



Title I, Part A of the Every Student Succeeds Act (ESSA) Handbook

USBE STUDENT SUPPORT SERVICES
ESEA FEDERAL PROGRAMS AND RELATED STATE INITIATIVES
TITLE I-A

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A. INTRODUCTION TO TITLE I, PART A & ESSA: A PROGRAM AND FISCAL HANDBOOK

This handbook provides general guidance from USBE Title I staff on programmatic and fiscal requirements for Title I, Part A. It includes information about how local educational agencies (LEAs) may spend Title I, Part A funds under the Every Student Succeeds Act (ESSA). Use this handbook in conjunction with other guidance documents from USBE and the U.S. Department of Education (ED) on the use of Title I, Part A federal program funds. Guidance documents are listed and linked to this handbook. Guidance documents and forms referenced in this handbook are also available on the [USBE's ESEA Federal Program and Related State Initiatives Webpage](#).

Title I, Part A is the U.S. Department of Education's (ED) largest K-12 grant program. It provides *supplemental* funding to help educators in low-income schools improve the academic achievement of economically and educationally disadvantaged students. ED awards Title I, Part A funds to state education agencies (SEAs), which then subgrant funds to LEAs based on a federal formula. LEAs may retain some money to carry out certain activities, and then must allocate the rest to eligible schools. Please note: The federal formula used to determine LEA allocations of Title I funds is based on U. S. Census Bureau counts of school-age children (ages 5-17) from low-income families residing in each school district. The formula is not based on the LEA's or school's percentage of students who qualify for free/reduced lunch.

President Lyndon B. Johnson signed the original Elementary and Secondary Education Act (ESEA) into law in 1965. The ESEA established the Title I program. The Every Student Succeeds Act (ESSA) is the most recent Congressional reauthorization of the ESEA. President Barack Obama signed ESSA into law on December 10, 2015. The version of ESEA prior to ESSA was the No Child Left Behind Act of 2001 (NCLB). ESSA went into effect on July 1, 2017. For more information about the ESSA, please see the [U.S. Department of Education website](#).

It is important to note that this handbook only provides an overview of each of the Title I, Part A programmatic and spending rules and options; it does not discuss all details of compliance requirements that apply. For more information, please see the [USBE's ESEA Federal Program and Related State Initiatives Webpage](#).

This handbook:

- Provides an overview of the Title I, Part A program;
- Summarizes general federal education spending provisions that apply to Title I, Part A;
- Addresses the use of Title I, Part A funds by LEAs;
- Summarizes schoolwide, targeted assistance, and LEA-level Title I initiatives;
- Addresses the use of Title I, Part A funds by schools operating "Schoolwide Title I programs;"
- Addresses the use of Title I, Part A funds by schools operating "Targeted Assistance Title I programs;"
- Provides guidance on consolidating Title I, Part A funds with other funds in a schoolwide program;
- Addresses key fiscal tests LEAs must meet as a condition of receiving Title I, Part A funds:
 - (1) maintenance of effort, (2) comparability, and (3) supplement-not-supplant; and
- Addresses conditions LEAs agree to when accepting Title I, Part A funds.

B. ELIGIBILITY CRITERIA FOR TITLE I, PART A FUNDS

There are 4 levels of Title I grants: Basic, Concentration, Targeted, and Education Finance Incentive Grants
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(EFIG). Each level has specific eligibility criteria that the school, Local Educational Agency (LEA), and/or state (SEA) must meet in order to qualify for the grant. Title I funds are allocated through statutory formulas that are based primarily on U. S. Census Bureau poverty estimates and the cost of education in each state.

1. Basic Grant

- An LEA must have at least 10 poverty children, and
- Children in poverty must exceed 2 percent of the LEA's school age population (ages 5-17).

2. Concentration Grant

- An LEA must have at least 6,500 poverty children, or
- Children in poverty must be greater than 15 percent of the LEA's school age population (ages 5-17).

3. Targeted Grant

- An LEA must have at least 10 poverty children, and
- Children in poverty must be at least 5 percent of the LEA's school age population (ages 5-17).

4. Education Finance Incentive Grants (EFIG)

- A state must rank well in comparison to other states in its effort to provide financial support for education compared to its relative wealth as measured by its per capita income, and
- A state must rank well in comparison to other states in the degree to which education expenditures among LEAs within the state are equalized, and
- An LEA must have at least 10 poverty children, and
- Children in poverty must be at least 5 percent of the LEA's school-age population (ages 5-17), and
- An LEA must target the Title I funds to schools with the highest percentages of children from low-income families, and
- Schools must focus Title I services on children who are failing, or most at risk of failing, to meet state academic standards (unless a school is operating a schoolwide program*), and
- An LEA must use Title I funds to provide academic enrichment services to eligible children enrolled in private schools.

Several factors affect final allocations of Title I, Part A funds each LEA is awarded, including, but not limited to:

- U. S. Census Bureau poverty data from each geographical LEA. For the 2018-2019 school year, census data from 2016 is incorporated into the formula. There is a two-year lag.
- District of residence data for school-age children (ages 5-17).
- LEA eligibility: Some LEAs, but not all, qualify for all four types of Title I-A grants (basic, concentrated, targeted, and EFIG). These determinations are made at the federal level, not by the SEA.
- Total number of LEAs that are eligible for Title I (i.e., the district LEAs along with the number of charter LEAs that are eligible for Title I funds).
- Significantly expanding charter schools (i.e., a substantial increase in the number of students attending the charter school due to an event such as the addition of one or more grade levels).
- LEAs that do not accept Title I funding (e.g., For example, one small rural LEA waives its Title I funds and some charter schools elect to waive the funding).

Each of these factors are part of an intricate series of formulas calculated annually at the federal- and state-levels to determine each LEA's Title I-A allocation.

C. IS THIS ALLOWABLE?

GENERAL FEDERAL SPENDING PROVISIONS THAT APPLY TO TITLE I, PART A

There are general federal spending provisions that apply to federal education funds, including Title I, Part A.

1. All costs charged to ED grants must be necessary, reasonable, and allocable for the performance or administration of the grant considering the amount of money spent and the needs of the program.¹

This requirement comes from a set of federal regulations known as the Uniform Grant Guidance (UGG), which applies to all federal grants including ED grants.²

The UGG affects ED grant spending in a number of ways:

A. Lists costs that may never be paid for with federal funds.³ For example, federal funds can never pay for alcohol⁴ and typically cannot pay for lobbying.⁵ The following costs are never allowable under Title I, Part A:

- Do not use federal funds to pay for gifts or incentives related to Title I, Part A programs or activities. This includes gifts or items that appear to be gifts such as souvenirs, memorabilia, or other promotional items. This also includes T-shirts, caps, tote bags, key chains, and gift cards. *Gifts for Title I, Part A program participants can be provided if donated by individuals/private funds.*
- Advertising and public relations costs such as promotional items and memorabilia, including models, gifts, and souvenirs (with limited exceptions)
- Advisory councils unless permitted by the grant or federal awarding agency
- Alcoholic beverages
- Bad debts
- Contributions and donations
- Entertainment, including amusement, diversion, and social activities and any associated costs, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved grant or by the federal awarding agency
- Fines, penalties, damages, and other settlements (with limited exceptions)
- Fund raising and investment management costs (with limited exceptions)
- General costs of government (such as the salaries and other expenses of a school board, or the costs of the LEA's chief executive (superintendent/charter director)
- Goods or services for personal use
- Lobbying (with limited exceptions)
- Organizing activities, such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselors, in connection with establishment or reorganization of an organization, except with prior approval of the federal awarding agency
- Selling and marketing

¹ 2 CFR 200.403(a).

² [Uniform Grant Guidance](#) (UGG) is contained in Part 200 of Title 2 of the Code of Federal Regulations (CFR). Federal guidance and other resources about the UGG are available at [UGG Guidance and Resources](#).

³ See 2 CFR Part 200, Subpart E.

⁴ 2 CFR § 200.423.

⁵ 2 CFR § 200.450.

- Student activity costs (such as costs incurred for intramural activities, student publications, student clubs, field trips, and other student activities) unless specifically allowed under the grant (such as to remove barriers for homeless students). Please see section G-Required Set-Asides.
- Food and beverages for meetings may not be purchased with Title I funds unless the meeting is being held for the *specific purpose of parent and family engagement*.

B. Lists general criteria all costs supported with federal funds must satisfy.⁶ For example, federal funds can only pay for costs that are allocable to the relevant grant.⁷ Allocable costs must be:

- Charged only in proportion to the value received by the program
- Legal under state and local law
- Used in accordance with federal law and the terms of the grant
- Used in accordance with general acceptable accounting principles (GAAP)
- Not included as matching funds
- Adequately documented

C. Sets additional requirements for costs supported with federal funds.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 (i.e., **Time and Effort documentation**).⁹ Records must be maintained for all employees whose salaries are paid, in whole or in part, with federal funds and for all “cost objectives” for which the employee worked.

All employees charged to federal grants must document the time they spend working on the grants’ objectives to demonstrate that the amounts charged to federal programs are true and accurate. Links to example Time and Effort documents are found on page 9.

Semiannual certifications: If an employee works solely on a single Federal award or cost objective, charges for the employee’s salary and wages must be supported by certifications twice a year that the employee worked solely on that program or cost objective for the period covered by the certification. The certification must be prepared at least semiannually and include a dated signature of the employee and supervisory official having firsthand knowledge of the work performed by the employee. The report should also include a statement that 100% of the employee’s time and effort was spent in approvable Title I activities.

Semiannual Time and Effort Documentation must include:

- Name of LEA
- Name of employee
- Employee’s job title

⁶ See 2 CFR § 200.403.

⁷ 2 CFR § 200.403(a).

⁸ See 2 CFR §§ 200.420-200.475.

⁹ 2 CFR § 200.430.

- Pay period dates – at least semi-annually – dates should include the months, days, and years of the certification period
- A statement that 100% of the employee’s time and effort was in support of approved (Name of Program (e.g., Title I)) activities
- Signed by employee and dated
- Signed by employee’s supervisor and dated

Personnel activity reports (PAR): If an employee works on multiple activities or cost objectives, a distribution of the employee’s salary and wages must be supported by a personnel activity report (PAR) or equivalent documentation. A PAR is required if an employee works on:

- More than one Federal award
- A Federal award and a non-Federal award
- An indirect cost activity and a direct cost activity
- Two or more indirect activities that are allocated using different allocation bases
- An unallowable activity and a direct or indirect cost activity

Time/Effort Documentation on PARs must include:

- Name of the LEA
- Name of employee
- Employee’s job title
- Pay period dates – at least monthly (to include one or more pay periods) or by pay period – should include the month(s), days, and year(s) of the certification period
- All accounts used to pay salary with the percentage of time or actual hours worked used for each accounting code
 - Time must be listed for ALL accounting codes used for salary
 - Must indicate total time for each accounting code
- Signed by employee and dated
- Signed by employee’s supervisor and dated
- If the employee works on a fixed schedule every week, then the employee will be able to do a semi-annual certification provided their FIXED schedule is attached to the certification document.

Documentation of employee work schedules must include sufficient internal controls to ensure schedules are accurate. Additionally, certification must include a full disclosure of any known deficiencies with the system or known challenges with implementing the system.

Time and effort documentation may be reviewed by auditors and SEA personnel during fiscal audits and/or sub-recipient onsite monitoring.

Examples Include:

- [Semi-Annual Reporting](#)
- [Monthly PAR Multiple Cost Objectives](#)
- [Fixed Schedule](#)

- [Monthly PAR Fixed Schedule](#)

D. Sets rules for how LEAs procure goods and services with federal funds,¹⁰ how they track items paid for with federal funds,¹¹ and the kinds of records they must keep about their grant spending.¹²

Procurement and Inventory:

- Districts should have standard procedures that are utilized when a piece of equipment (property) is received, and those standard procedures should comply with the federal rules on managing equipment found in the Education Department General Administrative Regulations (EDGAR). The rules are fairly straightforward:
 - Equipment purchased with federal funds must be used in the program or project for which it was acquired, as long as it is needed. When it is no longer needed for that project or program, it may be used in other activities supported by a federal agency or disposed of in accordance with proper procedures.
 - Equipment may be made available to other federally funded projects or programs, as long as it does not interfere with the work for which it was originally purchased.
 - Property records must be kept by the LEA that include, at a minimum, all of the following:
 1. Name/identity of title holder
 2. Description of the property
 3. Source of the property
 4. Name of the custodian of the property
 5. Name, make, or manufacturer
 6. Acquisition date and cost of the property
 7. Method of acquisition, and if purchased, voucher, check or the warrant number
 8. Percentage of the federal participation in the acquisition of the equipment (if non-federal, as well as federal, funds were used)
 9. Location, use and condition of the property.
 10. Any disposition information such as the date of disposal and sale price
 11. The date the item was last physically inventoried and the condition of the item as of that date
 - Equipment must be permanently marked, if practicable.
 - Inventory must be reconciled at least annually and when there is a change of custodian. There must be a control system established to prevent loss, damage, or theft of the equipment and any such loss, damage or theft should be investigated.
 - There must be appropriate maintenance procedures established to keep the equipment in good condition.

¹⁰ 2 CFR §§ 200.317-200.326.

¹¹ 2 CFR §§ 200.313-200.314.

¹² See, for example, 2 CFR § 200.318(h)(i) for procurement records or 2 CFR § 200.302(b)(3) for financial records.

- If the LEA determines that it is appropriate to sell the equipment, there must be procedures established to ensure the highest possible return.
- The LEA must have procedures for proper disposition of equipment when it is no longer needed for the project or program, or any other activities currently or previously supported by a federal agency. These procedures specify circumstances under which a sub-recipient may retain, sell, or otherwise dispose of the equipment.
- For ESSA Programs – supplies and materials that are expected to last more than one year need to be inventoried and marked with the name of the Program that purchased the material, excluding books and furniture.

- 2. Activities supported by ED funds must be consistent with the LEA’s annual application for funds approved by the SEA.**¹³ LEAs should plan and set goals first and then create a budget that supports the goals the LEA has set based on data. For Title I, Part A, this is the LEA’s annual Title I, Part A plan submitted through the USBE’s online grants management system.

After the LEA’s plan and budget is approved by the USBE, equipment purchases between \$5,000 and \$25,000 are also approved. Any capital outlay for equipment greater than or equal to \$25,000 requires an additional approval by the SEA. Once the SEA approves the LEA’s plan and budget, and the LEA has completed the required annual desktop monitoring instrument items (DMI), the LEA can apply for reimbursement.

- 3. Some parts of ESSA require LEAs to spend funds on activities that are supported by evidence, are demonstrated to be effective, or that are consistent with a formal needs assessment.**¹⁴ Even where this is not required, ED grant spending has the greatest impact when LEAs spend federal funds on effective activities designed to meet specific 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 covered by other funding sources).

D. CONSIDERATIONS WHEN DETERMINING WHETHER A COST IS ALLOWABLE UNDER TITLE I, PART A

When considering whether Title I, Part A funds may be used at the LEA- or building-level, business managers and Title I, Part A directors and staff should ask themselves the following set of questions to determine if an expenditure is allowable.

1. How is the expenditure reasonable, necessary, and allocable to carry out the intent and purpose of the Title I, Part A program?
2. What need does the expenditure address?

¹³ 34 CFR § 76.700.

¹⁴ ESSA § 8101 (21)(A)(i)-(B).

3. How does the expenditure connect to relevant Title I, Part A plans?
 - LEA annual Title I Plan
 - Schoolwide Title I Plan
 - Targeted Assistance Title I Plan

The purchaser must be able to clearly explain how the expenditure aligns to the LEA or building's Title I, Part A plan. For example:

- If it is an LEA-level initiative expenditure, the expenditure must be aligned to what has been approved in the LEA's Title I, Part A Annual Plan. The auditors regularly review the Title I, Part A annual plan and review whether LEA expenditures align with it.
- If it is a schoolwide expenditure, it needs to be aligned to the Title I Schoolwide Plan's needs assessment. The auditors will be looking at your schoolwide plan, particularly the comprehensive needs assessment, to ensure costs charged to Title I, Part A align to the plan. If they do not, they run the risk of being disallowed.
- If it is a targeted assistance expenditure, it needs to be aligned to the targeted assistance plan.
- How will the LEA or school expenditure be evaluated to measure a positive impact on student achievement?

E. PURPOSE OF TITLE I, PART A

The purpose of Title I, Part A is to provide all children “**significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.**”¹⁵ To achieve that, states must develop accountability systems to identify and support schools with academically struggling students, and LEAs and schools must use their Title I, Part A funds to improve student outcomes, including academic achievement. The Utah State Board of Education's Strategic Plan, *Excellence for Each Student: Education Elevated*, provides the foundation for Utah's public education system. In addition, [USB's Education Elevated](#) defines student outcomes necessary to ensure each Utah student is the beneficiary of an excellent education.

