the state can issue),[[52]](#footnote-52) may operate a schoolwide program as long as the school conducts a comprehensive needs assessment and develops a schoolwide plan for meeting its needs.[[53]](#footnote-53)

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

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

**Spending Options in a Schoolwide Program**

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

* High-quality preschool or full-day kindergarten and services to facilitate the transition from early learning to elementary education programs,
* Recruitment and retention of effective teachers, particularly in high-need subjects,
* Instructional coaches to provide high-quality, school-based professional development,
* Increased learning time,
* Evidence-based strategies to accelerate the acquisition of content knowledge for English learners,
* Activities designed to increase access and prepare students for success in high-quality advanced coursework to earn postsecondary credit while in high school (e.g., Advanced Placement, International Baccalaureate, early college high schools, and dual or concurrent enrollment programs),
* Career and technical education programs to prepare students for postsecondary education and the workforce,
* Counseling, school-based mental health programs, mentoring services, and other strategies to improve students’ nonacademic skills,
* School climate interventions (e.g., anti-bullying strategies, positive behavior interventions and supports),
* Equipment, materials, and training needed to compile and analyze student achievement data to monitor progress, alert the school to struggling students, and drive decision making,
* Response-to-intervention strategies intended to allow for early identification of students with learning or behavioral needs and to provide a tiered response based on those needs,
* 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, 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.[[54]](#footnote-54)

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

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

The schoolwide plan is a strategic tool that identifies the school’s needs and explains which improvement strategies it will use to address those needs. In general, the school may then spend Title I funds to support the strategies identified in its plan. The composition of the schoolwide plan changed under ESSA. Under NCLB, schools had to address ten components in their schoolwide plans. ESSA takes a more comprehensive approach, as described below. Schools that are currently operating schoolwide programs must amend their existing plans to reflect these changes within one year of ESSA taking effect.[[55]](#footnote-55) Schoolwide schools may reference, use, or modify Virginia’s [Schoolwide Plan Template](http://www.doe.virginia.gov/federal_programs/esea/title1/part_a/guidelines_procedures/essa-schoolwide-plan-template.docx) to document how each required element of the schoolwide plan is addressed.

**Schoolwide Plan Elements**

A schoolwide plan must be based on a **comprehensive needs assessment** of the entire school that takes into account information on the academic achievement of children, particularly the needs of those children who are failing, or are at-risk of failing, to meet state standards, and any other factors as determined by the LEA.[[56]](#footnote-56) (This is component 1 of Virginia’s Schoolwide Plan Template.)

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 (component 2 of Virginia’s Schoolwide Plan Template),
* 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 (component 3 of Virginia’s Schoolwide Plan Template), 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 (component 4 of Virginia’s Schoolwide Plan template), 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
  + Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs.[[57]](#footnote-57)

**Other Schoolwide Plan Requirements**

The schoolwide plan must be developed:

* During a 1-year 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,[[58]](#footnote-58)
* With the involvement of key stakeholders,[[59]](#footnote-59) and
* In coordination and integration with other federal, state, and local services, resources, and programs, if appropriate, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities.[[60]](#footnote-60)

ESSA clarifies that schoolwide plans:

* Remain in effect for the duration of the school’s participation in Title I, except that schools must regularly monitor and revise their plan and implementation as necessary based on student needs to ensure that all students are provided opportunities to meet state standards,[[61]](#footnote-61) and
* Must be available to the LEA, parents, and the public, and the information contained in the plan should be understandable to the extent practical.[[62]](#footnote-62)

**Using Title I Funds in Schools that Operate Targeted Assistance Programs**

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

**Identifying Title I Students**

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](http://www.doe.virginia.gov/federal_programs/esea/title1/part_c/index.shtml),
* [Neglected and delinquent students](http://www.doe.virginia.gov/federal_programs/esea/title1/part_d/index.shtml), and
* [Homeless children](https://www.doe.virginia.gov/federal_programs/esea/title9/index.shtml).[[63]](#footnote-63)

**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.[[64]](#footnote-64)Targeted assistance schools may use Title I funds to serve their eligible students by:

* Expanding learning time for eligible students, including before- and afterschool programs, and summer programs and opportunities,
* Providing early intervening services to eligible students, 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.[[65]](#footnote-65)

Targeted assistance schools can also use Title I funds to provide eligible students with health, nutrition, and other social services[[66]](#footnote-66) 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.[[67]](#footnote-67)

A secondary school operating a targeted assistance program may use Title I funds to provide dual or concurrent enrollment program services to eligible children.[[68]](#footnote-68)

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.[[69]](#footnote-69)

**Other Spending Rules**

**Maintenance of Effort**

LEAs that receive Title I funds must comply with a maintenance of effort requirement.[[70]](#footnote-70) In short, maintenance of effort requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year. Maintenance of Effort calculations are available on the Budget and Grants Management page of the Virginia Department of Education website under [ESEA Maintenance of Effort Calculation](http://www.doe.virginia.gov/administrators/superintendents_memos/2021/100-21b.xlsxhtml).

**Supplement, not Supplant**

Title I has a supplement, not supplant requirement. Title I funds must add to (supplement) and not replace (supplant) state and local funds. Prior to ESSA, supplement, not supplant was typically tested by analyzing an individual Title I cost’s compliance with “three presumptions of supplanting.”[[71]](#footnote-71) Under ESSA, compliance with supplement, not supplant will no longer be tested through individual Title I costs, [[72]](#footnote-72) so these three presumptions no longer apply. 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 local money it would receive if it did not participate in the Title I program.[[73]](#footnote-73)  *Every Title I cost must still be allowable and must still support eligible students.*

For more information about supplement, not supplant under ESSA, please see the [Non-Regulatory Informational Document on Supplement not Supplant](https://www2.ed.gov/policy/elsec/leg/essa/snsfinalguidance06192019.pdf).

**Comparability**

As a condition of receiving Title I, LEAs must ensure that state and local funds are used to provide services that, taken as a whole, are comparable between Title I and non-Title I schools.[[74]](#footnote-74) Annually, LEAs are required to verify comparability by completing a web-based Title I, Part A, Comparability Report. LEAs will be notified via Superintendent’s Memo of the window to enter comparability information into the Single Sign-on for Web Systems (SSWS) portal.

**Equitable Services**

Title I funds are subject to an equitable services requirement.[[75]](#footnote-75) LEAs must reserve funds to provide Title I services to eligible private school students, teachers and other educational personnel, and families. ESSA makes important changes and clarifications to the way LEAs must reserve Title I funds for equitable services. ESSA requires an LEA to determine the amount of funds available for providing equitable services under Title I *prior* to any expenditures or transfers of funds.[[76]](#footnote-76) This includes all reservations previously taken “off the top” of an LEA’s Title I allocation, including reservations for administration, parental involvement, and district-wide initiatives.[[77]](#footnote-77) More information regarding the equitable services requirement can be found on the [Equitable Services webpage](http://www.doe.virginia.gov/federal_programs/esea/title8/index.shtml).

# **Spending Title II, Part A Funds to Support Effective Instruction**

This section provides information about how LEAs can spend Title II, Part A, funds. Title II, Part A, is a USED grant program that provides supplemental funding to help support effective instruction. USED awards Title II, Part A, funds to 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 Randall Johnson, Title II Coordinator at (804) 225-2122 or [Randall.Johnson@doe.virginia.gov](mailto:Randall.Johnson@doe.virginia.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.[[78]](#footnote-78) 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.[[79]](#footnote-79)

# **How Title II Funds May Be Used**

## **Overview and General Requirements**

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

* Be consistent with Title II’s purpose (see above), and
* Address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students.[[80]](#footnote-80)

LEAs must prioritize Title II funds to schools that:

* Are implementing comprehensive support and improvement activities or targeted support and improvement activities, **and**
* Have the highest percentage of children counted under section 1124(c)[[81]](#footnote-81) (these are primarily low-income children)[[82]](#footnote-82).

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

## **Changes to the Title II Formula That Might Affect the Amount of Funds an LEA Receives**

ESSA made two changes to the Title II formula that might affect how much money an LEA receives.

First, ESSA changed the formula USED uses to distribute Title II money to states.[[83]](#footnote-83) This change will be phased in over time between 2017 and 2023. In some cases this will result in states getting more money, meaning there will be more to pass on to LEAs. In other cases this will result in states getting less money, meaning there will be less to pass on to LEAs.

Second, ESSA changed the formula SEAs use to distribute Title II money to LEAs. Under prior law, LEAs were (with some caveats) guaranteed to receive a minimum amount of money regardless of how their student population changed over time.[[84]](#footnote-84) This was known as a hold harmless. ESSA eliminated the hold harmless, and LEAs will now generate money based only on their number of 5-17 year olds (twenty percent of the allocation), and their number of low-income 5-17 year olds (eighty percent of the allocation) as indicated by the most recently available [Census](https://www.census.gov/did/www/saipe/) figures posted by the United States Census Bureau.[[85]](#footnote-85)

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

Title II requires LEAs to consult meaningfully with a wide array of stakeholders on the LEA’s plan for carrying out Title II activities.[[86]](#footnote-86) LEAs must also conduct ongoing consultation with those stakeholders to update and improve activities supported with Title II funds.[[87]](#footnote-87) In carrying out consultation, USED suggests LEAs consider the following activities:

* Conduct outreach to, and solicit input from relevant stakeholders during the design and development of plans for Title II funds ensuring there is a diverse representation of educators from across LEA, especially those who work in high-need schools and in early education.
* Be flexible when consulting with stakeholders, especially educators, by holding meetings or conferences outside the hours of the school day or by using a variety of communications tools, such as electronic surveys.
* Seek out diverse perspectives within stakeholder groups, when possible, and ensure that consultation is representative of the LEA as much as possible.
* Make stakeholders aware of past and current uses of Title II funds, and research or analysis of the effectiveness of those uses, if available, as well as research or analysis of proposed new uses of funds, in order to consider the best uses for schools and districts to support teacher and school leader development.
* Consider the concerns identified during consultation, and revise uses of Title II funds when appropriate.[[88]](#footnote-88)

## **Allowable Uses of Local Title II Funds**

LEAs are encouraged to prioritize activities that will have the highest impact on teaching and learning. When determining which of the allowable Title II strategies and activities will have the highest impact, USED guidance suggests LEAs undertake a five-step framework:

1. Choose interventions aligned with identified local needs,[[89]](#footnote-89)
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.[[90]](#footnote-90)

LEAs must use data and ongoing stakeholder consultation to continually update and improve Title II-supported activities.[[91]](#footnote-91)

School divisions are encouraged to align activities with state priorities outlined in the [Virginia Board of Education’s Comprehensive Plan](http://www.doe.virginia.gov/boe/plan/index.shtml).

**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.[[92]](#footnote-92)

Additional information about teacher evaluation in Virginia may be found on the Department’s [Performance and Evaluation webpage](http://www.doe.virginia.gov/teaching/performance_evaluation/index.shtml).

**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.[[93]](#footnote-93) 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,[[94]](#footnote-94)
* 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,[[95]](#footnote-95)
* Teacher, paraprofessional, principal, or other school leader advancement and professional growth,[[96]](#footnote-96) which, according to USED 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,[[97]](#footnote-97)
* New teacher, principal, or other school leader induction and mentoring programs[[98]](#footnote-98) ([USED’s Title II guidance](https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf) includes resources and considerations for induction and mentoring programs. Additional information about mentoring programs in Virginia may be found on the Department’s [Career Resources and Incentives webpage](http://www.doe.virginia.gov/teaching/career_resources/index.shtml)),
* Development and provision of training for school leaders, coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform decision-making about professional development, improvement strategies, and personnel decisions,[[99]](#footnote-99) and
* A system for auditing the quality of evaluation and support systems.[[100]](#footnote-100)

**Example: Teacher Residency Program**

According to USED guidance,[[101]](#footnote-101) 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.[[102]](#footnote-102)

**Example: Supporting Educator Diversity**

According to USED 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.[[103]](#footnote-103)

**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. [[104]](#footnote-104)

Examples of alternative licensure programs in Virginia include the [Career Switcher Program](http://www.doe.virginia.gov/teaching/educator_preparation/career_switcher/index.shtml) and the [Troops to Teachers (TTT) Virginia Program](https://troopstoteachersvirginia.wm.edu/).

**Class Size Reduction**

LEAs may use Title II funds to reduce class size to a level that is evidence-based, to the extent the SEA (in consultation with LEAs) determines such evidence is reasonably available.[[105]](#footnote-105) According to USED guidance, LEAs may consider reducing class size as one strategy to attract and retain effective educators in high-need schools.[[106]](#footnote-106)

School divisions wishing to utilize Title II funds for class-size reduction are expected to ensure that the conditions are present that research indicates are most likely to produce positive results. Potential resources include:

* + [Class Size and Student Achievement: Research Review](http://www.centerforpubliceducation.org/research/class-size-and-student-achievement)
  + [Research-Based Options for Education Policymaking: The Effectiveness of Class Size Reduction](http://nepc.colorado.edu/files/publications/Mathis%20RBOPM-9%20Class%20Size.pdf)
  + [Class Size and Academic Results, with a Focus on Children from Culturally, Linguistically, and Economically Disenfranchised Communities](https://www.classsizematters.org/wp-content/uploads/2014/05/EvidenceBase2014Issue1.pdf)

Title IIA funds may only be used to reduce class sizes below levels outlined in the Virginia Standards of Quality. Federal funds may not be used to meet SOQ staffing ratios.

**Personalized Professional Development**

LEAs may use Title II funds to provide high-quality, personalized professional development[[107]](#footnote-107) for teachers, instructional leadership teams, principals, or other school leaders.[[108]](#footnote-108) 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.[[109]](#footnote-109)

**Personalized Professional Development Examples**

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

* Peer-led, evidence-based professional development in LEAs and schools,[[110]](#footnote-110)
* 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,[[111]](#footnote-111)
* Community of learning opportunities where principals and other school leaders engage with their school teams to fully develop broad curriculum models,[[112]](#footnote-112)
* Opportunities for principals and other school leaders to collaborate, problem-solve, and share best practices,[[113]](#footnote-113)
* “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),[[114]](#footnote-114) and
* Ongoing cultural proficiency training to support stronger school climate for educators and students.[[115]](#footnote-115)

**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.[[116]](#footnote-116)

LEAs are encouraged to coordinate IDEA and Title II initiatives to support teachers (including general education teachers) who teach students with disabilities.

**Supporting Early Education**

LEAs may use Title II funds to provide programs and activities to increase the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing.[[117]](#footnote-117)

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.[[118]](#footnote-118)

Additional information is available on the [Early Childhood webpage](http://www.doe.virginia.gov/early-childhood/index.shtml).

**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.[[119]](#footnote-119)

Additional Information about is provided on the [Standards of Learning (SOL) and Testing webpage](http://www.doe.virginia.gov/testing/index.shtml).

**Supporting Awareness and Treatment of Trauma and Mental Illness,**

**and School Conditions for Student Learning**

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

* The techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness,
* The use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate,
* Forming partnerships between school-based mental health programs and public or private mental health organizations, and
* Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.[[120]](#footnote-120)

Additional Information about is provided on the [Student and School Support webpage](http://www.doe.virginia.gov/support/index.shtml).