The state accountability system is central to Title I. State accountability systems include:

- State-adopted, challenging academic standards in at least math, reading/language arts, and science;¹⁶
- High-quality academic assessments that measure how well students are mastering state standards in at least math, reading/language arts, and science;¹⁷
- A system that differentiates school performance based on a variety of indicators;¹⁸

¹⁵ ESSA, Section 1001.

¹⁶ ESSA, Section 1111(b)(1).

¹⁷ ESSA, Section 1111(b)(2).

¹⁸ ESSA, Section 1111(c)(4)(B). The indicators are (1) student achievement on the state academic assessment, (2) for elementary and middle schools, a measure of student growth or another academic indicator that allows for meaningful differentiation of school performance, (3) for high schools, high school graduation rates, (4) progress in achieving English language proficiency, and (5) an indicator of school quality or student success, such as student engagement, educator engagement, access to and completion of advanced coursework, postsecondary readiness, school climate and safety, or another state-selected indicator that meets ESSA requirements. ESSA, Section 1111(c)(4)(B)(i)-(v).

- A system to identify and support certain low-performing schools (known as “comprehensive support and improvement” (CSI) schools and “targeted support and improvement” (TSI) schools);¹⁹ and
- Reporting student achievement and other data to ED and the public.²⁰

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;²¹
- Reporting student achievement and other data to the SEA and the public;²²
- Notifying parents about issues such as teacher qualifications, assessments, and identification of students as English learners;²³
- Collaborating with child welfare agencies to ensure the educational stability of children in foster care;²⁴
- Providing services to homeless children;²⁵
- 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;²⁶
- Allocating Title I funds to eligible schools through a poverty-based procedure known as “ranking and serving;”²⁷
- Developing policies and providing services to engage parents and families;²⁸
- Providing services to eligible private school students;²⁹ and
- Overseeing Title I activities in Title I schools.³⁰

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

1. A **schoolwide model** is available to any school with at least forty percent (40%) poverty (or to schools below forty percent poverty with a waiver, which, under ESSA, may be issued by the SEA).³¹
 - Schools operating a schoolwide model can use Title I funds to upgrade the entire educational program;³²

¹⁹ ESSA, Section 1111(d).

²⁰ ESSA, Section 1111(h).

²¹ ESSA, Section 1111(d)(1)&(2).

²² ESSA, Section 1111(h).

²³ ESSA, Section 1112(e).

²⁴ ESSA, Section 1112(c)(5)(B).

²⁵ ESSA, Section 1113(c)(3)(A)(i). Please see footnote 49 for more information.

²⁶ ESSA, Section 1113(c)(3)(A)(ii)&(iii).

²⁷ ESSA, Section 1113.

²⁸ ESSA, Section 1116.

²⁹ ESSA, Section 1117.

³⁰ 2 CFR § 200.328(a).

³¹ ESSA, Section 1114(a)(1).

³² ESSA, Section 1114(a)(1)(A).

- All students are considered “eligible Title I students;”³³ and
 - Schoolwide schools must develop a schoolwide Title I plan describing the services it will provide based on a comprehensive assessment of the school’s needs.³⁴ 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.³⁵
 - Title I, Part A funds may only be used to support identified needs and the goals articulated in the schoolwide plan.
2. A **targeted assistance model** is available to any designated Title I school that has less than 40% poverty or that does not operate a schoolwide program.³⁶
- Schools operating a targeted assistance model must use Title I funds to help educationally-disadvantaged students meet state standards; and³⁷
 - 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 attending a community day program, or (5) are homeless.³⁸

F. HOW TITLE I, PART A FUNDS MAY BE USED

Title I, Part A funds may support a wide range of activities to help eligible students meet State academic standards. This includes:

- Providing eligible students with a well-rounded education. ESSA defines 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;”*³⁹
- Instructional supports;
- Non-instructional supports such as behavior supports and mentoring;
- Counseling and prevention supports; and
- Improving overall school quality.

³³ ESSA, Section 1114(a)(2).

³⁴ ESSA, Section 1114(b).

³⁵ ESSA, Section 1114(b)(6).

³⁶ ESSA, Section 1115.

³⁷ ESSA, Section 1115(b)(2)(A).

³⁸ ESSA, Section 1115(c).

³⁹ Please see ESSA, Section 8101(52) defining a “well-rounded education”.

Historically, many LEAs and schools have used Title I, Part A funds narrowly for discrete instructional supports primarily focused on reading and math. This may have happened because the NCLB law's complexity led to narrower interpretations about the appropriate use of Title I, Part A funds. Later, under the guidance for the American Recovery and Reinvestment Act (ARRA) of 2009, ED issued interpretations of Title I, Part A that were more flexible.

The language of the ESSA is clearer than NCLB. Under ESSA, Title I, Part A funds may be used flexibly to meet a broad range of student needs, which *can include* reading and math instructional supports, but *may also address other identified student needs*.

The chart below highlights common ways Title I, Part A spending has been used in a more limited way compared to what is actually allowed under ESSA. Understanding and addressing these limitations is important for ensuring ESSA's Title I, Part A funds are used to their full potential.

Common Title I, Part A Limitations Not Required by ESSA (or NCLB) ⁴⁰	
Common Limitation Not Required by Federal Law	Actual Legal Authority
Limiting Title I, Part A spending to reading/language arts and math	<i>Title I, Part A funds may be used broadly under ESSA for a broad range of subjects (see definition of well-rounded education on page 12). (Under NCLB, funds could have been used for subjects like science, social studies, art, and others, though that was not common.)⁴¹</i>
Limiting Title I, Part A spending only to supplemental instruction or materials	<i>ESSA permits Title I, Part A funds to be used for non-instructional supports, including school climate, attendance improvement, and school counselors.⁴² (Guidance under NCLB also provided flexibility that Title I could be used for non-instructional supports such as school climate, increasing attendance, school counselors, etc.)⁴³</i>
Limiting Title I, Part A spending to remedial programs	<i>ESSA is now more explicit that Title I, Part A funds may be used for advanced learning opportunities for struggling students.⁴⁴ (While NCLB did not impose such a restriction, many schools shifted focus more narrowly when the NCLB accountability systems were implemented. ED guidance permitted spending on advanced learning opportunities for struggling students.⁴⁵)</i>

⁴⁰ Based on CCSSO's [Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment](#). Please note that the citations in this chart are to the NCLB law (not ESSA) and relevant NCLB guidance in order to highlight misunderstandings under NCLB.

⁴¹ See NCLB, Sections 1111 and following, imposing no academic subject matter restrictions on Title I, Part A funding. See also the U.S. Department of Education's (ED) guidance, [Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students](#), particularly Sections C and G. This guidance is referred to as "ED 2009 Title I Reform Guidance" for the rest of this document. Two notes about this guidance: (1) while the guidance was developed to provide information about the additional Title I, Part A money appropriated under the American Recovery and Reinvestment Act (ARRA), the guidance is applicable Title I, Part A funds generally (see page 15), and (2) the guidance was released under NCLB. ED may issue updated Title I, Part A spending guidance under ESSA.

⁴² See, for example, ESSA, Section 1114(b)(7)(A)(iii)(I)&(III), ESSA, Section 1115(b)(2)(B)(ii), and ESSA, Section 1115(e)(2).

⁴³ See *ED 2009 Title I Reform Guidance*, particularly Sections C, E, and G.

⁴⁴ See *ED 2009 Title I Reform Guidance*, Section C.

⁴⁵ See, for example, ESSA, Section 1114(b)(7)(A)(II), ESSA, Section 1114(e), and ESSA, Section 1115(f).

Common Limitation Not Required by Federal Law	Actual Legal Authority
Limiting Title I, Part A spending to specific students in a schoolwide program school	<p><i>ESSA permits Title I, Part A schoolwide spending on broad improvement strategies based on the school's needs.</i>⁴⁶</p> <p><i>NCLB also permitted Title I, Part A funding to upgrade the entire educational program of a schoolwide Title I school.</i></p>

G. FOUR REQUIRED SET-ASIDES OF TITLE I, PART A FUNDS AT THE LEA LEVEL

Before allocating Title I, Part A funds to schools, LEAs **must reserve**, or set-aside, Title I, Part A funds for the following **four required activities**:

1. **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.*⁴⁷ 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.⁴⁸ This includes all reservations previously taken “off the top” of an LEA’s Title I allocation, including reservations for administration, parental engagement, and district-wide initiatives.⁴⁹ Private schools receiving services must be non-profit (PNP). LEAs may not provide funds directly to PNP schools.

Please Note: The Equitable Services requirement [ESEA Section 8501(b)] under ESSA pertains to each of the following federal programs:

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

Requirement – Private Schools Inside and Outside LEA Boundaries

Private school students residing within LEA boundaries generate funding for the LEA. This is true regardless of whether the private school is located inside or outside the LEA. In other words, that student is the LEA’s

⁴⁶ ESSA, Section 1114(a)(1)(A). Also see ED guidance issued under ESSA, [Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program](#).

⁴⁷ ESSA, Section 1117(a)(4). ED, (2016) available at [Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 \(ESEA\), as Amended by the Every Student Succeeds Act \(ESSA\)](#) .

⁴⁸ ESSA, Section 1117(a)(4).

⁴⁹ See U.S. Department of Education, [Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 \(ESEA\), as amended by the Every Student Succeeds Act \(ESSA\)](#) (November 2016), Q&A O-1. This guidance will be referred to as “ED 2016 Fiscal Changes Guidance” for the rest of this document.

responsibility. It is an option, based on private school consultation, and conversations with other LEAs to set up an inter-local agreement with another LEA for them to delivery services to the eligible student(s).

Equal vs. Equitable

There is a common misconception around equitable services to private school students. The misconception is that services must be equal. An LEA may think that because they are choosing to serve grades K-5 in reading (for example), that participating private schools are required to do the same. The law uses the word 'equal' to refer to the amount of funds required to be set aside for services to private school students.

*“Expenditures for equitable services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families to attend private schools”.*⁵⁰

Services to private school students do not need to be equal to (the same as) those services provided to public school students. If the needs of the students enrolled in private schools are different (i.e., delivery method, subject area, etc.) than those of the public school students, then the LEA is required to provide different benefits.⁵¹

Please see ED’s [Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 \(ESEA\), as Amended by the Every Student Succeeds Act \(ESSA\)](#) (2016) and the USBE’s [Equitable Services for Private Nonprofit Schools Checklist](#) for additional information on calculating and expending the equitable services set aside. Except as otherwise provided in the 2016 guidance, the 2003 non-regulatory guidance document remains applicable: [Title I Services to Eligible Private School Children](#).

Additional information from ED about providing equitable services for eligible students and their teachers and parents from eligible private non-profit schools may be found at ED’s [Office of Non-Public Education](#).

2. **Services for homeless children.** This set-aside may be used to pay for the cost of a homeless liaison, transportation for eligible students, and other activities required under the McKinney-Vento Homeless Education Act. Students are eligible whether they attend Title I schools. *LEAs must reserve “such funds as are necessary,” based on an assessment of homeless children’s needs; ESSA does not specify an amount.*⁵²

The set-aside for homeless students may be used for the following purposes:

- A. Homeless Liaison Salary and Professional Development.** Provide the salary cost for the Homeless Liaison(s). Provide the associated costs for professional development for the Homeless Liaison and building staff. Professional development is a requirement of the McKinney-Vento Homeless Education Assistance Act.
- B. School Transportation for Homeless Students.** Provide the costs for school transportation for homeless students.

⁵⁰ ESSA Section 1117(a)(4)(A)(i).

⁵¹ Title I Services to Eligible Private School Children, Non-Regulatory Guidance, October 17, 2003.

⁵² ESSA, Section 1113(c)(3).

- C. Student Educational Needs.** Example needs include clothing, PE uniforms, school uniforms, school supplies (for use in school), school and study support supplies (for use off-site at shelters, hotel, home, etc.), food (to meet needs during instructional time or activities).
- D. Enrollment/Transfer Services.** Examples include records transfer (postage, etc.), birth certificates, immunizations.
- E. Medical/Mental Health/Shelter Referrals and Support.** Example services include referrals/services for medical, dental, mental health/counseling, substance abuse, housing referrals, domestic violence, etc.
- F. Removing Barriers to Participation, Retention and Success in School.** Example barriers include extracurricular fees, test fees (IB/ACT/SAT, AP), co-curricular (cap and gown), materials and fees for educational programs/courses (i.e., fees associated with music, art, STEM, CTE, etc.), alternative education programs, credit retrieval, GED assistance.
- G. Extended Educational Assistance.** Example services include before and after school programs, summer programs, Saturday programs, tutoring, mentoring, educational enrichment to meet State standards.
- H. Fines.** Example fines include lost/damaged materials, uniforms, and books. Costs associated with this category should include estimated costs the district absorbs when fines are waived.
- I. Coordination with Early Education Programs.**
- J. Outreach.** Examples include outreach to homeless drop out youth for reengagement, outreach to students living in hotels/motels, campgrounds, shelters, etc., coordination with community agencies and programs.
- K. Parent/Family Engagement.** Parent/family engagement examples include parent/family trainings on the rights of homeless children and youth, coordination with community agencies and programs. The following resources provide ideas for ways you can support your homeless students:
- [NCHE Homelessness and Title I, Part A Brief](#)
 - Dear Colleague Letter 7-30-18: [Education for Homeless Children and Youth \(EHCY\) Program Non-Regulatory Guidance \(rev. 3-2017\)](#)
3. **Services for Neglected Children.** An LEA is required to reserve funds necessary to provide services to children in:
- Local institutions for neglected children;
 - Local institutions for delinquent children, and;
 - Community day programs for neglected or delinquent children.
4. **Parent and Family Engagement (PFE).** Under ESSA, “parent involvement” has been changed to “parent and family engagement.” At least 1% must be set-aside if the LEA’s allocation of Title I, Part A funds is \$500,000 or more.⁵³ Calculate the PFE set-aside by taking 1% of your total allocation. Of that 1%, no less than 90% must go to Title I schools. The remaining 10% (or less) may remain at the LEA level.⁵⁴

Parent and Family Engagement: Examples of Allowable Title I, Part A Costs

⁵³ ESSA, Section 1116(a)(3)(A). ESSA clarifies LEAs can reserve more than one percent at their discretion.

⁵⁴ Please note ninety percent is a change from NCLB which required LEAs to distribute ninety-five percent of the reserved funds to schools.

The following is a list of typical activities that LEAs and schools charge to Title I, Part A for Parent/Family Engagement Activities. Keep in mind this is a list of examples. Other activities may be permitted.

- Consumables such as paper, glue, and scissors for make and take projects at home that promote academic learning;
- Instructional kits, workbooks, reading materials;
- Books for check out systems for students to take home and read;
- Transportation and child care for Title I, Part A parent/family engagement;
- Meals/refreshments to encourage attendance when parent and family engagement meetings and trainings conflict with family meals or schedules. You must be able to prove that refreshments or meals increase parent participation. *Note: Do not pay for snacks, refreshments, or meals at any staff meetings using Title I, Part A funds.*
- Registration and travel costs for parent representatives/committee members to attend in-state workshops and conferences that support parent education and engagement. The expectation is that parent participants will share knowledge with other parents.
- Translation and interpretation services and resources to make it possible for parents to participate in meetings and training sessions.
- Facility rental and usage for unavoidable costs related to the facility in which you conduct parent and family engagement activities. For example, holding meetings at different times of the day or at a central location where parents feel familiar with the community. Remember, this must be reasonable and necessary.

H. FIVE TITLE I, PART A REQUIRED ACTIVITIES AND SERVICES

1. Parent and Family Engagement Requirements (ESSA Section 1116)

To encourage parent and family engagement, LEAs and schools need to communicate frequently, clearly, and meaningfully with families, and ask for parents' input in decisions that affect their children [Section 1116(a)(2).] Parent and Family Engagement strategies should be woven throughout each LEA and School plan. The following activities are required under the ESSA parent and family engagement provisions:

Local Educational Agency Parent and Family Engagement Policy

An LEA may receive funds under Title I, Part A only if it conducts outreach to all parents and family members and implements programs, activities, and procedures for the meaningful engagement of parents and family members. Programs, activities, and procedures must be planned and implemented through meaningful consultation with parents of participating children. Each LEA that receives Title I, Part A funds must develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy must be incorporated into the LEA's annual Title I plan developed under section 1112, establish the LEA's expectations and objectives for meaningful parent and family engagement and describe how the LEA will:

1. Engage parents and family members in jointly developing the LEA Title I plan under section 1112, and the development of school support and improvement plans under paragraphs (1) and (2) of section 1111(d).
2. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the LEA in planning and implementing effective parent and family engagement activities to improve student academic achievement and school performance.