**Supporting Gifted and Talented Students**

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

* Early entrance to kindergarten,
* Enrichment, acceleration, and curriculum compacting activities (techniques relating to differentiated instruction), and
* Dual or concurrent enrollment programs in secondary school and postsecondary education.[[121]](#footnote-121)

Additional information is available on the [Gifted Education webpage](http://www.doe.virginia.gov/instruction/gifted_ed/).

**School Library Programs**

LEAs may use Title II funds to support the instructional services provided by effective school library programs.[[122]](#footnote-122)

Additional information is available on the [Library and Media Services](http://www.doe.virginia.gov/instruction/library/index.shtml) webpage.

**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.[[123]](#footnote-123)

Additional information about  [recognizing and preventing child sexual abuse](http://www.doe.virginia.gov/support/prevention/child_abuse/index.shtml) in Virginia is available on the Virginia Department of Education website.

**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.[[124]](#footnote-124)

Additional information about [STEM programs](http://www.doe.virginia.gov/instruction/stem/index.shtml) in Virginia is available on the Virginia Department of Education website from the Office of Science, Technology, Engineering, and Mathematics. Information about [Governor’s STEM Academies](http://www.doe.virginia.gov/instruction/career_technical/gov_academies/index.shtml) is also available on the website through the Office of Career and Technical Education.

**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.[[125]](#footnote-125)

Additional information about [School Working Conditions surveys](http://www.doe.virginia.gov/support/school-climate/index.shtml) may be found on the Virginia Department of Education’s website.

**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.[[126]](#footnote-126)

Additional information about [postsecondary and workforce readiness programs](http://www.doe.virginia.gov/instruction/career_technical/index.shtml) in Virginia is available on the Virginia Department of Education website.

**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.[[127]](#footnote-127)

## **Other Spending Rules**

**LEA-Level Administrative Costs**

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

**Maintenance of Effort**

LEAs that receive Title II funds must comply with a maintenance of effort requirement.[[128]](#footnote-128) In short, maintenance of effort requires LEAs to maintain a consistent floor of state and local funding for free public education from year-to-year.

**Supplement, not Supplant**

LEAs that receive Title II funds must comply with a supplement, not supplant requirement.[[129]](#footnote-129) Title II funds should add to (supplement) and not replace (supplant) state and local funds.

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

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

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

**Equitable Services**

Title II funds are subject to an equitable services requirement.[[130]](#footnote-130) LEAs must reserve funds to provide Title II services to eligible private school teachers and other educational personnel. Under NCLB, an LEA only had to reserve a share of the Title II money it spent on professional development. Under ESSA, the reservation is now based on an LEA’s entire Title II allocation.[[131]](#footnote-131)

Additional resources related to equitable services under federal programs in Virginia, including Title II, are available on the [Equitable Services webpage](http://www.doe.virginia.gov/federal_programs/esea/title8/index.shtml).

# **Spending Title III, Part A, Funds to Support English Learners**

# **and Immigrant Children and Youth**

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

Title III, Part A is a USED grant program that provides supplemental funding to help support English learners (ELs) and immigrant children and youth (IY) students. USED awards Title III, Part A funds to SEAs, which then subgrant funds to LEAs.

For convenience this section will refer to the program as “Title III.” For more information about Title III please contact:

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# **Purpose of Title III Subgrants to LEAs**

LEAs must use Title III funds for effective approaches and methodologies for teaching ELs and IY students for the following:

1. Developing and implementing new language instruction educational programs and academic content instructional programs for ELs and IY students, 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 IY students.
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 IY students.
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 IY students.[[132]](#footnote-132)

## **Definition of English Learner and IY Students under ESSA**

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

1. who is aged 3 through 21;
2. 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

1. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
   1. the ability to meet the challenging State academic standards;
   2. the ability to successfully achieve in classrooms where the language of instruction is English; or
   3. the opportunity to participate fully in society.[[133]](#footnote-133)

## **Clarification on High School Exchange Students**

For students on J‐1 (Exchange Visitor) visas and F‐1 (Exchange High School Student) visas, the standard

identification process must be followed to determine if the student is an EL. If the LEA has followed this process and determined that the exchange student is not an EL, this determination should be documented in the student’s educational record

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.[[134]](#footnote-134)

## **Clarification on the Definition of Immigrant Children and Youth (IY)**

* An IY Student may or may not be also identified as an EL.
* Under Section 3101(14) of ESSA, the term “state” means each of the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. Therefore, students born in Puerto Rico are not considered IY students. However, students born in U.S. territories other than Puerto Rico, such as Guam, American Samoa, or the U.S. Virgin Islands, may be considered as IY students.
* LEAs must apply the “three full academic years” requirement on a cumulative basis.
* The following students may be considered as IY if they meet all of the criteria in the federal definition of immigrant children and youth:
  + Children of U.S. military personnel,
  + Children of NATO families,
  + Children of visiting faculty,
  + Children who are temporarily residing in the U.S. because of parental employment, and
  + Students on Exchange Visitor (J‐1) visas or Exchange High School Student (F‐1) visas.

## **Title III and the Supplement, not Supplant, Requirement**

Title III is subject to a strict supplement, not supplant requirement that affects how Title III funds are spent.[[135]](#footnote-135) Because supplement, not supplant operates differently in Title III than other federal programs this section addresses supplement, not supplant before addressing other Title III spending issues.

Supplement, not supplant requires Title III funds to add to (supplement) and not replace (supplant) other federal, state, and local funds. Whether a cost complies with supplement, not supplant is situation-specific, but in general there are three issues to consider:

1. Compliance with supplement, not supplant 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 Supplement, not Supplant is tested using two “presumptions”*

The federal government presumes Title III supplanting 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.[[136]](#footnote-136)

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.[[137]](#footnote-137)

**Example of 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. 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 ELs*

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.[[138]](#footnote-138) USED guidance explains that to meet these civil rights obligations to ELs LEAs must:

* Identify and assess all potential ELs in a timely, valid, and reliable manner,
* Provide ELs 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 ELs,
* Ensure that ELs have equal opportunities to meaningfully participate in all curricular and extracurricular activities,
* Avoid unnecessary segregation of ELs,
* Ensure that ELs 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 ELs who opt out of language assistance programs,
* Monitor and evaluate ELs in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit ELs from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied,
* Evaluate the effectiveness of a school district’s language assistance program(s) to ensure that ELs 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.[[139]](#footnote-139)

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

**Impermissible Title III Spending on Civil Rights Obligations**

An LEA may not Title III funds to identify ELs. Identifying ELs is a civil rights obligation under Title VI and the EEOA.[[140]](#footnote-140)

**Permissible Title III Supplemental Spending**

An LEA that meets its civil rights obligations on staffing may use Title III funds to hire extra staff under certain circumstances. For example, an LEA could use Title III funds to hire staff that would provide *supplemental* instructional support to teachers of ELs. USED guidance notes that determinations about the supplement not supplant requirement in Title III are always situationally specific.[[141]](#footnote-141)

*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 NCLB, this meant LEAs could not use Title III funds to pay for EL-related requirements under Title I, Part A. Under ESSA, however, certain requirements that were previously part of the Title III program have moved to Title I. Because of this, USED 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 in ESSA such as:

* LEP parental notification regarding language instruction educational programs (LIEPs) and related information (ESEA Section 1112(e)(3)),
* Parental participation (e.g., regular LEP 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)).[[142]](#footnote-142)

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

1. The activity being supported is consistent with the purposes of Title III (English language acquisition) and meets federal guidelines for “reasonable and necessary costs,”[[143]](#footnote-143)
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.[[144]](#footnote-144) (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 an annual English language proficiency (ELP) assessment, which is now required under Title I,[[145]](#footnote-145) for this purpose. If an LEA uses an annual ELP assessment to track EL student progress, Title III funds could not be used to pay for costs related to administering the ELP assessment.[[146]](#footnote-146)

## **Required and Authorized Uses of Title III Funds**

Title III includes two types of subgrants to LEAs.