3. Coordinate and integrate parent and family engagement strategies under Title I, Part A with parent and family engagement strategies, with other relevant Federal, State, and local laws and programs, to the extent feasible and appropriate.
4. Conduct, with the meaningful engagement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served.
5. Use the findings of such evaluation to design evidence-based strategies for more effective parental engagement, and to revise, if necessary, the parent and family engagement policies described in this section.
6. Engage parents in the activities of the schools served under Title I, Part A, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the LEA to adequately represent the needs of the population served by the LEA for the purposes of developing, revising, and reviewing the parent and family engagement policy.

School Level Parent and Family Engagement Plan

Each school served under Title I, Part A shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

School-Parent Compact

As a component of the school-level parent and family engagement policy developed under subsection (b), each school served by Title I, Part A shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high academic standards. Such compact shall:

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served by Title I to meet the State's challenging academic standards, and the ways in which each parent will be responsible for supporting their children's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and
2. Address the importance of communication between teachers and parents on an ongoing basis through, at a minimum:
 - Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
 - Frequent reports to parents on their children's progress;
 - Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities; and
 - Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

For more information, including examples of elementary and secondary compacts, visit [USBE's ESEA Federal Program and Related State Initiatives Webpage](#).

Distribution of the Title I Parent and Family Engagement Set-Aside:

Each district is required to reserve at least one percent (1%) of its Title I, Part A funds to carry out parent and family engagement activities. Ninety (90) percent of these “set-aside” funds must be distributed to schools, with priority given to “high-need” schools. The law further requires that parents and family members of low-income students must be included in decisions regarding how these engagement funds are spent. USBE will monitor LEAs to ensure compliance and effectiveness of the parent and family engagement activities through fiscal, desktop, and/or onsite monitoring processes. These parent and family engagement funds must be used for at least one of the below activities:

- Supporting schools in training school staff regarding effective parent and family engagement strategies;
- Supporting programs that reach families at home, in the community, and at school;
- Disseminating information on best practices focused on engagement, especially for increasing engagement of economically disadvantaged families;
- Sub-granting funds to schools to collaborate with community-based organizations or businesses that have a track record of improving family engagement; or
- Engaging in any other activities that the LEA believes are appropriate in increasing engagement.

2. Fully State Certified Qualifications for Teachers and Paraprofessionals (ESSA Section 1111)

The LEA will identify and address, as required under State plans as described in section 1111(g)(1)(B), any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers.

Also, per Section 1112 (c) LEAs are required to provide the following assurances:

- Ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

LEAs should be prepared to describe the following in their Title I, Part A application. These requirements are collected during fiscal and desktop monitoring through either the online grant management system or the Desktop Monitoring Instrument (DMI).

- Describe the ongoing process of how the LEA coordinates certification and licensure notification between Human Resources, the Title I Office, and school administration.
- Describe how the LEA will ensure the certification and licensure status of teachers assigned to Title I schools is maintained.
- Provide an assurance that the LEA certifies that all paraprofessionals in Title I schoolwide schools meet applicable requirements.
- Provide an assurance that the LEA certifies that all paraprofessionals paid with Title I funds in targeted assistance schools meet applicable requirements.
- Describe any disparities that result in low-income students and minority students being taught by

ineffective, inexperienced, or out-of-field teachers at higher rates than other students.

- If there are disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers, describe how the LEA will identify and address the disparities.

3. Equitable Services to Students in Private Schools (ESSA Section 1117)

An LEA, shall, after timely and meaningful consultation with appropriate private school officials, provide eligible private school children, on an equitable basis, services that address their academic needs as well as provide support for the families and teachers of the participating children. To assist LEAs in meeting the federal requirements of equitable participation for private schools and to support student achievement, the components of equitable services and a brief description of each are provided in this section.

Points of Clarification for Section 1117 References

- [Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the ESSA of 1965 as Amended by the ESSA](#)
- [Click here for ESSA Equitable-Services Comparison Chart](#)
- [Ensuring Equitable Services to Private School Children: A Title I Resource Toolkit](#)

Consultation

An initial invitation/consultation must be conducted to determine if the private school intends to participate. The LEA must make multiple attempts (documented) to provide an initial consultation for participation with all private schools in a timely manner. The LEAs must coordinate initial consultations with surrounding counties/LEAs as students attending a private school within a county may reside in another county. If a private school chooses to participate, ongoing consultation must be conducted throughout the development of the written plan and the implementation of the provision of Title I services.

Private School Eligibility

Funds are generated based on poverty data, but services are provided based on residence and education need. (i.e., students from low-income families are not automatically eligible for services.)

Students selected for services must:

- Reside in a participating public Title I, Part A school attendance area, and
- Have an educational need as determined by multiple objective educationally related criteria.

Services for Private Schools

Teachers employed by the private school may not provide Title I services unless they meet the licensure requirements identified by the State and under the direct supervision of the LEA during Title I activities.

Instructional services may include:

- Instructional services during the school day
- Extended day services
- Family literacy programs
- Counseling programs
- Computer-assisted instruction

- Home tutoring
- Instruction using take-home computers

Professional Development for Private School Staff

Title I funds may be used to provide:

- Professional development for the private school teachers. Professional development must address how those teachers can better serve Title I students.
- Stipends to private school teachers may be paid from Title I funds. Substitutes for private school teachers participating in professional development may not be paid from Title I funds.

Private School Funding

Funds are generated based on poverty, but students eligible for services must have an academic need. There is a change from NCLB to ESSA in the calculation of how much Title I money districts must distribute to private schools for equitable services. In essence, the share of money that districts must draw on for equitable services money for private schools has grown under ESSA.

- ESSA includes important provisions to improve equitable services to private school students and teachers. Under Title I, which provides assistance to school districts to help high-need students do well in school, a school district now has to calculate funds for services to private school students **based on its total Title I allocation**, without excluding certain expenditures for other purposes, which was allowed in the past.
- The proportional/equitable share of funds for private school services is calculated based on the total amount of the LEA grant, before any reservations.

Funds are generated based on students attending the private school that:

- Meet the poverty level requirement, and
- Reside in eligible public Title I school attendance areas.

Funds are not obligated nor received by the private school. The LEA retains fiscal oversight throughout the provision of services. Funds are **never** paid directly to the private school. If funds are not sufficient to provide instructional services, the LEA may provide Title I services other than direct instruction such as:

- Counseling
- Staff development
- Parental involvement

Carry-over for Private Schools

Under the equitable services provision of the Title I statute, the Title I program for private school participants must begin at the same time as the Title I program for public school participants. If the LEA begins the Title I program late in the school year, the LEA should carry over any unspent funds that should have been used to provide equitable services for private school students and add them to the instructional funds for the private school participants for the next school year.

4. Coordination of Title I with Homeless Children and Youth (ESSA Section 1113)

Each year, Title I, Part A programs are required to set aside funds to meet the educational needs of homeless children and youth in their school district and include this amount in the local consolidated plan. The funds may support additional tutoring services for homeless students in Title I and non-Title I schools, as well as in shelters and hotels or motels where homeless families live. The funds may also be used to remove barriers homeless students face to enable them to participate in educational activities, such as providing support for field trips, counseling, or school uniforms. The funds should not be used for items such as rent, utilities, or clothing for parents.

Each year, the LEA's Title I coordinator and local homeless liaison should work together to determine an appropriate amount of funds to be reserved for homeless students. The two individuals should review data on homeless students in the school district to address the following questions:

- How many homeless students were enrolled in our schools during the past year?
- How many of these students attended non-Title I schools?
- What are the greatest unmet educational needs of homeless children and youth in the district?

Once these questions are answered, the coordinator and homeless liaison should identify activities to meet student needs and determine the amount of the Title I homeless set-aside, keeping in mind that activities should supplement and not supplant those that are required by the school district. ESSA clarifies this reservation must be made based on the total Title I, Part A allocation, prior to any allowable expenditures or transfers by the LEA.

Ways to determine set-aside amounts:

- Base amounts on an annual needs assessment for homeless students
- Multiply the number of homeless students by the Title I-A per pupil allocation For districts with sub-grants, reserve an amount equal to or greater than the McKinney Vento funding request
- Reserve a percentage based on the district's poverty level or Title IA allocation

Meetings between the Title I coordinator and homeless liaison should occur throughout the school year; so that the homeless set-aside funds can be spent appropriately. The Title I coordinator and homeless liaison should be very familiar with each other's program.

For further information, please review ED's [Education for Homeless Children and Youths Program Guidance](#).

5. Support for Foster Care Students

The new foster care provisions under Title I of the ESEA as amended by the ESSA are intended to minimize disruptions for children in foster care by requiring the SEA and LEA to collaborate with child welfare agencies to ensure educational stability for children in foster care (ESEA Section 1111(g)(1)(E)). These provisions build upon the existing educational stability provisions and the emphasis on cross-agency collaboration in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act).

An LEA that receives Title I funds is to assure in its local plan that it will develop and implement clear written procedures, in collaboration with USBE. The LEA Foster Care Point-of-Contact (POC) and local child welfare agency, govern how transportation to maintain children in foster care in their school of origin when in the best interest will be provided, arranged, and funded for the duration of a child's time in foster care (ESEA Section 1112(c)(5)) by December 10, 2017.

Some examples of the potential role or responsibilities of the LEA Foster Care POC are:

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- Coordinating with child welfare agencies' POC on the implementation of the Title I provisions;
- Leading the development of a process for making the best interest determination;
- Documenting the best interest determination;
- Facilitating the transfer of records and immediate enrollment;
- Facilitating data sharing with child welfare agencies, consistent with FERPA and other privacy protocols;
- Developing and coordinating local transportation procedures;
- Managing best interest determinations and transportation costs disputes, if any;
- Ensuring that children in foster care are enrolled in and regularly attending school; and
- Providing professional development and training to school staff on the Title I provisions and educational needs of children in foster care, as needed.

For further guidance, please review ED's Non-Regulatory Guidance: [Ensuring Educational Stability for Children in Foster Care](#).

I. OPTIONAL SET-ASIDES OF TITLE I, PART A FUNDS AT THE LEA LEVEL

LEAs **may** also set-aside funds for the following **optional activities and/or services that are allowable under Title I, Part A:**

Administering the Title I program. *LEAs may reserve a reasonable and necessary amount.*⁵⁵ It is recommended that LEAs set-aside not more than 5% for program administration.

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

Early Learning (Section 1113). Use this set-aside for district-wide early learning activities for eligible children.⁵⁶ Whether in the entire LEA or just a portion of the LEA, there are a number of early learning activities, including full day kindergarten and preschool, that may be funded with Title I, Part A dollars.

- The ED guidance [Serving Preschool Children through Title I](#) explains options for the early learning set-aside and the staffing and educational requirements that apply if using Title I, Part A funds for early learning.
- LEAs may reserve funds to provide early childhood education programs for Title I eligible children.
- A Title I school may use a portion of their Title I allocation to operate a preschool program;
- An LEA/charter school may reserve an amount from its total allocation to operate a preschool program for eligible children in the district/charter as a whole or for a portion of the district; or
- An LEA/charter may reserve an amount from its total allocation and use those funds to support other comparable, public early childhood education programs to operate Title I preschool programs such as Head Start.

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

⁵⁶ ESSA, Section 1113(c)(5).

- Title I funds may be used in conjunction with funds from other public early childhood education programs to operate a Title I Pre-K program. The proportion of Title I funding in blended classrooms is determined by the percent of Title I children enrolled in the classroom.
- Title I children may be dually enrolled with other funded Pre-K programs, as long as the eligibility requirements are met for both programs, with Title I eligibility being considered first. From a funding perspective, this means that two funding sources are utilized to fund a child's slot.

Dual or Concurrent Enrollment (Section 1114(e) & 1115(f)). Secondary schools may use Title I funds for the costs of dual or concurrent enrollment programs, including training teachers, tuition, fees, books and instructional materials, and transportation. Please note that in a targeted assistance program, services are limited to eligible students with the greatest need for special assistance.

Diverse Approaches to Improvement & Supporting a Well-Rounded Education (Section 1114 & 1115)

LEAs and schools may use Title I, Part A funds on a broad array of activities. These may include:

- Expanding the strategies in schoolwide programs to address needs such as (but not limited to) counseling and mental health programs, mentoring services, access to advanced coursework, student behavioral supports, recruitment and retention activities for teachers among others.
- Incorporating the concept of a well-rounded education into both the schoolwide and targeted assistance program models.

LEAs can incorporate the arts and music education as strategies for addressing priorities within Title I. This could include providing arts and music courses for academically at-risk students, professional learning opportunities to help teachers integrate the arts into their classrooms or arts education experiences as part of afterschool learning programs.

Resources:

- [Title I Arts library link](#)
- [Title I and the Arts Video](#)

Foster Care. Use this set-aside to support foster care students, who are categorically eligible for Title I, Part A under ESSA.⁵⁷ This may include additional costs to transport children in foster care to their school of origin consistent with Section 1112(c)(5). For more information on Title I, Part A and Foster Care, review the following joint guidance from the U. S. Department of Education and the U. S. Department of Health and Human Services: [Ensuring Educational Stability for Children in Foster Care](#).

School Improvement Support (Section 1003). Schools identified for school improvement under the provisions of ESSA include two categories: Targeted Support and Intervention (TSI) and Comprehensive Support and Intervention (CSI). Following is a brief description of these categories of schools:

- **Targeted Support and Intervention (TSI) Schools**
 - Any school with one or more consistently underperforming disaggregated student groups.
- **Comprehensive Support and Intervention (CSI) Schools**
 - Title I Schools in the lowest-performing 5% of Title I schools on average over three years;
 - All public high schools with a 4-year cohort graduation rate less than 67% for two consecutive years; and

⁵⁷ U.S. Department of Education and U.S. Department of Health and Human Services, [Ensuring Educational Stability for Children in Foster Care](#) (2016), Q&A 30.

- Title I Schools previously identified as TSI schools that do not improve after a maximum of four years move to CSI status schools.

TSI and CSI schools⁵⁸ must develop plans for improving student outcomes that (among other things):

- Are informed by all the indicators for differentiating schools listed above;
- Include evidence-based interventions (see summary box below); and
- Are based on a comprehensive assessment of the school's needs and root causes of low performance.⁵⁹

LEAs are strongly encouraged to ensure that every intervention, strategy, activity, practice and/or program it lists in its Title I, A budget meets the ESSA Evidence Levels below, per ESSA Section 8101(21):

Definition of "Evidence-Based" in ESSA ⁶⁰		
Evidence-based means an activity, strategy, or intervention that meets the following:		
DESCRIPTION	LEVEL	RESEARCH STUDY CRITERIA
An activity, strategy, practice, intervention, or program that demonstrates a statistically significant effect on improving student outcomes	LEVEL 1 STRONG EVIDENCE Experimental Studies	Evidence cited is based on: <i>at least 1 well-designed and well-implemented experimental study</i>
	LEVEL 2 MODERATE EVIDENCE Quasi-experimental Studies	Evidence cited is based on: <i>at least 1 well-designed and well-implemented quasi-experimental study</i>
	LEVEL 3 PROMISING EVIDENCE Correlational Studies	Evidence cited is based on: <i>at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias</i>
	LEVEL 4 DEMONSTRATES A RATIONALE	Evidence cited is based on: <i>high-quality research findings or positive evaluation, and includes ongoing efforts to examine the effects of such activity, strategy, or intervention</i>

⁵⁸ For CSI schools, the LEA develops the plan, which must be approved by the state. ESSA, Section 1111(d)(1)(B).

⁵⁹ ESSA, Section 1111(d)(1)(B) and Section 1111(d)(2)(B).

⁶⁰ ESSA, Section 8101(21)(A).

A school identified for improvement under ESSA **must implement evidence-based practices that meet the top three levels of evidence** if the school is the recipient of any Title I 1003(a) school improvement funds.

- LEAs with identified CSI and/or TSI schools may (but are not required to) set aside part of the Title I, Part A funds to support identified schools in the implementation of evidence-based strategies to improve student outcomes.
- LEAs with CSI or TSI schools may set aside 5% of Title I, Part A funds to provide financial incentives and rewards to teachers in CSI or TSI schools for the purpose of recruiting and retaining effective teachers.
- LEAs may provide transportation for students in CSI schools if the LEA chooses to offer these students the option to transfer to another higher-performing school.
- Under ESSA, TSI and CSI schools that receive Title I funds have the same Title I, Part A spending options as any other Title I school, and may use Title I, Part A funds to support the school's TSI and CSI initiatives.
- It is important to note the distinction between how Title I, Part A funds may be used in a TSI or CSI school versus how Section 1003 school improvement funds must be used. Under ESSA, regular Title I, Part A funds may support any allowable Title I, Part A cost whether it meets ESSA's definition of evidence-based or not. This is different from how Section 1003 school improvement funds must be used.
- **Section 1003 school improvement funds may only be used to support activities that meet ESSA's top three tiers of evidence** (highlighted in summary on previous page). In other words, Section 1003 funds can only be used to fund activities, strategies, programs, or interventions based on a study that demonstrates the activity, strategy, or intervention has a *statistically significant effect* on improving student outcomes.⁶¹

For more information on the evidence requirements under ESSA, please see ED's Guidance: [Using Evidence to Strengthen Education Investments](#).

Additional information and resources related to evidence-based practices are available at the following websites:

- [Best Evidence Encyclopedia](#) developed by the Center for Data-Driven Reform in Education at Johns Hopkins University
- [Evidence for ESSA](#) developed by the Center for Data-Driven Education Reform at Johns Hopkins University:
- [What Works Clearinghouse](#) developed by the Institute of Education Sciences (IES) at the U. S. Department of Education
- [Results for America](#) resource page, includes a variety of resources for state and local leaders
- [Center on School Turnaround](#) at WestEd:
[Four Domains for Rapid School Improvement A Systems Framework](#)

⁶¹ ESSA, Section 8101(21)(B) stating:
(B) DEFINITION FOR SPECIFIC ACTIVITIES FUNDED UNDER THIS ACT. When used with respect to interventions or improvement activities or strategies funded under section 1003, the term "evidence-based" means a State, local educational agency, or school activity, strategy, or intervention that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i).

- [The LEA Guide for Identifying Evidence-Based Interventions for School Improvement](#), developed by the Florida Center for Reading Research
- [RAND](#) report on evidence-based school leadership interventions:
- [Using Evidence to Create Next Generation High Schools](#), developed by the U.S. Department of Education:
- [Roadmap to Evidence-Based Reform for Low-Graduation Rate High Schools](#), developed by the Every Student Graduates Center at Johns Hopkins University
- [National Implementation Research Network](#) (NIRN)
- Resources provided by regional educational laboratories and comprehensive centers: For example, Utah is located in the region served by [WestEd](#)

A Deeper Look at Title I, Part A Set-Asides for LEA-Managed Initiatives

LEAs may set-aside Title I, Part A funds to implement LEA Title I, Part A initiatives that are managed at the central office level (rather than the school level), and designed to improve the achievement of students eligible for Title I, Part A services. LEA-managed initiatives are sometimes called “districtwide” initiatives because they benefit all, or a group of, Title I, Part A schools. However, these initiatives are not truly districtwide in an LEA with both Title I and non-Title I schools. For example, an LEA cannot use Title I, Part A funds to benefit students in non-Title I schools.

Guidance from ED permits LEAs to use Title I, Part A funds for the following types of district-managed initiatives for all, or a subset of, an LEA’s Title I, Part A schools. The following examples illustrate *possible* uses of Title I, Part A funds for a LEA-managed Title I, Part A initiative. Other uses of funds that are consistent with Title I, Part A rules are also permissible.⁶²

- Contracting with an outside provider with expertise in school improvement to support low-achieving Title I, Part A schools;⁶³
- Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework;⁶⁴
- Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English language learners;⁶⁵
- Hiring an outside expert to work with the staff of low-achieving Title I, Part A schools to build their capacity to analyze student data and identify promising interventions;⁶⁶
- Paying for extended time for teachers in Title I, Part A schools to review data for at-risk students and identify interventions to better meet the needs of those students;⁶⁷ and
- Extending learning time (ELT) in Title I, Part A schools (before- and after-school programs, Saturday school and summer school, extending half-day kindergarten to full day, offering an early start to the school year for students needing transition support, extending the school year, extended learning

⁶² ED 2009 Title I Reform Guidance, Q&A B-8.

⁶³ ED 2009 Title I Reform Guidance, Q&A B-8.

⁶⁴ ED 2009 Title I Reform Guidance, Q&A C-1.

⁶⁵ ED 2009 Title I Reform Guidance, Q&A C-8.

⁶⁶ ED 2009 Title I Reform Guidance, Q&A D-1.

⁶⁷ ED 2009 Title I Reform Guidance, Q&A D-4.

opportunities during the school day, and adding time during the day for collaborative teacher planning).⁶⁸

- There is a narrow exception allowing Title I, Part A funds to support extended learning time for students not attending a Title I, Part A school (e.g., a non-Title I school that has been identified as a Turnaround School under state statute). In 2016, ED wrote, “An LEA generally may not use Title I funds to pay for ELT in Title I schools while also using non-Title I funds to support ELT in non-Title I schools. However, an LEA that wants to provide ELT programs *for only low-achieving students* in both its Title I and non-Title schools may be able to do so, consistent with 34 C.F.R. § 200.79.”⁶⁹

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

J. TITLE I, PART A: RANKING AND SERVING SCHOOLS

Title I, Part A requires LEAs to **concentrate the funds** in schools with the highest percentages of poverty and to provide **sufficient funds** to make a difference in the academic performance of the students attending these schools.

In order to determine which schools will receive Title I, Part A funds, each LEA with **1,000 or more** enrolled students must put its schools in **rank order** from highest to lowest concentrations of poverty⁷⁰.

Ranking Schools

Determine each school’s poverty rate. An LEA must rank their schools in order from highest percent poverty to lowest percent poverty. NOTE: the ranking is based on the percentage (not the number) of low-income children in each school.

Percent poverty for each school is typically determined by comparing the total number of children attending each school with the number of low-income children for the same school (i.e., those eligible for free or reduced-price lunch based on household applications). However, ESEA allows LEAs to use other options including:

- Eligibility for Temporary Assistance to Needy Families (TANF)
- Census data
- Eligibility for Medicaid
- A combination of these measures that works best for the LEA.

Explicit Authority to Use Feeder Patterns to Determine Secondary School Poverty Percentages

To determine the number of children from low-income families in a secondary school, an LEA may estimate that number by applying the average percentage of students from low-income families in the elementary school attendance areas that feed into the secondary school to the number of students enrolled in the secondary school.

Before an LEA may use feeder patterns to determine the poverty percentage of secondary schools:

⁶⁸ ED 2009 Title I Reform Guidance, Q&A G-5.

⁶⁹ See Appendix A in this Guide. Letter from Ann Whalen to Chief State School Officers dated Feb 26, 2016.

⁷⁰ ESSA Section 1113(a)(3)

- The LEA must notify its secondary schools to inform them of the option.
- A majority of its secondary schools must approve the use of feeder patterns. ESEA as amended by ESSA, sections 1113(a)(5)(B) and (C).

Note: Using feeder patterns to measure poverty was previously permitted by ED in its non-regulatory guidance, but ED did not require a majority of secondary schools to approve the measure's use.

Direct Certification

Districts may also choose to use Direct Certification data for all schools or just for the schools that will participate in the Community Eligibility Provision (CEP). For additional information on CEP, go to [Community Eligibility Provision Guidance](#).

Deciding which Schools to Serve

All schools above 75% poverty must be served first. *Under ESSA, LEAs can now lower the 75% threshold to 50% for high schools only.*

Once these schools are served, the district may serve any other schools in rank order down to those at or above 35% poverty. Once schools above 75% have been served, the LEA has the option to:

- (1) Continue down the rank-ordered list serving schools in the district-wide ranking; or
- (2) Serve schools in rank order by grade span groupings (e.g., K-5, K-8, etc.). Schools must not be skipped within the rank order method selected by the LEA. Please refer to [Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Funds](#).

NOTE: An LEA may stop in rank order at any point it chooses (e.g., serving only the first ten of a total of 16 schools above 80% if all schools in the LEA are above 75% poverty).

Comparable Services: An LEA may elect not to serve an eligible school attendance area or school that has a higher percentage of children from low-income families (than a school that is served) if:

- The school meets the Title I comparability requirements;
- The school is receiving supplemental funds from other State or local sources that are spent according to the requirements of Sections 1114 or 1115; and
- The funds expended from such other sources equal or exceed the amount that would be provided under Title I, Part A.

Once an LEA decides which schools to serve, an allocation is determined for each school. There is no specific total amount required, but each school must receive enough Title I funds to effectively operate a Title I program. Please refer to the Fiscal section of this document for further guidance.

Exceptions to Ranking Requirements: Districts with enrollments of less than 1,000 students are not required to allocate funds to areas or schools in rank order. (Note: per pupil expenditure requirements still apply.)

35% Rule: A district has limited discretion to depart from the rigid eligibility requirements and determine which schools will receive Title I funds. First, the district may designate as eligible any school or school attendance area in which at least 35 percent of the children are from low-income families. When applying the 35 percent rule,

districts must still serve school attendance areas in rank order.

Grandfather Provision: Protects schools that may lose eligibility for one year. The district may designate and serve a school attendance area or school that is not otherwise eligible for Title I, if that school was eligible and served in the preceding fiscal year. This is only a one-year provision.

Skip or Skipping: A district may elect not to serve an eligible school attendance area or eligible school if the school meets the following three fiscal requirements:

1. The school meets the comparability requirement, AND
2. The school is receiving supplemental funds from other state or local sources, AND
3. Funds expended from state and local sources are equal or exceed the amount of funds that would be provided under Title I

Note: If a district decides to skip an otherwise eligible school attendance area, it must still count and serve the nonpublic school students in the area as if it had not been skipped in accordance with the equitable services provisions in ESSA.

Serving Schools

1. **LEAs must first provide Title I, Part A funds to any school with a poverty rate of 75% or higher without regard to the grade span the school serves.** See ESEA Section 1113. Once Title I funds are allocated to schools with 75% or higher poverty, the LEA may choose to serve schools in rank order by grade span. For example, an LEA may choose to concentrate Title I, Part A funds in eligible elementary schools while skipping secondary schools that have less than 75% poverty.
2. **Determine whether the LEA wants to use the new provision in ESSA to serve high schools with at least 50% poverty.**
3. **Determine the per-pupil amounts in rank order (PPA).** Higher poverty schools must receive an equal or greater per-pupil allocation than students in schools with lower poverty. For example, if Poplar Elementary has a poverty rate of 67% it cannot receive a smaller PPA amount than Walnut Elementary that has a poverty rate of 60%.
4. **For schools with poverty rates less than 75% (or for high schools with less than 50% if the LEA uses #2), the LEA may choose to serve schools with specific grade spans (i.e., serve eligible elementary schools but skip middle, junior high, or high schools).**
5. **LEAs may provide Title I, Part A funds to schools with poverty rates of 35% or higher.** For example, if the district average poverty rate is 42% it may choose not to serve schools with poverty rates below 42%; however, the district could choose to serve schools with poverty rates down to 35% if it chooses to spread its Title I funds to those schools.
6. Some schools, specifically schools that are small or have highly mobile student populations, may have poverty rates that change significantly from year to year. Thus, a school might qualify for Title I funding one year and not the next. In that case, the LEA may consider a school eligible for an additional year. Keep in mind grandfathering only works if a school falls below the LEA average poverty rate or 35% whichever is higher.
7. Charter schools must have a minimum of 10 low-income students based on the federal definition to qualify for Title I, Part A funds. [See ED Guidance.](#)

K. TARGETED ASSISTANCE TITLE I PROGRAMS: REQUIREMENTS AND USE OF TITLE I, PART A FUNDS

A **targeted assistance Title I program (Section 1115)** is available to any Title I, Part A school that: (1) chooses not to operate a schoolwide Title I program, (2) is in its first year designated as a Title I school, and/or (3) has less than 40% poverty.⁷¹

The plan for this model should be based on a needs assessment and aligned to overall school plans. In general, the plan describes how students will be selected for the targeted program and how the program will be implemented (e.g., reading, math, etc.).

- A school **MUST** have a poverty rate of at least 35 percent in order to receive Title I-A funds.
- Schools with poverty rates below 40 percent **MUST** operate a TAS model. Under limited circumstances, an underperforming school with a poverty rate below 40 percent may apply for a waiver to operate a school wide program.

In a targeted assistance Title I school, the school uses Title I, Part A funds to provide additional supports to specifically identified students who are struggling to meet State standards. See USBE's [Title I, Part A: Improving Basic Programs](#) USBE's [Targeted Assistance Program Checklist](#) for more information on designing and operating a Targeted Assistance Program.

Schools operating a targeted assistance program must use Title I, Part A funds to help identified *educationally disadvantaged* students meet state standards.⁷² Student eligibility for services in a targeted assistance Title I school is not restricted to students who are economically disadvantaged. 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 ESSA-funded preschool or literacy programs for young children, within the past two years including Title I-supported preschool,
- Students who received services under the Title I, Part C Migrant Education Program,
- Students who are in a local institution for neglected or delinquent children or are attending a community day program, and
- Students who are homeless or in foster care.⁷³

Spending Options in a Targeted Assistance Program

Targeted assistance schools must use Title I, Part A funds to help identified students meet State standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education.⁷⁴

Targeted assistance schools may use Title I, Part A funds to serve its eligible students by:

- Expanding learning time for eligible students, including before- and afterschool programs, summer programs, and other intersession opportunities,
- Implementing a schoolwide tiered behavior model to prevent and address behavior problems,
- Providing early intervening services to eligible students, including services coordinated with similar activities and services carried out under IDEA,

⁷¹ ESSA, Section 1115.

⁷² ESSA, Section 1115(b)(2)(A).

⁷³ ESSA, Section 1115(c).

⁷⁴ ESSA, Section 1115(b)(2)(A).

- 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 engagement of parents of eligible students.⁷⁵

Targeted assistance schools can also use Title I, Part A funds to provide eligible students with health, nutrition, and other social services⁷⁶ 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.⁷⁷

A secondary school operating a targeted assistance program may use Title I, Part A funds to provide dual or concurrent enrollment program services to eligible children.⁷⁸

Targeted assistance Title I schools must:

- Help provide an accelerated, high-quality curriculum,
- Minimize the removal of children from regular Tier one classroom instruction during regular school hours,
- Review the progress of eligible students on an ongoing basis and revise the targeted assistance program, if necessary (including exiting students from Title I services when they no longer need them), to provide students additional assistance to meet state standards,⁷⁹ and
- Maintain records to document which students receive services.

Coordinating Targeted Assistance Programs with Other Programs and Supports

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

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

Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.⁸⁰

⁷⁵ ESSA, Section 1115(b)(2).

⁷⁶ 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).

⁷⁷ ESSA, Section 1115(e)(2).

⁷⁸ ESSA, Section 1115(f).

⁷⁹ ESSA, Section 1115(b)(2)(G).

⁸⁰ ESSA, Section 1115(e)(1).

The law also encourages targeted assistance schools to coordinate and integrate federal, state, and local services and programs, such as other Title programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities.⁸¹

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

- Participate in general professional development and school planning activities; and
- Assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.⁸²

Staffing Requirements in Targeted Assistance Programs

There are specific Title I staffing requirements for paraeducators and teachers in targeted assistance Title I schools.

Paraeducators and substitute paraeducators assigned to a Title I targeted assistance school who are paid with Title I funds, including paraprofessionals working in preschool programs or with special education students, must continue to meet federal standards previously used under ESEA. This means that paraeducators and substitute paraeducators must have a high school diploma plus one of the following requirements:

- An associate degree
- 48 semester hours or 60 quarter hours of college credit
- Passing score on the PRAXIS Parapro exam or similar exam

Paraprofessionals working in Title I schools may perform a variety of tasks, including:

- Tutoring eligible students, if the tutoring occurs at a time when a student would otherwise not receive instruction from a classroom teacher,
- Classroom management, including organizing instructional materials,
- Managing a computer lab,
- Assisting with parental engagement activities,
- Providing support in a library media center,
- Translating for parents or families, and
- Instructional services to students under the supervision of a licensed teacher.

Some paraprofessionals are not subject to the ESEA requirements. This includes paraprofessionals with the following specific responsibilities:

- Paraprofessionals whose assigned duties are limited to parent engagement activities must have a high school diploma, but do not have to meet any of the additional requirements.

⁸¹ ESSA, Section 1115(b)(2)(F).

⁸² ESSA, Section 1115(d).