1. Formula subgrants of at least $10,000, determined on a per pupil basis, are awarded to LEAs or a consortium of LEAs. These subgrants must be used to support ELs in achieving English proficiency and meeting the same state academic standards as all students. LEAs that would receive an award of less than $10,000 may participate in the Title III statewide consortium or an LEA consortium so that the $10,000 threshold is met. (See Section I below – these funds will be referred to as “Title III EL funds.”)
2. Targeted subgrants are awarded to LEAs that experience a significant increase in IY students from the previous school year. IY funds should provide IY students with enhanced instructional opportunities and may be used only to support programs and services for IY students and/or their families. (See Section II below – these funds will be referred to as “Title III IY funds.”)

**Title III EL Funds**

LEAs must use Title III EL funds to assist ELs in achieving English proficiency and meeting the same state academic standards as all students.[[147]](#footnote-147)

**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.[[148]](#footnote-148)
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.[[149]](#footnote-149)
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.[[150]](#footnote-150)

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 ELs.

**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,[[151]](#footnote-151)
* Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures,[[152]](#footnote-152)
* Providing to ELs tutorials and academic or career and technical education, and intensified instruction to ELs, which may include materials in a language that the student can understand, interpreters, and translators,[[153]](#footnote-153)
* Developing and implementing effective preschool,[[154]](#footnote-154) elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services,[[155]](#footnote-155)
* Improving the English language proficiency and academic achievement of ELs,[[156]](#footnote-156)
* 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,[[157]](#footnote-157)
* 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,[[158]](#footnote-158)
* Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education,[[159]](#footnote-159) and
* Carrying out other activities that are consistent with the purposes of Title III subgrants.[[160]](#footnote-160)

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 IY Funds**

LEAs that experience a significant increase in IY students from the previous year receive Title III IY funds. IY funds must be spent on programs and services for IY students and/or their families. Activities should enhance instructional opportunities for IY students, and may include:

* Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children,
* Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to IY students,
* Provision of tutorials, mentoring, and academic or career counseling for IY students,
* 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 IY students 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 IY students 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 IY students by offering comprehensive community services.[[161]](#footnote-161)

## **Other Spending Considerations and Rules**

**LEA-Level Administrative Costs**

LEAs may use up to two percent of their Title III funds for direct administrative costs.[[162]](#footnote-162) Indirect costs are included as part of the two percent cap.[[163]](#footnote-163)

**Maintenance of Effort**

LEAs that receive Title III funds must comply with a maintenance of effort requirement.[[164]](#footnote-164) Maintenance of effort ensures LEAs maintain a consistent floor of state and local funding for free public education from year to year.[[165]](#footnote-165)

**Equitable Services**

Title III funds are subject to an equitable services requirement.[[166]](#footnote-166) LEAs must ensure that eligible private school students, their teachers, and other educational personnel are served by Title III.[[167]](#footnote-167) Additional resources related to equitable services under federal programs in Virginia, including Title III, are available on the [Equitable Services webpage](http://www.doe.virginia.gov/federal_programs/esea/title8/index.shtml).

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

This section provides information about how LEAs can spend funds under the Student Support and Academic Enrichment (SSAE) grant program - Title IV, Part A, Subpart 1.[[168]](#footnote-168) SSAE is a USED grant program that provides supplemental funding to help provide students with a well-rounded education, improve school conditions, and improve the use of technology. USED awards SSAE funds to SEAs, which then subgrant funds to LEAs.

For more information about the SSAE program, contact Marsha Granderson, Title IV Coordinator, at [Marsha.Granderson@doe.virginia.gov](mailto:Marsha.Granderson@doe.virginia.gov) or 804-786-1993. Information about the SSAE grant program is also provided on the Virginia Department of Education’s [Title IV, Part A, website](http://www.doe.virginia.gov/federal_programs/esea/title4/part_a/index.shtml).

# **Purpose of the SSAE Program**

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

1. Provide all students with access to a well-rounded education,
2. Improve school conditions for student learning, and
3. Improve the use of technology in order to improve the academic achievement and digital literacy of all students.[[169]](#footnote-169)

# **How SSAE Funds May Be Used**

**Use of Funds Overview**

SSAE funds can be used 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 requirements and limitations on certain activities.

**Local Needs Assessment**

LEAs that receive $30,000 or more in SSAE funds must, at least once every three years or more frequently as determined by the SEA,[[170]](#footnote-170) conduct a comprehensive needs assessment of the following:

* Access to and opportunities for, a well-rounded education for all students,
* School conditions for student learning to create a healthy and safe school environment,
* Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.[[171]](#footnote-171)

LEAs that receive less than $30,000 in SSAE funds do not have to conduct a formal needs assessment,[[172]](#footnote-172) but are encouraged to consider the needs above when deciding how to spend SSAE funds.[[173]](#footnote-173)

Conducting a needs assessment is an important and required aspect of the SSAE program. LEAs must engage in timely and meaningful consultation with a broad range of stakeholders (ESEA section 4106(c)) and should examine relevant data to understand students’ and schools’ most pressing needs, including the potential root causes of such needs. If the LEA has recently conducted a needs assessment that corresponds to the SSAE requirements, the LEA may want to consider how best to incorporate the information from the completed needs assessment into the comprehensive needs assessment for the SSAE program.

Questions to consider:

* Which stakeholders can help identify local needs and/or root causes? How can they be engaged early and in a meaningfully way throughout the process?
* What data are needed to best understand local needs?
* Do the LEA’s current systems fully capture the needs of the hardest to serve students, including those who might experience adversity that might not be revealed in a survey or other data tools (e.g. trauma experienced by a recent influx of refugee students)?
* Are there inequities inherent in the system that influence local needs?
* How should the identified needs be prioritized when several significant needs are identified?

USED has developed a tool to assist LEAs with conducting a comprehensive needs assessment. The tool may be downloaded at [Title IV Needs Assessment Tool](https://safesupportivelearning.ed.gov/title-iv-part-lea-needs-assessment-tool).

**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.[[174]](#footnote-174)

**Objectives and Outcomes**

LEAs must develop objectives for their SSAE programs and intended outcomes for SSAE-funded activities.[[175]](#footnote-175) LEAs must use these objectives and outcomes to periodically evaluate the effectiveness of SSAE-funded activities.[[176]](#footnote-176) LEAs must also provide SEAs with information about their progress towards their objectives and outcomes so SEAs can satisfy their reporting requirements.[[177]](#footnote-177)

**Stakeholder Engagement**

LEAs must meaningfully consult with a wide array of stakeholders when designing their SSAE programs.[[178]](#footnote-178) 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.[[179]](#footnote-179)

**Funding Requirements and Limitations**

**Required activities**

Under ESSA, 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.[[180]](#footnote-180) (Please note the cap on technology infrastructure below.)

A single activity can satisfy more than one category of required costs.[[181]](#footnote-181)

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 percent 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).[[182]](#footnote-182)

**Cap on Technology Infrastructure**

Of the SSAE funds allocated to effective use of technology, LEAs may not spend more than fifteen percent of those funds to purchase technology infrastructure.[[183]](#footnote-183) Specifically, this means that LEAs may not spend more than fifteen percent of its SSAE effective use of technology funds on devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases.[[184]](#footnote-184)

**Cap on Administrative Costs**

LEAs may not spend more than two percent of their SSAE funds on direct administrative costs.[[185]](#footnote-185) This cap applies to the combined claims for indirect costs and direct administrative costs. Divisions may not be able to claim the entirety of their indirect costs. The amount unrecovered may not be shifted to another federal award. Indirect costs claims are subject to the availability of funds and statutory or administrative restrictions.

**Local SSAE Spending Options**

An overview of all LEA SSAE spending options under the law is provided below. Spending in a single LEA, LEAs not in a consortium, should be aligned to the spending requirements and limitations, the LEA’s needs assessment (if applicable), and stakeholder input. Additional information on SSAE uses of funds is available in the [USED non-regulatory guidance.](https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf)

## **Activities to Support a Well-Rounded Education**

LEAs may (and in some cases must[[186]](#footnote-186)) spend SSAE funds to develop and implement programs and activities that support access to a well-rounded education.[[187]](#footnote-187) Activities should be coordinated with other schools and community-based services and programs.[[188]](#footnote-188) 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.[[189]](#footnote-189) Examples of allowable activities are listed below.[[190]](#footnote-190)

**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.[[191]](#footnote-191)

**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.[[192]](#footnote-192)

**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.[[193]](#footnote-193) 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.[[194]](#footnote-194)

**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).[[195]](#footnote-195) This may 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.[[196]](#footnote-196) It may 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.[[197]](#footnote-197)

**Other Instructional Opportunities**

LEAs may use SSAE funds for:

* Activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education,[[198]](#footnote-198)
* Foreign language instruction,[[199]](#footnote-199) and
* Environmental education.[[200]](#footnote-200)

**Volunteerism and Community Involvement**

LEAs may use SSAE funds for programs and activities that promote volunteerism and community involvement.[[201]](#footnote-201)

**Integrating Multiple Disciplines**

LEAs may use SSAE funds to support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics.[[202]](#footnote-202)

**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.[[203]](#footnote-203)

## **Activities to Support Safe and Healthy Students**

LEAs may (and in some cases must[[204]](#footnote-204)) 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.[[205]](#footnote-205)

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.[[206]](#footnote-206) Allowable activities are listed below.[[207]](#footnote-207)

**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.[[208]](#footnote-208)

Activities may 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.[[209]](#footnote-209)

**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.[[210]](#footnote-210)

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.[[211]](#footnote-211)

LEAs must obtain prior written consent from the parent of each child under the age of 18 to participate in any mental-health assessment or service funded with SSAE and conducted in connection with school.[[212]](#footnote-212) 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.[[213]](#footnote-213)

Providing this consent does not waive any rights or protections under Family Educational Rights and Privacy Act (FERPA).[[214]](#footnote-214)

**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, and
* 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.[[215]](#footnote-215)

**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,[[216]](#footnote-216)
* School-based violence prevention strategies,
* Drug abuse prevention, including educating children facing substance abuse at home, and
* Bullying and harassment prevention.[[217]](#footnote-217)

**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.[[218]](#footnote-218)

**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.[[219]](#footnote-219)

**Positive Behavioral Interventions and Supports**

LEAs may use SSAE funds to implement schoolwide positive behavioral interventions and supports.[[220]](#footnote-220) This may include coordinating with similar IDEA activities to improve academic outcomes and school conditions for student learning.

**Resource Coordinator**

LEAs may 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.[[221]](#footnote-221)

**Pay for Success**

LEAs may use pay for success initiatives aligned with the goal of supporting safe and healthy students.[[222]](#footnote-222)

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.[[223]](#footnote-223)

## **Activities to Support the Effective Use of Technology**

LEAs may (and in some cases must[[224]](#footnote-224)) use SSAE funds to improve the use of technology to improve the academic achievement, academic growth and digital literacy of all students.[[225]](#footnote-225) Of the amount an LEA chooses to spend on technology, only fifteen percent may be used for technology infrastructure.

Activities may include:[[226]](#footnote-226)

**Professional Learning**

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

* Personalize learning to improve student academic achievement,
* Discover, adapt, and share relevant high-quality educational resources,
* Use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies, and
* Implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning.[[227]](#footnote-227)

**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.[[228]](#footnote-228)

LEAs may not spend more than fifteen percent of the SSAE funds used for technology on technology infrastructure.[[229]](#footnote-229)

**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.[[230]](#footnote-230)

**Blended Learning**

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

* Planning activities like developing new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases (that do not include significant construction or renovation of facilities) (please note all technology infrastructure costs count towards the fifteen percent cap noted above), or
* Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project.[[231]](#footnote-231)

**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.[[232]](#footnote-232)

**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.[[233]](#footnote-233)

## **Other Spending Rules**

**Maintenance of Effort**

LEAs that receive SSAE funds must comply with a maintenance of effort requirement.[[234]](#footnote-234) Maintenance of effort requires districts to maintain consistent state and local funding for free public education from year-to-year.

**Supplement not Supplant**

LEAs that receive SSAE funds must comply with the supplement, not supplant requirement.[[235]](#footnote-235) SSAE funds should add to (supplement) and not replace (supplant) state and local funds.

For the SSAE program, supplanting is presumed when:

* An LEA uses SSAE funds to pay for an activity that is required by federal, state or local law, or
* An LEA uses SSAE funds to pay for an activity that was supported using state or local funds the previous year.[[236]](#footnote-236)

An LEA may overcome the presumption of supplanting if it has written documentation (e.g., state or local legislative action, budget information, or other materials) to document 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.[[237]](#footnote-237)

**Equitable Services**

SSAE funds are subject to an equitable services requirement.[[238]](#footnote-238) LEAs must reserve funds to provide SSAE services to eligible private school children, teachers, and other educational personnel in private schools.[[239]](#footnote-239) Additional resources related to equitable services under federal programs in Virginia, including Title IV, are available on the [Equitable Services webpage](http://www.doe.virginia.gov/federal_programs/esea/title8/index.shtml).

**Transferability**

Under Section 5103 (b)(2) of ESEA, a division may transfer up to 100 percent of its Title II, Part A, or Title IV, Part A, allocation for a given fiscal year into: Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title IV, Part A; or Title V, Part B.

The [LEA Funds Transfer Request Form](https://www.doe.virginia.gov/federal_programs/esea/forms/lea_funds_transfer_request.docx) must be submitted and approved prior to transferring funds. A separate request is required for each program to and/or from which the division requests a transfer of funds. Before a division transfers funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with private school officials. Instructions may be found at [ESSA LEA Funds Transfer Instructions](https://www.doe.virginia.gov/federal_programs/esea/transferability/lea_funds_transfer_instuctions.docx).

1. 2 CFR 200.403(a). [↑](#footnote-ref-1)
2. The Uniform Grant Guidance (UGG) is contained in [Part 200 of Title 2 of the Code of Federal Regulations](https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl). [↑](#footnote-ref-2)
3. See 2 CFR Part 200, Subpart E. [↑](#footnote-ref-3)
4. 2 CFR § 200.423. [↑](#footnote-ref-4)
5. 2 CFR § 200.450. [↑](#footnote-ref-5)
6. See 2 CFR § 200.403. [↑](#footnote-ref-6)
7. 2 CFR § 200.403(a). [↑](#footnote-ref-7)
8. See 2 CFR §§ 200.420-200.475. [↑](#footnote-ref-8)
9. 2 CFR § 200.430. [↑](#footnote-ref-9)
10. 2 CFR §§ 200.317-200.326. [↑](#footnote-ref-10)
11. 2 CFR §§ 200.313-200.314. [↑](#footnote-ref-11)
12. See, for example, 2 CFR § 200.318(h)(i) for procurement records or 2 CFR § 200.302(b)(3) for financial records. [↑](#footnote-ref-12)
13. 34 CFR § 76.700. [↑](#footnote-ref-13)
14. Title I is a title of the Elementary and Secondary Education Act (ESEA). ESEA was most recently amended by the Every Student Succeeds Act (ESSA). For simplicity, the rest of this document will use the abbreviation “ESSA” when citing to the most recent version of the Elementary and Secondary Education Act. This document will use the abbreviation “NCLB” when citing to the prior version of ESEA, the No Child Left Behind Act.