- Paraprofessionals whose responsibility is limited solely to providing translation services for English learners must have a high school diploma, but do not have to meet any of the additional requirements.
- Paraprofessionals who provide personal care services or other non-instructional services to special education students do not have to meet the highly qualified paraprofessional requirements. If, however, the paraprofessional provides instructional support in the special education classroom and is paid with Title I funds, or works in a schoolwide Title I program, s/he must meet the “highly qualified” requirement of ESEA.

Teachers assigned to Title I, Part A targeted assistance programs must meet applicable [state professional licensure requirements](#) for Utah. A teacher assigned to a Title I, Part A targeted assistance school may be out-of-field or out-of-endorsement as long as they hold an eligible license type. Local board approval must be in place prior to the date the teacher was assigned to teach in a Title I, Part A targeted assistance program. For more information about teacher licensing in Utah please visit [Utah Teacher Licensing](#).

L. SCHOOLWIDE TITLE I PROGRAMS: REQUIREMENTS AND USE OF TITLE I, PART A FUNDS

The **schoolwide Title I program** offers high poverty schools the flexibility to implement comprehensive school reform strategies and not be limited only to narrow services for identified students.

A schoolwide program is available to any Title I school with at least forty percent (40%) poverty. The school must have a comprehensive needs assessment and have spent adequate time to develop a Title I schoolwide plan for meeting its needs with the engagement of all relevant stakeholders. Under ESSA, it is also an option for schools below forty percent poverty if granted a waiver.⁸³ The State may waive the 40% poverty threshold for a low-performing school upon waiver request and demonstration that a schoolwide program would best meet the needs of students.

Schoolwide Program exception: The state Title I Director may waive the 40% schoolwide requirement. Under ESSA section 1114(a)(1)(B), “A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if the school receives a waiver from the State educational agency to do so, after taking into account how a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.”

Waiver requests should be made in a timely manner and be addressed to the Title I Director. These requests must include:

- The name(s) of the school(s) the LEA is requesting a waiver for;
- The current free and reduced lunch (FRL) percentage of the school(s) based on the USBE’s annual Child Nutrition Program’s number of free and reduced students by individual building report;
- The schoolwide program that will be implemented, should the waiver be approved; and
- An explanation of how implementation of a Title I schoolwide program will best serve the needs of students at the school(s) in improving academic achievement and other factors.

⁸³ ESSA, Section 1114(a)(1).
Draft Copy September 2018

In a schoolwide Title I program all students and staff may participate in Title I-funded activities, and the school may use Title I funds 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 schoolwide plan.

- Schools operating a schoolwide Title I program can use Title I, Part A funds to upgrade the entire educational program;⁸⁴
- All students are considered eligible for Title I, Part A services;⁸⁵ and
- Schoolwide schools must develop a plan describing the services they will provide based on a comprehensive needs assessment of the school.⁸⁶ See: [USBE Title I Schoolwide Planning Template](#).

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 (including accessible devices and software needed by students with disabilities), and

⁸⁴ ESSA, Section 1114(a)(1)(A).

⁸⁵ ESSA, Section 1114(a)(2).

⁸⁶ ESSA, Section 1114(b).

- 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.⁸⁷

For more information about using Title I funds in a schoolwide setting under ESSA, please see ED's guidance [Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program](#).

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

The schoolwide plan is a strategic tool to identify the school's needs and explain which improvement strategies it will use to address those needs.⁸⁸ A schoolwide Title I plan must be based on a **comprehensive needs assessment** of the entire school. The needs assessment must take 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.⁸⁹ The schoolwide plan must address the school's identified needs.⁹⁰

Schoolwide Plan: Four Components under ESSA

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. Under ESSA, there are four required plan components. Schools that are currently operating schoolwide programs must amend their existing plans to reflect these changes within one year of ESSA taking effect (i.e., July 1, 2018).⁹¹ See: [USBE's Schoolwide Title I Planning Template](#).

All schoolwide buildings will need to update schoolwide plans to meet ESSA requirements during the 2017-18 school year.⁹² There are four components of the Title I, Part A schoolwide plan required under ESSA. (Under NCLB, there were 10 required components.) The four required components under ESSA are:

1. Needs Assessment
2. School Reform Strategies
3. Activities to Ensure Mastery
4. Coordination and Integration of Funds.

See USBE's [Title I, Part A webpage](#) for more information on designing and operating a Schoolwide Title I Program. [USBE Title I Schoolwide Planning Template](#) aligns the four components with reform strategies to help improve student outcomes.

Using the information from the comprehensive needs assessment, the schoolwide plan must describe strategies the school will implement to address its needs, including a description of how the strategies will:

⁸⁷ U.S. Department of Education, [Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program](#), pp. 4-5 (2016). This guidance will be referred to as "*ED 2016 Schoolwide Guidance*" for the rest of this document.

⁸⁸ ESSA, Section 1114(b)(7)(B). See also *ED 2016 Schoolwide Guidance*, pp. 9-10, for more information about consolidation.

⁸⁹ ESSA, Section 1114(b)(6).

⁹⁰ ESSA, Section 1114(b).

⁹¹ ESSA, Section 1114(b)(1).

⁹² ESSA, Section 1114(b)(1).

- Provide opportunities for all students, including each disaggregated group of students, to meet state standards,
- Use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education, and
- Address the needs of all children in the school, but particularly the needs of those at risk of not meeting state standards, through activities which may include:
 - Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas,
 - Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools),
 - Implementation of a schoolwide multi-tiered model of support 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.⁹³

In addition, if a schoolwide Title I school consolidates Title I with other funds, the plan must also list the specific state, local, and federal programs that will be consolidated in the schoolwide program.⁹⁴ It is important to note that Title I funds can be used to support comprehensive initiatives in a schoolwide school *even if Title I funds are not consolidated with other program funds.*⁹⁵

Developing a Schoolwide Plan

The schoolwide Title I 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;⁹⁶

⁹³ ESSA, Section 1114(b)(7)(A).

⁹⁴ ESSA, Section 1114(b)(7)(B). See also *ED 2016 Schoolwide Guidance*, pp. 9-10, for more information about consolidation.

⁹⁵ See *ED 2016 Schoolwide Guidance*, p.9, stating:

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

⁹⁶ ESSA, Section 1114(b)(1).

- With the involvement of key stakeholders;⁹⁷ 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.⁹⁸

Duration of a Schoolwide Title I Plan and Parental and Public Access

ESSA clarifies that schoolwide Title I plans:

- Remain in effect for the duration of the school's participation in Title I, Part A except that schools must regularly monitor and revise the plan and implementation as necessary based on student needs to ensure that all students are provided opportunities to meet state standards.⁹⁹
- The schoolwide plan must be available to the LEA, parents, and the public, and the information contained in the plan should be understandable and, to the extent practicable, in a language that parents can understand.¹⁰⁰

Schoolwide Title I Plan and Use of Title I, Part A Funds

The schoolwide Title I plan provides the foundation for how a school can use Title I, Part A funds. The schoolwide Title I school's budget and spending must **directly align** to its Title I, Part A schoolwide plan. The school **plans first** and **then spends** Title I, Part A funds to support the strategies identified in its plan.

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

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

- High-quality preschool 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,

⁹⁷ 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.

⁹⁸ ESSA, Section 1114(b)(5).

⁹⁹ ESSA, Section 1114(b)(3).

¹⁰⁰ ESSA, Section 1114(b)(4).

- Counseling, school-based mental health programs, behavior 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 (including accessible devices and software needed by students with disabilities), and
- Two-generation approaches that consider the needs of both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.¹⁰¹

For more information about using Title I, Part A funds in a schoolwide setting under ESSA, please see ED's guidance, [Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program](#).

Staffing Requirements in Schoolwide Programs

There are specific Title I, Part A staffing requirements for paraeducators and teachers in Schoolwide Title I schools.

All paraeducators and substitute paraeducators assigned to a schoolwide Title I school, including paraprofessionals working in preschool programs or with special education students, must continue to meet federal standards previously used under ESEA. This means that paraeducators and substitute paraeducators in schoolwide schools must have a high school diploma plus one of the following requirements:

- An associate degree
- 48 semester hours or 60 quarter hours of college credit
- A passing score on the PRAXIS Parapro exam

Paraprofessionals working in Title I schools may perform a variety of tasks, including:

- Tutoring eligible students, if the tutoring occurs at a time when a student would otherwise not receive instruction from a classroom teacher,
- Classroom management, including organizing instructional materials,
- Managing a computer lab,
- Assisting with parental engagement activities,
- Providing support in a library media center,
- Translating for parents or families,
- Instructional services to students under the supervision of a licensed teacher.

¹⁰¹ U.S. Department of Education, [Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program](#), pp. 4-5 (2016). This guidance will be referred to as "ED 2016 Schoolwide Guidance" for the rest of this document.

Some paraprofessionals are not subject to the ESEA requirements. This includes paraprofessionals with the following specific responsibilities:

- Paraprofessionals whose assigned duties are limited to parent engagement activities must have a high school diploma, but do not have to meet any of the additional requirements.
- Paraprofessionals whose responsibility is limited solely to providing translation services for English learners must have a high school diploma, but do not have to meet any of the additional requirements.
- Paraprofessionals who provide personal care services or other non-instructional services to special education students do not have to meet the highly qualified paraprofessional requirements. If, however, the paraprofessional provides instructional support in the special education classroom and is paid with Title I funds, or work in a schoolwide Title I program, he must meet the “highly qualified” requirement of ESEA.

Teachers assigned to Title I schoolwide school programs must meet applicable [state professional licensure requirements](#). A teacher assigned to a Title I schoolwide school may be out-of-field or out-of-endorsement as long as they hold an eligible license type. Local board approval must be in place prior to the date the teacher was assigned to teach in a Title I schoolwide school program.

Annual Evaluation and Review of Schoolwide and Targeted Assistance Schools

A school operating a schoolwide or targeted assistance program must annually evaluate the implementation of, and results achieved by, the program. The evaluation must determine whether the program was effective in increasing the achievement of students in meeting the State standards, particularly those students who had been furthest from achieving the standards. The school must revise its plan as necessary based on the results of the evaluation to ensure the continuous improvement of student achievement.

The intent of the evaluation is that schools conduct an annual review of the strategies in the schoolwide or targeted assistance program to determine if they are contributing to improvement in student achievement or increases in other activities like parental engagement or high quality professional development that lead to increases in student achievement.

The annual evaluation examines whether the schoolwide or targeted assistance program is being effectively implemented and whether the implementation is improving student achievement. The annual review should not only address student achievement but also teacher quality, parental engagement, coordination of funds, and other components that directly and indirectly affect achievement. The annual review is designed to reveal areas of strength within the program and areas that need revision in order to better position the school to continue improving and make yearly progress.

M. CONSOLIDATING FUNDS IN TITLE I SCHOOLWIDE PROGRAMS

Consolidating Funds in a Title I, Part A Schoolwide Program

A school operating a schoolwide Title I program may consolidate Federal, State, and local education funds to address the needs of students in the school.¹⁰² If a schoolwide school consolidates Title I, Part A with other

¹⁰² ESEA section 1114(a)(1), (3)
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funds, its Title I, Part A schoolwide plan must also list the specific state, local, and federal programs that will be consolidated in the schoolwide program.¹⁰³

It is important to note that Title I, Part A funds can be used to support comprehensive initiatives in a schoolwide school *even if Title I, Part A funds are not consolidated with other program funds*.¹⁰⁴

A school that chooses to consolidate funds within its Title I, Part A schoolwide program is not exempt from the following federal requirements¹⁰⁵:

- Health, safety, civil rights, and gender equity;
- Student and parental participation and engagement;
- Services to private school children;
- Maintenance of effort;
- Time and effort documentation for staff paid with Title I, Part A funds;
- Comparability of services; and
- Uses of federal funds to supplement and not supplant the school's share of state and local funds.

Federal Funds for Consolidation

In general, ED guidance allows for a schoolwide building to consolidate federal funds it receives from discretionary (competitive) and formula grants, except where ED has expressed limitations. A schoolwide program that includes other federal education programs does not have to conform to the specific statutory or regulatory requirements for each separate program so long as the intent and purposes of those programs are met in the schoolwide plan.¹⁰⁶

Note: The authority to use funds under other programs in schoolwide program schools does not apply to funds that are allocated by formula to non-schoolwide buildings in a district. This is not an authority to redistribute funds among buildings. Any redistribution of funds would have to be consistent with the authorizing statute.

Federal Funds with Limits or Conditions for Consolidation

ED has placed limitations or conditions on consolidating the following federal funds:

- **Individuals with Disabilities Education Act (IDEA), Part B:** Formula or discretionary grant programs under IDEA and funds provided for eligible children with disabilities under Section 8003(d) of the ESEA may be included in a schoolwide Title I program; however, certain conditions apply and the amount of IDEA, Part B funds are restricted to the proportion of funding for students with disabilities attending the Title I Schoolwide school.
- **Title I, Part C—Education of Migratory Children.** Title I, Part C, Migrant Education funds may be combined in a schoolwide program only after the LEA consults with parents and documents that it has met all identified student needs that result from a migratory lifestyle. In addition, any inclusion of Title I, Part C funding is

¹⁰³ See [ED 2016 Schoolwide Guidance](#)

¹⁰⁴ See *ED 2016 Schoolwide Guidance*, p.9, stating:

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

¹⁰⁵ Federal Register, Vol. 69, No. 127, 7/2/2004.

¹⁰⁶ Federal Register, Vol. 69, No. 127, 7/2/2004.

contingent upon approval by the Utah State Board of Education’s Migrant Education staff.

- **Title VI, Part A**—Indian, Native Hawaiian, and Alaska Native (funds provided under ESEA, Title VI, Part A directly to eligible local school districts for Indian Education services). Title VI, Part A, Indian Education funds may be combined in a schoolwide Title I program as long as they are used to assist American Indian students in meeting state academic standards and “only if the parent committee established by the LEA under ESEA approves the inclusion of those funds.”
- **Title I, Part D**—Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk (programs under ESEA, Title I, Part D, Subpart 1 to state agencies for services to children in state institutions for neglected or delinquent children may be combined, unless funds are used for transition services involving a schoolwide Title I program school).
- **Perkins Vocational and Technical Education** - Perkins funds may be consolidated as long as the school is providing services from state and local funds that are at least comparable to the services being provided in other secondary schools or sites within the LEA that are not being served with Perkins funds.

Federal Funds Excluded from Consolidation

The following federal funds are excluded from consolidation:

- Funds provided under the **School Facilities Infrastructure Improvement Act** to ensure the health and safety of students through the repair, renovation, alteration, and construction of school facilities.
- Programs under the **Adult Education Act or ESEA, Title IX, Part A, Subpart 3 (Adult Indians)** unless adult literacy services are integrated within a schoolwide Title I program plan. Adult education funds could be included, for example, if they provide adult literacy as part of a family literacy activity under a schoolwide program plan.
- The ED funds awarded to **institutions of higher education**, unless those funds support elementary or secondary schools (e.g., the School, College, and University Partnerships Program).
- Federal programs that are not administered by the Secretary of Education, such as the **National School Lunch Program** and **Head Start**.

State Funds for Consolidation

The following state funds may be consolidated in a schoolwide program:

- State basic education allocations from the State Legislature,
- Local education funds.

State Funds Excluded From Consolidation

The following state funds are not allowed for consolidation because they are entitlements. The students identified for these programs must be provided services.

- State Special Education funds

Local Funds & Consolidation

Local education revenue may be consolidated in schoolwide programs.

Sample Plan Illustrating How to Consolidate Funds in Schoolwide Plan

These are the programs commonly consolidated in a Schoolwide Title I Plan.

This is an example only. It does not represent the only set of program funds that may be consolidated.

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Program	Amount Available	How the Intents and Purposes of the Program will be Met
Basic Education	\$1,719,026	To provide all students with instruction aligned to grade level specific state standards including differentiation and enrichment services as needed. Basic education funds are combined to support the activities listed above. Examples include classroom teachers, textbooks, supplemental materials, supplies, equipment, technology, staff development, and substitutes.
Title I, Part A	\$269,477	To provide all children significant opportunity to receive a fair, equitable, and high quality, well-rounded education, and to close educational achievement gaps.
Title II, Part A	\$33,118	Preparing, training, and recruiting effective teachers, principals, or other school leaders.
Title III, Part A	\$17,855	To ensure that students who are English learners, including immigrant children and youth, develop English proficiency and meet the same academic content and achievement standards that other children are expected to meet. Funds are used to implement language instruction education programs designed to help English learners achieve these standards.
School Trust Land Funds	\$40,000	May be used in consultation with the School Community Council
Local funds	\$40,000	Local revenue may be combined in schoolwide programs.
Total	\$2,119,476	

Budgeting and Accounting for Funds Consolidated in a Schoolwide Program.