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

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

    [↑](#footnote-ref-14)
15. ESSA, Section 1001. [↑](#footnote-ref-15)
16. ESSA, Section 1111(b)(1). [↑](#footnote-ref-16)
17. ESSA, Section 1111(b)(2). [↑](#footnote-ref-17)
18. ESSA, Section 1111(c)(4)(B). In Virginia, the indicators are (1) student achievement on the Standards of Learning reading and mathematics assessments, (2) for elementary and middle schools, student growth as measured by progress tables, (3) for high schools, high school graduation rates, (4) progress in achieving English language proficiency as measured by the ACCESS for ELLs English Language Proficiency assessment, and (5) chronic absenteeism and the SOA Rating indicator. [↑](#footnote-ref-18)
19. ESSA, Section 1111(h). [↑](#footnote-ref-19)
20. ESSA, Section 1111(d)(1)&(2). [↑](#footnote-ref-20)
21. ESSA, Section 1111(h). [↑](#footnote-ref-21)
22. ESSA, Section 1112(e). [↑](#footnote-ref-22)
23. ESSA, Section 1112(c)(5)(B). [↑](#footnote-ref-23)
24. ESSA, Section 1113(c)(3)(A)(i). Please see footnote 49 for more information. [↑](#footnote-ref-24)
25. ESSA, Section 1113(c)(3)(A)(ii)&(iii). [↑](#footnote-ref-25)
26. ESSA, Section 1113. [↑](#footnote-ref-26)
27. ESSA, Section 1116. [↑](#footnote-ref-27)
28. ESSA, Section 1117. [↑](#footnote-ref-28)
29. 2 CFR § 200.328(a). [↑](#footnote-ref-29)
30. ESSA, Section 1114(a)(1). [↑](#footnote-ref-30)
31. ESSA, Section 1114(a)(1)(A). [↑](#footnote-ref-31)
32. ESSA, Section 1114(a)(2). [↑](#footnote-ref-32)
33. ESSA, Section 1114(b). [↑](#footnote-ref-33)
34. ESSA, Section 1114(b)(6). [↑](#footnote-ref-34)
35. ESSA, Section 1115. [↑](#footnote-ref-35)
36. ESSA, Section 1115(b)(2)(A). [↑](#footnote-ref-36)
37. ESSA, Section 1115(c). [↑](#footnote-ref-37)
38. Please see ESSA, Section 8101(52) defining a “well-rounded education” as:

    [C]ourses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the SEA or LEA, with the purpose of providing all students access to an enriched curriculum and educational experience. [↑](#footnote-ref-38)
39. 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. [↑](#footnote-ref-39)
40. ESSA, Section 1113(c)(3)(C). [↑](#footnote-ref-40)
41. ESSA, Section 1113(c)(3). [↑](#footnote-ref-41)
42. ESSA, Section 1116(a)(3)(A). ESSA clarifies LEAs can reserve more than one percent at their discretion. [↑](#footnote-ref-42)
43. Please note ninety percent is a change from NCLB which required LEAs to distribute ninety-five percent of the reserved funds to schools. [↑](#footnote-ref-43)
44. 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)*](https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf) (2016). [↑](#footnote-ref-44)
45. ESSA, Section 1111(d)(1)(D)(v). [↑](#footnote-ref-45)
46. ESSA, Section 1113(c)(4). [↑](#footnote-ref-46)
47. ESSA, Section 1113(c)(5). [↑](#footnote-ref-47)
48. U.S. Department of Education and U.S. Department of Health and Human Services, [*Ensuring Educational Stability for Children in Foster Care* (](http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf)2016), Q&A 30.  [↑](#footnote-ref-48)
49. 34 CFR § 200.77. [↑](#footnote-ref-49)
50. 34 CFR § 200.77. [↑](#footnote-ref-50)
51. *ED 2009 Title I Reform Guidance,* Q&A [↑](#footnote-ref-51)
52. 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). [↑](#footnote-ref-52)
53. ESSA, Section 1114(b). [↑](#footnote-ref-53)
54. U.S. Department of Education, [*Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*,](http://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf) pp. 4-5 (2016). This guidance will be referred to as “*ED 2016 Schoolwide Guidance*” for the rest of this document. [↑](#footnote-ref-54)
55. ESSA, Section 1114(b)(1). [↑](#footnote-ref-55)
56. ESSA, Section 1114(b)(6). [↑](#footnote-ref-56)
57. ESSA, Section 1114(b)(7)(A). [↑](#footnote-ref-57)
58. ESSA, Section 1114(b)(1). [↑](#footnote-ref-58)
59. ESSA, 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. [↑](#footnote-ref-59)
60. ESSA, Section 1114(b)(5). [↑](#footnote-ref-60)
61. ESSA, Section 1114(b)(3). [↑](#footnote-ref-61)
62. ESSA, Section 1114(b)(4). [↑](#footnote-ref-62)
63. ESSA, Section 1115(c). [↑](#footnote-ref-63)
64. ESSA, Section 1115(b)(2)(A). [↑](#footnote-ref-64)
65. ESSA, Section 1115(b)(2). [↑](#footnote-ref-65)
66. 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). [↑](#footnote-ref-66)
67. ESSA, Section 1115(e)(2). [↑](#footnote-ref-67)
68. ESSA, Section 1115(f). [↑](#footnote-ref-68)
69. ESSA, Section 1115(b)(2)(G). [↑](#footnote-ref-69)
70. ESSA, Sections 1118(a) and 8521. [↑](#footnote-ref-70)
71. Under NCLB and previous versions of ESEA, a Title I supplanting violation was presumed if Title I, Part A paid for:

    1. An activity required by federal, state, or local law,
    2. An activity that was paid for with state or local funds in the prior year, or
    3. The same services for Title I students that state and local funds support for non-Title I students.

    [↑](#footnote-ref-71)
72. ESSA, Section 1118(b)(3)(A). [↑](#footnote-ref-72)
73. ESSA, Section 1118(b)(2). [↑](#footnote-ref-73)
74. ESSA, Section 1118(c). [↑](#footnote-ref-74)
75. ESSA, Section 1117. [↑](#footnote-ref-75)
76. ESSA, Section 1117(a)(4). [↑](#footnote-ref-76)
77. See U.S. Department of Education, [*Updated Non-Regulatory Guidance Providing Equitable Services to Eligible Private School Children, Teachers, and Families*](https://www2.ed.gov/about/inits/ed/non-public-education/files/equitable-services-guidance-100419.pdf) (October 2019) Q&A B-1. This guidance will be referred to as “*ED 2016 Fiscal Changes Guidance*” for the rest of this document. [↑](#footnote-ref-77)
78. 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*](http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf) (September 2016). This guidance will be referred to as *ED 2016 Title II, Part A Guidance* for the rest of this document. [↑](#footnote-ref-78)
79. ESSA, Section 2001. [↑](#footnote-ref-79)
80. ESSA, Section 2103(b)(1)-(2). [↑](#footnote-ref-80)
81. ESSA, Section 2102(b)(2)(C). [↑](#footnote-ref-81)
82. ESSA, Section 1124(c) is located in Title I of ESSA, and describes the children that should be counted.

    [↑](#footnote-ref-82)
83. ESSA, Section 2101(b). As with prior law, there are two parts to the federal-to-state Title II formula: (1) a “hold harmless” allocation that guarantees states at least as much money as they received in 2001 under two (no longer authorized) programs related to Title II, and (2) an allocation based partly on a state’s number of 5-17 year olds (population levels) and partly on a state’s number of low-income 5-17 year olds (poverty levels). ESSA gradually reduces the “hold harmless” amount between 2017 and 2022 until it is eventually eliminated. ESSA also changes the amounts generated by population versus poverty. Now, states generate thirty-five percent based on population and sixty-five percent based on poverty. The percentages shift between 2018 and 2020 until it is twenty percent based on population and eighty percent based on poverty. [↑](#footnote-ref-83)
84. NCLB, Section 2121(a)(2). [↑](#footnote-ref-84)
85. ESSA, Section 2102(a). [↑](#footnote-ref-85)
86. ESSA, Section 2102(b)(3). Stakeholders include teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a LEA that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet Title II purposes. ESSA, Section 2102(b)(3)(A). [↑](#footnote-ref-86)
87. ESSA, Section 2102(b)(2)(D). [↑](#footnote-ref-87)
88. *ED 2016 Title II, Part A Guidance*, p. 28. [↑](#footnote-ref-88)
89. LEAs were required to conduct a formal needs assessment under NCLB. ESSA eliminated that requirement. [↑](#footnote-ref-89)
90. *ED 2016 Title II, Part A Guidance,* p. 30. Pages 30-34 of ED’s guidance contain more information about these five steps. [↑](#footnote-ref-90)
91. ESSA, Section 2102(b)(2)(D). [↑](#footnote-ref-91)
92. ESSA, Section 2103(b)(3)(A). [↑](#footnote-ref-92)
93. ESSA, Section 2103(b)(3)(B). [↑](#footnote-ref-93)
94. ESSA, Section 2103(b)(3)(B)(i). [↑](#footnote-ref-94)
95. ESSA, Section 2103(b)(3)(B)(ii). [↑](#footnote-ref-95)
96. ESSA, Section 2103(b)(3)(B)(iii). [↑](#footnote-ref-96)
97. *ED 2016 Title II, Part A Guidance*, p. 14. [↑](#footnote-ref-97)
98. ESSA, Section 2103(b)(3)(B)(iv). [↑](#footnote-ref-98)
99. ESSA, Section 2103(b)(3)(B)(v). [↑](#footnote-ref-99)
100. ESSA, Section 2103(b)(3)(B)(vi). [↑](#footnote-ref-100)
101. *ED 2016 Title II, Part A Guidance*, p. 8. [↑](#footnote-ref-101)
102. ESSA, Section 2002(5). [↑](#footnote-ref-102)
103. *ED 2016 Title II, Part A Guidance*, p. 19. [↑](#footnote-ref-103)
104. ESSA, Section 2103(b)(3)(C). [↑](#footnote-ref-104)
105. ESSA, Section 2013(b)(3)(D). [↑](#footnote-ref-105)
106. *ED 2016 Title II, Part A Guidance*, p. 24. [↑](#footnote-ref-106)
107. USED’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). [↑](#footnote-ref-107)
108. ESSA, Section 2103(b)(3)(E). [↑](#footnote-ref-108)
109. ESSA, Section 2103(b)(3)(E)(i)-(vi). [↑](#footnote-ref-109)
110. *ED 2016 Title II, Part A Guidance*, p. 14. [↑](#footnote-ref-110)
111. *ED 2016 Title II, Part A Guidance*, p. 14. [↑](#footnote-ref-111)
112. *ED 2016 Title II, Part A Guidance*, p. 15. [↑](#footnote-ref-112)
113. *ED 2016 Title II, Part A Guidance*, p. 15. [↑](#footnote-ref-113)
114. *ED 2016 Title II, Part A Guidance*, p. 24. [↑](#footnote-ref-114)
115. *ED 2016 Title II, Part A Guidance*, p. 24. [↑](#footnote-ref-115)
116. ESSA, Section 2103(b)(3)(F). [↑](#footnote-ref-116)
117. ESSA, Section 2103(b)(3)(G)(i). [↑](#footnote-ref-117)
118. ESSA, Section 2013(b)(3)(G)(ii). [↑](#footnote-ref-118)
119. ESSA, Section 2103(b)(3)(H). [↑](#footnote-ref-119)
120. ESSA, Section 2103(b)(3)(I). [↑](#footnote-ref-120)
121. ESSA, Section 2103(b)(3)(J). [↑](#footnote-ref-121)
122. ESSA, Section 2103(b)(3)(K). [↑](#footnote-ref-122)
123. ESSA, Section 2103(b)(3)(L). [↑](#footnote-ref-123)
124. ESSA, Section 2103(b)(3)(M). [↑](#footnote-ref-124)
125. ESSA, Section 2103(b)(3)(N). [↑](#footnote-ref-125)
126. ESSA, Section 2103(b)(3)(O). [↑](#footnote-ref-126)
127. ESSA, Section 2103(b)(3)(P). [↑](#footnote-ref-127)
128. ESSA, Section 8521. [↑](#footnote-ref-128)
129. ESSA, Section 2301. [↑](#footnote-ref-129)
130. ESSA, Section 8501(b)(1)(B). [↑](#footnote-ref-130)
131. ESSA, Section 8501(b). See also *ED 2016 Fiscal Changes Guidance,* Q&A P-1 & P-2. [↑](#footnote-ref-131)
132. 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)*](http://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf) (September 2016). This guidance will be referred to as *ED 2016 Title III, Part A Guidance* for the rest of this document. [↑](#footnote-ref-132)
133. ESSA, Section 8101(20). Also, *ED 2016 Title III, Part A Guidance,* p. 43. [↑](#footnote-ref-133)
134. ESSA, Section 3201(5). Also, *ED 2016 Title III, Part A Guidance,* p. 43. [↑](#footnote-ref-134)
135. ESSA, Section 3115(g). [↑](#footnote-ref-135)
136. *ED 2016 Title III, Part A Guidance*, Question A-2. [↑](#footnote-ref-136)
137. *ED 2016 Title III, Part A Guidance*, Question A-2. [↑](#footnote-ref-137)
138. *ED 2016 Title III, Part A Guidance*, Question A-2 and A-3. [↑](#footnote-ref-138)
139. *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](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf) (2015). [↑](#footnote-ref-139)
140. *ED 2016 Title III, Part A Guidance*, Question A-8. [↑](#footnote-ref-140)
141. *ED 2016 Title III, Part A Guidance*, Question D-7. [↑](#footnote-ref-141)
142. *ED 2016 Title III, Part A Guidance*, Question A-4. [↑](#footnote-ref-142)
143. 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>. [↑](#footnote-ref-143)
144. *ED 2016 Title III, Part A Guidance*, Question A-4. [↑](#footnote-ref-144)
145. ESSA, Section 1111(b)(2)(G). [↑](#footnote-ref-145)
146. *ED 2016 Title III, Part A Guidance*, Question A-7. [↑](#footnote-ref-146)
147. ESSA, Section 3115(a). [↑](#footnote-ref-147)
148. ESSA, Section 3115(c)(1). For federal guidance about LIEPs, please see *ED 2016 Title III, Part A Guidance*, Section C. [↑](#footnote-ref-148)
149. 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. [↑](#footnote-ref-149)
150. 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. [↑](#footnote-ref-150)
151. ESSA, Section 3115(d)(1). [↑](#footnote-ref-151)