Good communication between LEA business administrators and schoolwide program staff is important in the application, budgeting, reporting, and accounting process for a schoolwide program.

The Title I, Part A schoolwide plan must list the specific state, local, and federal programs that will be consolidated in the schoolwide program.¹⁰⁷ A schoolwide school is not required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds.¹⁰⁸ They must maintain records that demonstrate the schoolwide program addresses the intent and purposes of each federal program with funds that were consolidated into the schoolwide program.¹⁰⁹

Combined funds do not lose their identity when combined in a schoolwide program. Expenditures and revenues must address the population of students for whom the funds were provided.

The district may use any reasonable method to demonstrate how the funds in a schoolwide program have been expended. USBE has provided the following example.

¹⁰⁸ Federal Register, Vol. 69, No. 127, 7/2/2004.

¹⁰⁹ Federal Register, Vol. 69, No. 127, 7/2/2004.

Example: Distribution of Expenditures Based on Revenues

A building has a schoolwide program with a total of \$1,000,000 in revenues:

Funding Stream	Amount	Percent
Basic Education Allocation from the State Legislature	\$500,000	50%
Title I, Part A—Improving the Academic Achievement of the Disadvantaged	\$250,000	25%
Title II, Part A—Highly Qualified Teachers and Principals	\$100,000	10%
IDEA, Part B—Special Education, see note below	\$50,000	5%
Carl D. Perkins Career and Technical Education Improvement Act	\$100,000	10%
Total	\$1,000,000	100%

In this example, the district may allocate all of the building's schoolwide program expenditures proportionally (using percentages) that match the building's budgeted schoolwide revenues.

*Note: Staff paid out of particular program funds need not work in that same program in order to meet the specific intent and purposes described in the schoolwide plan.

N. LEA MAINTENANCE OF EFFORT

LEAs receiving Title I, Part A funds must comply with the annual **Maintenance of Effort (MOE)** requirement.¹¹⁰ In short, MOE requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year. Maintenance of Effort applies to Title I, Part A; Title I-C migrant education; Title I-D neglected and delinquent; Title II effective educators; Title III English language acquisition; Title III immigrant; Title IV-B 21st Century Community Learning Centers; and Title VI American Indian Education.

Consistent with maintenance of effort (MOE) policy, a LEA may not use funds to reduce the level of expenditures for the education of children from state and/or local funds below the level of those expenditures for the preceding fiscal year.

For eligibility determination, the SEA must determine that the LEA budgets at least the same total spent for that purpose from the same source for the most recent prior year for which information is available. Sources of funds may be either local funds only or a combination of State and local funds.

The SEA will not consider any expenditure made from funds provided by the Federal Government for which the SEA or the LEA is required to account to the Federal Government in determining the LEA's compliance.

Allowable reductions:

- The voluntary departure, by retirement or otherwise, or departure for just cause of service personnel
- A decrease in the enrollment of qualifying students
- The termination of costly expenditures for long-term purchases, such as the acquisition of equipment

Maintenance of Effort can be satisfied by a LEA in one of the following two ways:

¹¹⁰ ESSA, Sections 1118(a) and 8521.
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1. By looking at the amount the LEA has expended in non-federal expenditures two years previously, taking 90% of that amount, the results must be greater than or equal to the amount spent in the previous year for the LEA to have no reduction in funds for the current year, or
2. By looking at the amount the LEA has expended per pupil in non-federal expenditures two years previously, taking 90% of that amount, the results must be greater than or equal to the per pupil cost of the amount spent in the previous year for the LEA to have no reduction in funds for the current year.

Calculating the percentage of fund reduction, if necessary, is also determined two ways:

- Overall expenditures, or
- Per pupil expenditures.

Since the LEA can satisfy the MOE by either method, the SEA will use the lower of the two percentages to calculate the actual percentage of decrease for the current year; this percentage is multiplied by the previous year's allocation to determine the dollar amount of reduction. The amount of reduction will be made to the following year's allocation.

MOE is reviewed annually and LEAs that have maintained the level of state and local funding for four (4) out of every five (5) years will not be assessed penalties. USBE's Financial Operations office calculates MOE using the accounting records LEAs supply annually to SEA. The SEA is required to reduce the amount of Title I, Part A allocations in the exact proportion by which a LEA fails to maintain effort by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the district).

After MOE is calculated, LEAs are able to apply to ED for a waiver if there are extenuating circumstances, such as a natural disaster or a precipitous decline in the financial resources of the LEA.

<u>Federal Fiscal Year</u>	<u>First preceding year – Nonfederal expenditures</u>	<u>Second preceding year – Nonfederal expenditures</u>	<u>90% Expenditure level to meet Maintenance of Effort</u>	<u>Reduction in LEA's Title I, Part A allocation</u>
FY 2015 (2015-16)	\$500,000 (FY 2014)	\$600,000 (FY 2013)	\$540,000 (2 nd year x 90%)	(40,000/540,000) = 7.4% reduction – if LEA also failed MOE in one of the prior 5 years
FY 2016 (2016-17)	\$490,000 (FY 2015)	\$540,000 (90% of FY 2013 instead of actual 2014 amount)	\$486,000 (2 nd year x 90%)	LEA met MOE – no reduction in federal grant
FY 2017 (2017-18)	\$400,000	\$490,000 (FY 2015)	\$441,000 (2 nd year x 90%)	(41,000/441,000) = 9.3% reduction – because LEA also failed in FY 2015

O. TITLE I, PART A SUPPLEMENT NOT SUPPLANT UNDER ESSA

Title I, Part A funds should add to (*supplement*) and not replace (*supplant*) state and local funds. ESSA revised the Title I, Part A supplement not supplant (SNS) requirement.

ESSA Ends the “Three Presumptions of Supplanting”

Prior to ESSA, SNS was tested by analyzing an individual Title I, Part A cost’s compliance with “three presumptions of supplanting.”¹¹¹ Under ESSA, compliance with SNS will no longer be tested through individual Title I, Part A costs,¹¹² so these three presumptions no longer apply. Note: Schoolwide programs under NCLB already had this flexibility. ESSA extends this flexibility to targeted assistance programs.¹¹³

New: LEA Demonstrates Methodology to Allocate State and Federal Funds to Schools

Under ESSA, LEAs must demonstrate that the methodology used to allocate state and local funds to schools provides each Title I, Part A school with all the state and local money it would receive if it did not participate in the Title I, Part A program.¹¹⁴

The LEA is responsible for retaining documentation that it has a methodology to distribute funding and staffing to schools without taking Title I, Part A funds into account. It should be able to show that it has a method for distributing core funding and staff for the schools prior to distributing Title I, Part A funds. Clear documentation for the 2017-18 school year will be important. LEAs’ methodology will be reviewed beginning with the 2018-19 monitoring cycle and annually thereafter. ESSA provided a compliance date of December 10, 2017 for LEAs to develop and document their methodology for SNS. However, in December 2017, USBE received a *Dear Colleague Letter* from U. S. ED that extended the deadline to have this methodology in place. The response stated the following:

*With respect to the timeline for implementation, Section 1118(b)(5) of the ESEA requires that an LEA meet the compliance requirement not later than two years after the date of enactment of the ESSA—i.e., December 10, 2017. We are aware that some SEAs and LEAs are taking steps to develop a methodology or use an existing methodology that meets the new compliance requirement by December 10, 2017, and we encourage those SEAs and LEAs to move forward with their process. We also recognize that for many LEAs it may not be reasonable to implement a new methodology in the middle of a school year and that the first implementation of the methodology cannot occur until the beginning of the 2018-2019 school year. Therefore, consistent with section 4(b) of the ESSA, which authorizes the Department to ensure an orderly transition to the new law, **an SEA and its LEAs may delay meeting the compliance requirement in section 1118(b)(2) of the ESEA until the start of the 2018-2019 school year. That is, an LEA does not need to have its methodology in place on December 10, 2017,***

¹¹¹ Under NCLB and previous versions of ESEA, a Title I, Part A 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, Part A students that state and local funds support for non-Title I, Part A students.

¹¹² ESSA, Section 1118(b)(3)(A).

¹¹³ ESSA, Section 1118(b)(3) “No local educational agency shall be required to—(A) identify that an individual cost or service supported under this part is supplemental; or (B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency’s compliance with paragraph (1).”

¹¹⁴ ESSA, Section 1118(b)(2). “a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.”

but the LEA must have a methodology in place in time for the LEA to use it when ensuring that Title I funds are supplementing, and not supplanting, other State and local funds in the 2018-2019 school year.

The SNS methodology does not mean that each school will necessarily receive the same staff level or amounts per student. The methodology may have additional amounts based on the needs of the student population, i.e. a weighted methodology. The key for the SNS analysis is that the LEA can document and explain that Title I, Part A funding was not a factor in how state and local resources were distributed to schools.

What this means is:

LEAs must have a methodology in place for the 2018-19 school year— prior to the budgeting process and discussions regarding distributing State/local funds to schools. LEAs will be audited under the new SNS standard for Supplement not Supplant beginning with the 2018-2019 school year.

LEA Responsibilities

LEAs are responsible for documenting that it had a methodology to distribute funding and staffing to schools without taking Title I, Part A funds into account. LEAs will submit their written methodology to USBE for approval via the Desktop Monitoring Instrument (DMI). In addition, the LEA should be able to show application of its methodology for distributing state and local resources to schools prior to allocating federal Title I, Part A funds. Clear documentation will be important for subsequent audits and program reviews.

Note: Adopting the previous “NCLB Three Presumptions of Supplanting” is not a sufficient methodology for resource distribution under ESSA.

Please note that ED has not issued non-regulatory guidance or adopted rules for Supplement not Supplant under ESSA. It rescinded the draft rules provided under the Notice of Proposed Rulemaking.

USBE allows the following for LEA methodology:

1. LEAs can use the allocation of staffing units, rather than funds, for allocation of all employee related costs. This means it can exclude compensation from their methodology and instead use staff units (FTE).
2. The LEA methodology for distributing state and local resources only applies to charges allowed under Title I, Part A. Consistent with the Uniform Grants Guidance (UGG), the Title I, Part A costs must be necessary, reasonable, and allocable. As such, the methodology for distribution of state and local resources only applies to equivalent Title I, Part A charges. The methodology should address any of the following if allocated at the building level:
 - Teaching
 - Learning Resources
 - Guidance and Counseling
 - Supervision (administrative)
 - Health Related Services
 - Instructional Professional Development
 - Instructional Technology
 - Curriculum
 - Communications (such as translation for parent/family engagement)
3. Exclusions from the methodology:
 - Any centrally administered resources: employee-related compensation, curriculum purchases, etc.

- Costs that are Title I, Part A allowable only in limited circumstances:
 - Maintenance and utilities
 - Student transportation
 - Costs that are never allowed under Title I, Part A, through either ESSA or the UGG: (e.g., debt service, capital expenditures, building repair costs, bus depreciation, food service, and child nutrition. It will also exclude costs already obligated for specific building repairs through locally approved capital levies and bonds.

LEA's documentation should explain how it:

1. Distributed state and local staff units and funds to schools for each school year using a methodology that did not take into account a school's Title I, Part A status. Questions for LEAs to address in the documentation:
 - What was the process used for distributing staff (FTE) for principals, teachers, paraeducators, etc.?
 - Is there an additional weight or consideration for student factors, such as English learners, students with disabilities, and free and reduced price lunch eligibility?
 - What is the process used to allocate funds for consumable materials to schools?
 - Document exceptions: if the district centralizes certain programs, or locates certain programs at one building, this must be documented.
2. Demonstrates that the methodology does not reduce funding for Title buildings.
3. Demonstrates that the LEA followed its published methodology.

Exemption: LEAs with only one school are exempt from this requirement.

Note: The methodology does not mean that each school will necessarily receive the same staff level or amounts per student. The methodology may have additional amounts based on the needs of the student population (i.e., a weighted methodology). The key for the SNS analysis is that the LEA can document and explain that Title I, Part A was not a factor in determining how state and local resources were distributed.

Methodology Examples

The USBE cannot prescribe a particular *methodology* (process, method, logic, etc.). Examples in this section are only suggested approaches (for any LEAs without a written policy in place or that may be in the process of revising its methodology).

Example I: Methodology Based on Enrollment and Grades

The basic allocation is based on total enrollment counts for each school, as if the state and local funds were the only monies that each school would receive. In this example, each school is given additional allocations for other needs (e.g., technology, supplies, etc.). As a result, all schools are treated the same whether these schools are Title I, Part A or not. Please note: The schools are grouped by grade span (Elementary & Secondary) in this example. Each grade span may have a different per student amount, but schools in each group are treated equally.

Example: LEA with six (6) schools. The total amount of state and local funds totals \$4,562,766

School	School Enrolment	All Staff FTEs (salaries & benefits – administrative and instruction)	Professional Development	Technology and Supplies	Additional Necessary Costs	Total
		<i>\$4,300 per elementary student</i> <i>\$4,200 per secondary student</i>	<i>\$20 per student – all schools</i> <i>Plus \$500 per each building</i>	<i>\$50 per student – all schools</i> <i>Plus \$400 per each building</i>	<i>i.e., lunch, library supplies, athletic supplies, utility costs, transportation</i> <i>\$1,408 per student</i>	
Elementary A 1 building	105	\$451,500	\$2,600	\$5,650	\$147,840	\$607,590
Elementary B 1 building	100	\$430,000	\$2,500	\$5,400	\$140,800	\$567,700
Elementary C 1 building	115	\$494,500	\$2,800	\$6,150	\$161,920	\$665,370
Junior High D 1 building	108	\$453,600	\$2,660	\$5,800	\$1502,064	\$614,124
Junior High E 1 building	169	\$709,800	\$3,880	\$8,850	\$237,952	\$960,482
High School F 1 building	200	\$840,000	\$4,500	\$10,400	\$281,600	\$1,136,500
TOTAL	797	\$3,379,400	\$18,940	\$42,250	\$1,122,176	\$4,562,766

Example 2: Based on Enrollment and Disaggregated Groups of Students

The second example is based on the distribution of state and local funds that includes extra consideration for particular groups of students.

In a school of 450 students, including 200 students from low-income families, 100 English learners, 50 students with disabilities, and 20 preschool students, the school received \$2,509,500 in state and local funds based on the following calculations:

All schools in an LEA follow the same model

Category Allocation	School Enrollment	Allocation per student	Total Calculation
All Students	450	\$5,500	\$2,475,000

Additional state and local funding for subgroups of students			
Category Allocation	School Enrollment	Allocation per student	Total Calculation
Students from low-income families	200	\$25	\$5,000
English learners	100	\$50	\$5,000
Students with disabilities	50	\$150	\$7,500
Preschool students	20	\$850	\$17,000
Total school allocation			\$2,509,500

Exclusion of “Title I Part A” Supplemental State and Local Funds from the Methodology

LEAs *may exclude* supplemental state and local funds used for any program that meets the intent and purpose of Title I, Part A. In other words, although an LEA may NOT reduce its allocation of general, state, and local funds to a Title I Part A school because the student receives Title I Part A money, ESSA requirements allow for a degree of flexibility when it comes to *supplemental* state and local funds.

What are Supplemental State and Local Funds?

For the SNS methodology purposes, state and local funds are considered *supplemental* if they are used to pay for a “Title I Part A-like”¹¹⁵ activity or program. A program or activity is considered “Title I Part A like” if it:

EITHER

- Is implemented in a school with at least 40% poverty;
- Is designed to promote schoolwide reform and upgrade the entire educational operation of the school;
- Is designed to meet the educational needs of all students in the school, particularly those who are not meeting state standards; and
- Uses the State’s assessment system to review the effectiveness of the program.

OR

- Serves only students who are failing, or most at risk of failing, to meet state standards;
- Provides supplementary services to participating students designed to improve their achievement; and
- Uses the State’s assessment system to review the effectiveness of the program.

Here are some examples of when state and local funds may be excluded from the SNS methodology determination:¹¹⁶

Example 1: An LEA offers after-school tutoring for any student who scores below proficient on the state’s mathematics assessment. Paying for eligible students in a schoolwide program school with Title I Part A funds

¹¹⁵ ESEA Sections 1112(b)(1)(D) and 1113(c)(2)(B)

¹¹⁶ ED NAFEP Presentation, March 2017

and eligible students in a non-Title I Part A school with local supplemental funds would not violate the schoolwide program SNS requirement.

This is true even though the schoolwide program would not receive its share of the local supplemental funds to provide tutoring to eligible students. Rather, the local funds to provide tutoring in the non-Title I Part A schools would qualify for the exclusion because the funds are supplemental and benefit students who, by virtue of being non-proficient in mathematics, are failing to meet the state's mathematics standards.

Example 2: The SEA identifies all "F" schools in the state as critical needs schools. An LEA will not violate the schoolwide program SNS requirement if it uses Title I Part A funds to implement interventions consistent with the turnaround principles in its Title I Part A critical needs schools and uses supplemental non-Federal funds to provide the same interventions in its non-Title I Part A critical needs schools.

Implementation Year

LEAs will be required to upload their written methodology to the Desktop Monitoring Instrument (DMI). The LEA's methodology must describe how the distribution of its general, state, and local funds to each school is neutrally determined (i.e., without regard to whether or not a school receives Title I, Part A funds).

In addition, the LEA will be asked to provide evidence that the LEA not only has its methodology in writing, but demonstrates its distribution of general, state and local funds to Title I, Part A schools is done in a neutral way. The USBE cannot prescribe a specific standard document or report. The LEA will decide what documentation to provide. An LEA could use an Excel spreadsheet that included budgeted monies to each school (only general, state and local funds) clearly indicating all schools were treated the same regardless if they were Title I, Part A or not.

Depending on the size of an LEA and the complexity of its methodology, the LEA might be asked to share after-the-fact expenditures per building. As stated previously, the USBE cannot prescribe a specific standard document or report. The LEA will decide at the LEA level what documentation to provide. The USBE is in the process of determining what data could be used to review after-the-fact expenditures. An LEA may use per-pupil expenditures data as a method of demonstrating compliance, although, there could be other methods.

P. TITLE I, PART A COMPARABILITY OF SERVICES

As a condition of receiving Title I, Part A funds, LEAs must ensure that state and local funds are used to provide services that, taken as a whole, are comparable between Title I, Part A and non-Title I, Part A schools.¹¹⁷ LEAs use October enrollment data to conduct the annual comparability analysis. LEAs need to make appropriate adjustments to staffing in Title I, Part A and Non-Title I, Part A schools if the analysis demonstrates an issue with comparability.

LEAs must be able to document that the services provided with state and local funds in Title I schools are comparable to those provided in non-Title I schools in the LEA. State and local funds must be used in

¹¹⁷ ESSA, Section 1118(c).
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participating Title I schools to provide services that, taken as a whole, are “at least comparable” to services provided by schools that do not participate in the Title I program.

If an LEA serves all the schools in its district with Title I funds, the LEAs must use state and local funds to provide services that are “substantially comparable” in each participating school. Comparability may be determined on a grade-span-by-grade-span basis or a school-by-school basis.

LEA Written Assurance of Comparability of Services:

- On-site files contain a written assurance that the LEA has developed and implemented the following three features:
 1. An LEA-wide salary schedule
 2. A policy to ensure equivalence among schools with regard to teachers, administrators, and other staff, and
 3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.
- Other measures that can be used:
 1. Student/instructional staff ratios or
 2. Student/instructional staff salary ratios
- The LEA does not have to include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services.

Maintenance of Procedures and Records:

- LEAs must develop procedures for complying annually with the comparability requirements.
- LEAs must maintain records (updated biennially) that document its compliance (i.e., if the LEA files a written assurance that it has established and implemented a district-wide salary schedule, policies to ensure equivalence among schools in staffing, and the provision of materials and supplies, it must keep records documenting that the salary schedule and policies were actually implemented and that equivalence was achieved among schools in regard to staffing, materials, and supplies).
- Exclusions:
 - Comparability rules allow the same exclusion of funds permitted under the supplanting analysis.
 - LEAs may exclude supplemental state and local funds expended in any school attendance area or school for programs that meet the intent and purposes of Title I.
 - LEAs also may exclude funds expended for language instruction educational programs (i.e., bilingual education for children of limited English proficiency), as well as the excess cost of providing services to children with disabilities as determined by the LEA.
 - Preschool staffing and students may be excluded from comparability analysis.

It is a common misconception that if an LEA is in compliance with comparability, then it is automatically in compliance with SNS. Although both of these tests look at how the LEA distributes state and local funds to schools, they are separate tests that measure different things.¹¹⁸

Example 1: Comparability Compliance but not SNS Compliance

¹¹⁸ ESSA’s Title I, Part A Supplement not Supplant Requirement Presentation by CCSO August 30, 2017.
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- An LEA demonstrates comparability through student/instructional staff ratios, but
- Does not meet SNS because it provides extra state/local money to non-Title I schools for technology purchases, but not to Title I schools because it expects Title I to pay for those technology purchases in those schools.

Example 2: SNS Compliance but not Comparability Compliance

- An LEA meets SNS because it can demonstrate it did not take Title I status into account when distributing its state/local funds to schools, but
- Does not demonstrate comparability because the LEA's non-Title I schools have lower student/instructional staff ratios than its Title I schools.

The approach (though not the mechanics) of SNS is now more like other fiscal tests, such as MOE and comparability because it is based on funding.

- In other words, how an LEA funds its schools is the inquiry: Does the LEA do so in a Title I-neutral manner?
- Individual Title I costs are no longer part of an SNS analysis.
- Practical note: SNS was a common reason SEAs denied proposed Title I costs – the conversation over allowability should be different under the revised ESSA SNS requirements.⁸⁷

Q. ALLOWABILITY

At the end of the day, Title I costs must still be allowable under the Title I program.

- At a minimum this means:
 - Costs still must only benefit eligible students (eligible students = all students in a schoolwide program and identified students in a targeted assistance program).
 - Costs must be permissible under Title I and ESSA generally (note that ESSA clarified the wide uses of funds that can be permissible under the Title I program).
 - Context matters. For example, a school operating a schoolwide program should be able to demonstrate that a Title I cost is consistent with the school's needs assessment and its schoolwide plan.
 - Costs must still be necessary and reasonable.

For more on necessary and reasonable see CCSSO's [A Guide to State Educational Agency Oversight Responsibilities under ESSA: The Role of the State in the Local Implementation of ESSA Programs](#)

R. TITLE I, PART A CARRYOVER PROVISION

Under section 421 (b) of the General Education Provisions Act (GEPA), LEAs and SEAs must obligate funds during the 27 months extending from July 1 of the fiscal year for which the funds were appropriated through September 30 of the second succeeding fiscal year. This maximum period includes a 15-month period of initial availability plus a 12-month period for carryover (i.e., the Tydings Amendment). However, section 1127 (a) of ESSA limits the amount of Title I, Part A funds an LEA may carry over from one fiscal year's allocation to no more

than 15 percent of the total Title I, Part A funds allocated to the LEA for that fiscal year.

Federal regulations limit the amount a LEA can carry over to 15% of the Title, Part A funds. LEAs may request a waiver of the 15% carryover limit **once in three years** or return all funds over the 15% limit for reallocation.

Waiver requests for carryover must be submitted in writing to the State Title I Director no later than November 1. (See Appendix A: Example of Request to Waive the Provision of the Carryover Limitation for Title I, Part A Funds)

If the carryover amount is less than or equal to 15%, no waiver is required, however, there **must** be a reimbursement request that covers all expenses up-to-and-including September 30 of the year the funds are awarded.

More than 15% carry-over on September 30 requires waiver approval. A waiver may be requested after the September expenditures have been determined and the exact percentage of carry-over has been calculated.

- A reimbursement request must be submitted up to and including all expenses as of September 30.
- September reimbursement request is due to USBE no later than October 15.
- Analysis of all expenditures and programs with more than 15% carryover will be conducted.
- Waiver request to carry-over more than 15% in Title I, Part A will be due no later than November 1.
- Programs will be notified upon approval/disapproval of request.
- Programs may only request a waiver once every three years.

Waiver requests must:

- Be written on LEA letterhead, and
- Include the following information:
 - Name of the LEA
 - Date of the waiver request
 - Name and Title of person making the request
 - Fiscal year for which the request is being made
 - Total funds allocated for the fiscal year
 - Total amount of remaining funds to be carried over
 - Percentage of funds remaining on the date of the request
 - Brief description of:
 1. Why (justification) a waiver is being requested,
 2. Specific actions the LEA will take to bring the excess below the 15% allowed, and
 3. Specific activities to be carried out and the maximum amount of funds to be expended for each activity (i.e., attach a proposed budget for the funds).
 - Printed name and dated signature of person making the request
 - **Waiver must be submitted to the State Title I Director no later than November 1**

If USBE determines that an LEA exceeds the 15% carryover limitation after the final expenditure report has been submitted and reviewed, the LEA will be notified. To apply for a waiver, a letter of request and justification must be sent to the State Title I office. LEAs may only request a waiver once every three years.

Carryover Example

The following example illustrates how the 27-month availability for Title I, Part A funds and the carryover limitation would operate for an LEA:

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FY 2018 Allocation:	\$135,500
Maximum carryover of 15%:	\$ 20,250
FY 2019 Allocation:	\$142,000
Maximum carryover	
From FY 2018:	\$ 20,250
Total funds available FY 2019:	\$162,250

In this example, the \$20,250 may be spent on any reasonable, allocable, and allowable Title I-A expenses within FY 2018. After September 30, 2019, any unobligated funds revert to the U. S. Treasury and cannot be carried over into the following fiscal year.

Exceptions to Carryover Limitations

No waiver is required For LEAs with a yearly allocation less than \$50,000 that wish to carry-over more than 15%. However, the LEA **must** submit a reimbursement request that covers the time period up-to and including September 30 of the year the funds are awarded. Failure to do so may result in a loss of funding.

Spending Carryover Funds

Subject to the limitations described in the above section on exceptions, LEAs have options when determining how to spend carryover funds. LEAs may:

1. Allocate the funds to eligible schools (schools must be served in rank order based on poverty); or
2. Allocate the funds for LEA-level activities such as professional development. LEAs using this option must ensure that private schools have equitable participation, where appropriate.

S. TRANSFERABILITY OF FEDERAL FUNDS

Under the ESEA, LEAs may transfer funds received by formula under certain programs to other programs to better address State and local needs. The ESSA amended the transferability authority by changing the programs *from* and to which an LEA may transfer funds and *removes limits on the amount of funds that may be transferred*.

LEAs may transfer funds **out of** only the two following programs (*ESEA section 5103(a)*):

- Title II, Part A: Supporting Effective Instruction
- Title IV, Part A: Student Support and Academic Enrichment Grants
- **An LEA may not transfer funds it receives under any other ESEA program.**

LEAs may transfer funds from the two programs listed above **into** any of the following programs (*ESEA section 5103(b)(2)*):

- Title I, Part A: Improving Basic Programs Operated by LEAs
- Title I, Part C: Education of Migratory Children
- Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-risk
- Title II, Part A: Supporting Effective Instruction

- Title III, Part A: English Language Acquisition and Language Enhancement
- Title IV, Part A: Student Support and Academic Enrichment Grants
- Title V, Part B: Rural Low Income Schools

Except as provided above, the previous [Guidance on the Transferability Authority](#) remains in effect.

T. CONDITIONS OF RECEIVING TITLE I, PART A

Utah public Local Education Agencies (LEAs) are legally responsible for compliance with, or assurances, regarding specific requirements. Each local school board and charter school governing board shall provide, consistent with State law, written assurance of these requirements.

As a condition of receiving Title I, Part A funds, each LEA annually agrees to a set of assurances prior to submitting its annual application through the online grants management system. Some of these requirements extend beyond the Title I, Part A program. The SEA monitors compliance of these requirements through the LEA Compliance and Assurance Checklist. This checklist is due no later than July 1 of each year and is collected by USBE Financial Operations staff through an online system. **The LEA Superintendent or Charter School Leader, not a designee, must submit the LEA Compliance and Assurance Checklist.**

U. RESPONSIBILITIES ASSOCIATED WITH ACCEPTANCE OF FEDERAL EDUCATION FUNDS

Programs accepting federal education funds are responsible for assuring that the use of funds is consistent with:

- Current Federal Statutes and Regulations,
- Current State and Local Regulations,
- Any special conditions imposed on the specific grant, and
- The underlying needs of the program.

Data-driven decision making should be used to ensure funds are targeted to:

- Areas of weakness
- Personnel development
- Reporting
- Schoolwide or targeted assistance Title I schools
- School Improvement support for low-performing Title I schools

V. REIMBURSEMENT REQUIREMENTS

There is a reimbursement policy for requesting federal funds. Funds should not be requested until the LEA has already paid for the services and expenses being requested. In other words, if the funds have NOT left the LEA's bank, the funds cannot be requested. If funds are requested before having been spent or if the same funds are

requested more than once, these funds must be returned to the SEA within one month to avoid interest penalties.

All federal reimbursement requests are subject to audit. The auditor will request the needed documentation and the LEA must send the requested documents to the SEA or review. Funds cannot be released on an audited request until documentation has been received, reviewed, and approved. Some of the documentation that may be required, but is not limited to, includes employee time/effort documentation, travel documentation, documents for Purchased Professional and Technical services (this include agendas and sign-in sheets), invoices for equipment, etc.

Audits are mandatory when an LEA submits only one request for the full amount of its award or when the substantially approved date of the LEA's online application is after July 1. The substantially approved date is the date when the LEA Compliance and Assurance Checklist has been submitted to USBE. Any reimbursement request, even with documentation, submitted prior to the substantially approved date is not allowable. This assurance means that until the new grant is approved, funds will be spent in a manner approved for the previous year. The Student Support Section at USBE requests that you submit reimbursement requests at least quarterly.

W. MONITORING

Why do we monitor?

1. Building Relationships - We are in this together.

The goal of the ESEA Programs and Related State Initiatives Team is to provide support and technical assistance to LEAs to increase student achievement for Utah's public school children. Through cooperative assessment and refinement of the federal programs between the State and the LEAs, the quality of services to students will be strengthened and improved.

2. Technical Assistance - We are here to help.

State monitoring team members provide technical assistance during the review visit and beyond. It is not the State's intent to tell the LEA how to run its Title I program, but rather to answer questions, facilitate dialogue, and exchange ideas and information for program improvement while, at the same time, meeting all federal requirements.

3. Compliance - It is the law.

Monitoring federal programs helps ensure that all children have a fair, equitable, and significant opportunity to obtain a high-quality education. Compliance monitoring is intended to be a collaborative partnership between the State and LEAs to ensure compliance with ESSA.

Components of Title I, Part A Compliance Monitoring

There are three types of monitoring conducted by the USBE: (1) Desktop, (2) Fiscal, and (3) Onsite. LEAs that are assigned to the Fiscal or Onsite Cycle have the potential to be selected for monitoring that particular school year, but may not be selected. LEAs that are selected for either of these cycles will receive advance notification to allow the LEA an opportunity to prepare for the monitoring visit.

All LEAs will receive desktop monitoring each year. At a minimum, the Title I LEA is required to participate in programmatic monitoring through the on-line monitoring tool, the Desktop Monitoring Instrument (DMI). If selected by the USBE for onsite monitoring (based on a risk assessment), the Title I LEA must participate. On-site monitoring consists of submitting the required information in the DMI as well as participation in an on-site monitoring visit conducted by USBE staff. LEAs submit the Title I plan, budget, and application and any revisions throughout the year through the on-line grants management system. Please reference Appendix B Monitoring Checklist for additional guidance.

Please note: For state fiscal year 2019, LEAs must complete the required Title I Needs Assessment and Plan through the online Utah Consolidated Application (UCA). Budgets and reimbursement requests will be handled through the new Utah Grants system. Beginning with state fiscal year 2020, all components of the Title I program will be handled through the new Utah Grants system.

Components of Compliance Monitoring	Overview of Monitoring Activity
Desktop & Fiscal Monitoring	<ol style="list-style-type: none"> 1. LEA Title I needs assessments and plans are reviewed and approved by USBE in the fall. Applications are due November 1. Note: For FY 2019 this will be done through the UCA. 2. LEA Title I-A budgets are reviewed and approved by USBE staff throughout the year. LEAs are required to submit initial budgets and revisions through the Utah Grants system. 3. LEAs complete and submit the Title I-A Desktop Monitoring Instrument (DMI) programmatic compliance monitoring items for review and approval by USBE Title I staff. The required DMI completion date is December 1. 4. LEA funding for the current fiscal year will not be available for reimbursement until the DMI is complete.
Onsite Monitoring	<ol style="list-style-type: none"> 1. LEAs participate in on-site monitoring as notified. Beginning with FY 2020, the LEAs selected will be determined via a two-pronged approach that includes (a) a risk-based assessment and (b) the need for a periodic visit. 2. Required fiscal information and documentation will be submitted to USBE prior to the onsite visit to be review by USBE staff. 3. On-site reviews will include a focus on program outcomes as well as compliance with federal requirements. A primary goal is to gather information from across the State about what is working well in both LEAs and Title I schools. This will enable USBE to acknowledge and showcase successful programs, practices, and strategies that are making a difference for participating students, their parents and families, and the educators serving in Title I programs.