152. ESSA, Section 3115(d)(2). [↑](#footnote-ref-152)
153. ESSA, Section 3115(d)(3). [↑](#footnote-ref-153)
154. For more information on Title III and Early Learning, please see *ED 2016 Title III, Part A Guidance*, Section F. [↑](#footnote-ref-154)
155. ESSA, Section 3115(d)(4). [↑](#footnote-ref-155)
156. ESSA, Section 3115(d)(5). [↑](#footnote-ref-156)
157. ESSA, Section 3115(d)(6). [↑](#footnote-ref-157)
158. ESSA, Section 3115(d)(7). [↑](#footnote-ref-158)
159. ESSA, Section 3115(d)(8). [↑](#footnote-ref-159)
160. ESSA, Section 3115(d)(9). [↑](#footnote-ref-160)
161. ESSA, Section 3115(e). See also *ED 2016 Title III, Part A Guidance*, Question G-4. [↑](#footnote-ref-161)
162. ESSA, Section 3115(b). [↑](#footnote-ref-162)
163. *ED 2016 Title III, Part A Guidance*, Question A-10. [↑](#footnote-ref-163)
164. ESSA, Section 8521. [↑](#footnote-ref-164)
165. *ED 2016 Title III, Part A Guidance*, Question A-17. [↑](#footnote-ref-165)
166. ESSA, Section 8501(b)(1)(C). [↑](#footnote-ref-166)
167. *ED 2016 Title III, Part A Guidance*, Question C-6. See also *ED 2016 Fiscal Changes Guidance,* Section P. [↑](#footnote-ref-167)
168. 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. [↑](#footnote-ref-168)
169. 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* (](http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf)October 2016). This guidance will be referred to as *ED 2016 SSAE Guidance* for the rest of this document. [↑](#footnote-ref-169)
170. ESSA, Section 4106(d)(3). [↑](#footnote-ref-170)
171. ESSA, Section 4106(d). [↑](#footnote-ref-171)
172. ESSA, Section 4106(d)(2). [↑](#footnote-ref-172)
173. *ED 2016 SSAE Guidance*, p. 16 at footnote 14. [↑](#footnote-ref-173)
174. ESSA, Section 4106(e)(2)(A). ESSA requires LEAs to prioritize the distribution of funds to high-need schools. USED’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). [↑](#footnote-ref-174)
175. ESSA, Section 4106(e)(1)(E). [↑](#footnote-ref-175)
176. ESSA, Section 4106(e)(1)(E). [↑](#footnote-ref-176)
177. ESSA, Section 4104(a)(2); see also ESSA, Section 4106(e)(2)(F). [↑](#footnote-ref-177)
178. 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). [↑](#footnote-ref-178)
179. ESSA, Section 4106(c)(2). [↑](#footnote-ref-179)
180. ESSA, Section 4106(e)(2)(C)-(E). [↑](#footnote-ref-180)
181. *ED 2016 SSAE Guidance,* p. 13. [↑](#footnote-ref-181)
182. ESSA, Section 4106(f). [↑](#footnote-ref-182)
183. ESSA, Section 4109(b). [↑](#footnote-ref-183)
184. *ED 2016 SSAE Guidance,* p. 32. [↑](#footnote-ref-184)
185. ESSA, Section 4105(c). [↑](#footnote-ref-185)
186. 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). [↑](#footnote-ref-186)
187. ESSA, Section 4107(a). [↑](#footnote-ref-187)
188. ESSA, Section 4107(a)(1). [↑](#footnote-ref-188)
189. ESSA, Section 4107(a)(2). [↑](#footnote-ref-189)
190. For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance,* pp. 39-43. [↑](#footnote-ref-190)
191. ESSA, Section 4107(a)(3)(A). [↑](#footnote-ref-191)
192. ESSA, Section 4107(a)(3)(B). [↑](#footnote-ref-192)
193. ESSA, Section 4107(a)(3)(C). [↑](#footnote-ref-193)
194. ESSA, Section 4107(a)(3)(C)(i)-(vi). [↑](#footnote-ref-194)
195. ESSA, Section 4107(a)(3)(D). See also ESSA, Section 4104(b)(3)(A)(i)(IV). [↑](#footnote-ref-195)
196. ESSA, Section 4107(a)(3)(D)(i). [↑](#footnote-ref-196)
197. ESSA, Section 4107(a)(3)(D)(ii). [↑](#footnote-ref-197)
198. ESSA, Section 4107(a)(3)(E). [↑](#footnote-ref-198)
199. ESSA, Section 4107(a)(3)(F). [↑](#footnote-ref-199)
200. ESSA, Section 4107(a)(3)(G). [↑](#footnote-ref-200)
201. ESSA, Section 4107(a)(3)(H). [↑](#footnote-ref-201)
202. ESSA, Section 4107(a)(3)(I). [↑](#footnote-ref-202)
203. ESSA, Section 4107(a)(3)(J). [↑](#footnote-ref-203)
204. 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). [↑](#footnote-ref-204)
205. ESSA, Section 4108(1)-(3). [↑](#footnote-ref-205)
206. ESSA, Section 4108(4). [↑](#footnote-ref-206)
207. For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance,* pp. 43-45. [↑](#footnote-ref-207)
208. ESSA, Section 4108(5)(A). [↑](#footnote-ref-208)
209. ESSA, Section 4108(5)(A)(i)-(ii). [↑](#footnote-ref-209)
210. ESSA, Section 4108(5)(A)(B)(i). [↑](#footnote-ref-210)
211. ESSA, Section 4108(5)(A)(B)(ii). [↑](#footnote-ref-211)
212. 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). [↑](#footnote-ref-212)
213. ESSA, Section 4001(a)(1)(B). [↑](#footnote-ref-213)
214. ESSA, Section 4001(a)(1)(C). [↑](#footnote-ref-214)
215. ESSA, Section 4108(5)(C). [↑](#footnote-ref-215)
216. 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)](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section7102&num=0&edition=prelim). [↑](#footnote-ref-216)
217. ESSA, Section 4108(5)(D). [↑](#footnote-ref-217)
218. ESSA, Section 4108(5)(E). [↑](#footnote-ref-218)
219. ESSA, Section 4108(5)(F). [↑](#footnote-ref-219)
220. ESSA, Section 4108(5)(G). [↑](#footnote-ref-220)
221. ESSA, Section 4108(5)(H) [↑](#footnote-ref-221)
222. ESSA, Section 4108(5)(I). [↑](#footnote-ref-222)
223. ESSA, Section 8101(40). [↑](#footnote-ref-223)
224. 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). [↑](#footnote-ref-224)
225. ESSA, Section 4109(a). [↑](#footnote-ref-225)
226. For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance,* pp. 46-47. [↑](#footnote-ref-226)
227. ESSA, Section 4109(a)(1). [↑](#footnote-ref-227)
228. ESSA, Section 4109(a)(2). [↑](#footnote-ref-228)
229. ESSA, Section 4109(b). [↑](#footnote-ref-229)
230. ESSA, Section 4109(a)(3). [↑](#footnote-ref-230)
231. ESSA, Section 4109(a)(4). [↑](#footnote-ref-231)
232. ESSA, Section 4109(a)(5). [↑](#footnote-ref-232)
233. ESSA, Section 4109(a)(6). [↑](#footnote-ref-233)
234. ESSA, Section 8521. [↑](#footnote-ref-234)
235. ESSA, Section 4110. [↑](#footnote-ref-235)
236. *ED 2016 SSAE Guidance,* p. 14. [↑](#footnote-ref-236)
237. *ED 2016 SSAE Guidance,* p. 14 [↑](#footnote-ref-237)
238. ESSA, Section 4106(e)(2)(b); ESSA, Section 8501(b)(1)(D). [↑](#footnote-ref-238)
239. *ED 2016 SSAE Guidance,* p. 13, in particular footnote 13. See also *ED 2016 Fiscal Changes Guidance,* Section P. [↑](#footnote-ref-239)