Desktop Monitoring Instrument (DMI)

A web-based, on-line system called the [DMI](#) is used to conduct the required Desktop Compliance Monitoring for Title I, Part A programs. The DMI system contains all required compliance monitoring elements for Title I, Part A,
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such as the monitoring criteria questions, categories, items, required documents/evidence, legal citations, resources and the electronic file cabinet for uploading evidence documents. Each year LEAs are required to complete both the Annual Core Instrument as well as the current Cycle Instrument.

DMI Submission Due Dates

The following summarizes the general submission due dates:

- **Fall Desktop:** On or before December 1, LEAs must complete and submit the Desktop Monitoring items to USBE through the DMI.
- **On-site Visits:** USBE will coordinate with LEAs selected for on-site visits to ensure the DMI items are submitted prior to the on-site visit.

Desktop Review Process

USBE's Title I Monitoring Specialist and Fiscal Specialist will review the LEA's submitted responses, evidence/documents (required and supporting), and indicators. After an LEA submits its DMI for review, USBE Title I staff will "receive" the submission and begin reviewing the items to determine compliance with the requirements of the ESEA and/or if more evidence is needed to demonstrate compliance. After review, the USBE Title I staff provides comments on each compliance item either indicating acknowledgement of meeting the requirements of the item ("Meets Requirements") or an explanation of what is still needed in order for the LEA to demonstrate compliance with an item. If requested documents/evidence are not provided and/or the LEA does not address any item questions, it requires an automatic determination of "Does Not Meet Requirements." If this is the case, USBE Title I staff will indicate what is needed and the timeframe when follow-up information must be provided. Generally, an LEA will have 2 weeks in which to provide the requested information. Once the additional evidence and/or information is submitted, reviewed, and approved, the USBE Title I staff will indicate the compliance item is "Resolved" and no further action is required.

Corrective Action Plan

There may be instances when an LEA is not in compliance with an item and will be required to follow a corrective action plan (CAP). A CAP is developed in collaboration between the LEA and USBE staff. The action plan will identify the necessary steps that an LEA must follow to correct the noncompliant item(s), including timelines for completion. USBE Title I staff is responsible for ensuring that the conditions of the CAP are met by the LEA on or before the agreed upon date. In the event the CAP conditions are not met, either a revised plan is submitted by the LEA and approved by USBE or a "Progression of Consequences" will be implemented to assist the LEA in meeting the Title I, Part A requirements.

Desktop Monitoring Final Approval

The USBE Title I staff will indicate final approval of reviewed Desktop Compliance Monitoring items in the DMI system as "Accepted." An automated Title I, Part A Monitoring message to appropriate LEA and USBE staff will be sent indicating that it was "Accepted" with no further action needed.

Fiscal Monitoring

The Utah Consolidated Application (UCA) and the Utah Grants system are web-based tools designed to help manage Federal and State grants. The online system includes processes to help LEAs manage their Title I, Part A funding applications, grant requests, grant submissions, and plan and/or budget amendments/revisions. LEA Title I, Part A applications are monitored by the State's Title I team for approval. USBE's use of the [UCA](#) will be discontinued at a future date and all Title I actions will move to the [Utah Grants System](#).

X. GLOSSARY

1. **CFR:** Code of Federal Regulations (CFR) is the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government of the United States.
2. **CSI:** Comprehensive Support and Intervention is a term used in school improvement under the Every Student Succeeds Act. Schools designated as CSI schools include: (a) Title I schools that fall within the lowest-performing 5% of Title I schools in the State averaged over 3 years, (b) all public high schools with 4 year cohort graduation rates less than 67% averaged over 3 years, and (c) Title I schools that were previously identified for Targeted Support and Intervention (TSI) that haven't made adequate improvement after a 4 year period.
3. **EBPs:** Evidence-Based Practices from section 8101(21)(A) of the ESEA means an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on: (1) strong evidence from at least one well-designed and well-implemented experimental study; (2) moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or (3) promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or (4) (a) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and (b) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.
4. **ED:** The U. S. Department of Education.
5. **EDGAR:** Education Department General Administrative Regulations contains the regulations that govern federal education grants.
6. **ESEA:** The Elementary Secondary Education Act (ESEA) was signed into law in April 1965 by President Lyndon B. Johnson. ESEA established the Title I program as part of the War on Poverty.
7. **ESSA: The Every Student Succeeds Act (ESSA)** represents the latest Congressional reauthorization of the Elementary Secondary Education Act. The ESSA was signed into law on December 10, 2015, by President Barack Obama.
8. **IDEA:** The Individuals with Disabilities Education Act
9. **LEA:** Local Education Agency represents a local school district, a charter school that operates multiple campuses, or a single campus charter school.
10. **MOE:** Maintenance of Effort

11. **NCLB:** The No Child Left Behind (NCLB) Act was the 2001 Congressional reauthorization of the ESEA. It was signed into law by President George W. Bush.
12. **PAR:** Personnel Activity Report
13. **PFE:** Parent and Family Engagement
14. **PNP:** Private non-profit school
15. **SEA:** State Education Agency, i.e., in Utah this is the office of the Utah State Board of Education.
16. **SNS:** Supplement not Supplant
17. **SW:** Schoolwide Title I School (all students benefit from the Title I program)
18. **TA:** Targeted Assistance Title I School (only students identified as the most academically at-risk participate in the Title I program)
19. **Title I, Part A:** Improving Basic Programs Operated by Local Education Agencies
20. **Title I, Part C:** Education of Migratory Children (Migrant Education)
21. **Title I, Part D:** Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-risk
22. **Title II, Part A:** Supporting Effective Instruction
23. **Title III, Part A:** English Language Acquisition and Language Enhancement
24. **Title IV, Part A:** Student Support and Academic Enrichment Grants (Competitive)
25. **Title IV, Part B:** 21st Century Community Learning Center Grants (Competitive)
26. **Title V, Part B:** Rural Low-Income Schools (identified by the U. S. Department of Education)
27. **Title VI:** American Indian and Alaskan Native Education
28. **Title VII, Part B:** McKinney-Vento Homeless Education Act
29. **TSI:** Targeted Support and Intervention School is a term used in school improvement under the Every Student Succeeds Act. Schools designated as TSI schools include any public school in which one or more disaggregated group of students is under-performing.

30. **UGG:** Uniform Grant Guidance delineates the fiscal regulations that govern federal grants.

31. **USBE:** The Utah State Board of Education and its staff.

DRAFT

Y. USBE ESEA and RELATED STATE INITIATIVES (ERSI) TEAM CONTACT INFORMATION

The Title I, Part A program is part of the Student Support Services Section, ESEA Federal Programs and Related State Initiatives (ERSI) Team, at the Utah State Board of Education.

ERSI Team Member & Title	Role	Contact Information
Dr. Rebecca (Becky) Donaldson Educational Coordinator	State Title I Director State Ombudsman School Improvement Coordinator ERSI Team	Rebecca.doaldson@schools.utah.gov 801-538-7869
Becky Peters Executive Secretary	ERSI Executive Secretary School Improvement	Becky.peters@schools.utah.gov 801-538-7712
Val Murdock Education Specialist	Title I Monitoring & Teacher Loan Forgiveness Assistant Ombudsman	Val.murdock@schools.utah.gov 801-538-7975
Sandra Grant Education Specialist	ERSI Fiscal Specialist & Title V-B Rural Low-Income Schools	Sandra.grant@schools.utah.gov 801-538-7844
(Vacant) Fiscal Compliance Manager	ERSI Fiscal Compliance/ Auditor	TBD
Dr. Max Lang Education Specialist	State School Turnaround & ESSA School Improvement	Max.lang@schools.utah.gov 801-538-7725
Leslie Evans Education Specialist	ESSA School Improvement & State School Turnaround	Leslie.evans@schools.utah.gov 801-538-
Sheryl Ellsworth Education Specialist	Parent, Family, & Community Engagement	Sheryl.ellsworth@schools.utah.gov 801-538-7733
Renée Medina Secretary	Migrant, Homeless, 21 st CCLC, & Monitoring	Renee.medina@schools.utah.gov 801-538-7704
Jeff Ojeda Education Specialist	Title I-C Migrant & Title VII-B McKinney-Vento Homeless Education	Jeff.ojeda@schools.utah.gov 801-538-7945
Murray Meszaros Education Specialist	Title I-D Neglected and Delinquent Programs	Murray.meszaros@schools.utah.gov 801-538-7870
Jeannie Rowland (T & L) Education Specialist	Title II-A Effective Teachers and Leaders	Jeannie.rowland@schools.utah.gov 801-538-7923
Dr. Christelle Estrada Education Specialist	Title III English Learners, Immigrants, Refugees	Christelle.estrada@schools.utah.gov 801-538-7888
Joleigh Honey (T & L) Educational Coordinator	Title IV-A Academic Enrichment and Student Support Grants & STEM Coordinator	Joleigh.honey@schools.utah.gov 801-538-7794
Kamille Sheikh Education Specialist	Title IV-B 21 st Century Community Learning Centers	Kamille.sheikh@schools.utah.gov 801-538-7825
Dr. Harold (Chuck) Foster Education Specialist	Title VI American Indian	Harold.foster@schools.utah.gov 801-538-7838

ERSI Team Member & Title	Role	Contact Information
Daphne Prince Secretary	Title I-D, Title III, Title VI	Daphne.prince@schools.utah.gov 801-538-7803
Robert Palmer Education Specialist	Intergenerational Poverty Grants & Partnerships for Student Success	Robert.palmer@schools.utah.gov 801-538-7629
Kellie Smith Secretary	Utah Consolidated Grants Application (UCA) Help Desk Support	Kellie.smith@schools.utah.gov 801-538-7744

DRAFT

Appendices:

APPENDIX A:

EXAMPLE OF REQUEST TO WAIVE THE PROVISION OF THE CARRYOVER LIMITATION FOR TITLE I PART A FUNDS

Rebecca Donaldson, Title I
Utah State Board of Education
250 East 500 South
PO Box 144200
Salt Lake City, UT 84114-4200

Dear Dr. Donaldson:

I am writing on behalf of [NAME OF LOCAL EDUCATION AGENCY (LEA)] to request a waiver of the limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) that not more than 15 percent of the funds allocated for Title I, Part A for any fiscal year may remain available for obligation for one additional fiscal year. The LEA is requesting to carryover \$[INSERT DOLLAR AMOUNT OF FUNDS AND PERCENT OVER 15%]. The waiver is needed because it would be reasonable and necessary due to [INSERT RATIONALE FOR THE NEED FOR A WAIVER; i.e., WHY FUNDS WERE NOT EXPENDED IN THE CURRENT FISCAL YEAR, ANY OTHER INFORMATION THE LEA THINKS IS PERTINENT].

[LEA] believes that the requested waiver will provide the LEA with the flexibility it needs to spend its FY [20XX-XX] Title I, Part A funds thoughtfully over the remainder of this year and next year on activities that are most likely to increase the quality of instruction and improve the academic achievement of students. [DESCRIBE THE ACTIVITIES.] Accordingly, [LEA] believes that, ultimately, the requested waiver may help more schools within the district meet annual goals by enabling schools to direct funds thoughtfully to activities that will help in this regard. With the requested waiver, the LEA ensures that it will continue to assist the same populations served by the Title I, Part A programs for which the waiver is being requested in accordance with all applicable program requirements. Attached is the budget detailing what the carryover funds will be used for, if approved. The LEA understands that it can only request a carryover waiver once every three years and it affirms that it has not requested a carryover waiver in the past three years. [ATTACH PROPOSED CARRYOVER BUDGET].

If you have any questions, please contact me at [CONTACT INFORMATION]. Thank you for your consideration in this matter.

Sincerely,

[Signature]
[Type Name]
[Title]

cc: LEA Superintendent

Appendix B: Sample Monitoring Checklist

Area Monitored	SAMPLE Documentation
LEA Report Card	<ul style="list-style-type: none"> ● Copy of the LEA Report Card. ● Documents to support public dissemination of the report: (e.g., news article containing the report, newsletter containing the report, cover letter for report, memo to schools, website, etc.).
LEA Plans	<ul style="list-style-type: none"> ● Meeting notices, meeting agendas, attendance rolls, minutes of meetings, questionnaires, surveys, other relevant documents demonstrating stakeholder consultations ● The LEA Plan
Eligible Attendance Areas	<ul style="list-style-type: none"> ● Child Nutrition report/certification ● Copy of allocation procedures ● Title I budgets for selected schools ● Recent expenditure report, budget report ● Meeting notice(s), meeting agendas/minutes, sign-in sheets for determining set-asides in consultation with stakeholders
Schoolwide Programs	<ul style="list-style-type: none"> ● School Improvement Plans for selected schools ● Sample documents used in conducting needs assessment (e.g., test data, surveys, discipline reports, attendance reports, etc.) and summary of needs assessment. ● Samples of meeting notices, meeting agendas/minutes/sign-in sheets demonstrating stakeholder consultation ● School-level parent engagement plans describing how the school will implement the LEA Parent/Family Engagement Policy (PFEP) ● School-level parent engagement plans aligned with findings of the previous year's evaluation and needs assessment ● Certification data and principal's attestation statements ● Records of professional development activities/opportunities ● Records of recruitment and retention plans ● Evidence of annual public meeting ● Evidence of families included in meaningful way two-way communication ● Evidence of collaboration with community resources ● Documents demonstrating transition strategies between school and preschool programs and other transition plans as appropriate (e.g., between elementary and middle school programs, and middle and high school programs, or for helping students make the transition from early childhood programs to elementary or from elementary to middle, and middle to high school) ● Samples of Personal Education Plans and/or Instructional Intervention Plans ● Samples of school communications to parents
Targeted Assistance Schools	<ul style="list-style-type: none"> ● Needs assessment data including summary of needs ● A copy of selection procedures, multi-criteria scoring instrument, eligibility lists, participant lists for all schools with targeted assistance programs ● Documentation used for selection process preschool to grade 2, eligibility, participants list, and records of meetings with Title I staff in participating schools and/or preschool programs. ● Program narratives for all schools with targeted assistance programs ● Copy of curriculum and instructional materials used for Title I, research literature supporting selected program

Area Monitored	SAMPLE Documentation
	<ul style="list-style-type: none"> ● Duty rosters for school staff and Title I teacher schedules ● Student portfolio samples including ongoing assessment data ● School-level parent engagement policy, records of meetings, training sessions, communication, and signed parent compacts
Pre-K (if applicable)	<ul style="list-style-type: none"> ● Rosters of enrolled students and students on the waiting list ● Process for enrollment including screening results and other selection criteria (teacher/parental input) ● Rank order list of students ● Copy of curriculum, daily classroom schedules, sample lesson plans, sample child assessment documentation ● Samples of school communication to families (primary language), records of meetings, training sessions, etc.
Parent and Family Engagement	<ul style="list-style-type: none"> ● LEA Parent and Family Engagement Policy ● Notice of parent meetings, agendas, minutes, sign-in sheets, records of parent comments to support dissemination procedures. ● Title I budget reflecting required set-aside, distribution procedures of funds to participating schools, and samples of expenditures to date
Fully State Certified Qualifications for Teachers and Paraprofessionals	<ul style="list-style-type: none"> ● LEA assurance that all teachers working in a Title I program meet State licensure requirements ● LEA assurance that all paraprofessionals working in a Title I program are highly qualified as required by ESEA ● LEA professional development plan ● Evidence of professional development aligned to needs and PD evaluations ● Samples of Professional Development Plans, etc. ● Copies of parents' right-to-know notifications
Private School Participation	<ul style="list-style-type: none"> ● Letters to private schools, notice(s) of meetings, meeting agendas, meeting minutes for initial consultation on plan development ● Notice of meetings, meeting agendas, meeting minutes for participating private school ongoing consultations, Private school/LEA set asides, purchase orders from private schools, program description, FTE report, contracted services documents (if applicable)
Fiscal Requirements	<ul style="list-style-type: none"> ● Supplement not Supplant methodology the LEA used to allocate State and local funds to each school receiving assistance ● Copy of the LEA's policies/procedures for purchasing/procurement, fixed assets, and other internal control policies ● Time and Effort documentation (i.e., Personnel Activity reports, Semi-annual Certifications, etc.) ● List of payments for contracted services for all federal program funds; a sample to be reviewed will be selected from this list ● Records of equipment inventory compliant with 2 CFR 200.313 for items with a useful life greater than 1 year; records of inventory reconciliation; records of equipment disposition (if applicable) ● Budget, purchase orders, cost allocation procedures (as appropriate) for preschool programs supported with Title I funds