

2018-19 Administrative Manual for Federal Programs

*Elementary and Secondary Education Act of 1965
[As Amended Through P.L. 115–64, Enacted December 10, 2015]*

- Part I: Title I.A Improving the Academic Achievement of the Disadvantaged
- Title I.D Prevention and Intervention Programs for Delinquent and At-Risk Students
- Title I.G Advanced Placement
- Title II.A Supporting Effective Instruction
- Title III.A Language Instruction for English Learners and Immigrant Students
- Title IV.A Student Support and Academic Enrichment Grants (SSAEG)
- Title VI.B Rural Education Initiative/Rural Education Achievement Program (REAP)
- Part II: Uniform Grants (UG)
- Part III: General Fiscal Guidelines



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DEPARTMENT OF EDUCATION**

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Introduction

The Every Student Succeeds Act (ESSA)

On December 10, 2015, President Barack Obama signed the bipartisan Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA) of 1965. ESSA replaced No Child Left Behind (NCLB) as the nation's primary federal K-12 education law. ESSA provides new flexibility for states and local educational agencies (LEAs) in using federal funds to ensure opportunities and success for all students. The law maintains ESEA's origins as a civil rights law, and focuses on meeting the educational needs of historically underserved students, including low-income students, students of color, English Learners, and students with disabilities, among other subgroups.

Pennsylvania's ESSA Consolidated State Plan was developed in collaboration with thousands of diverse stakeholders including consideration of over 400 comments during the public comment period in August 2017. The plan provides an outline of the commonwealth's vision for meeting the spirit and letter of the law, including promoting transparency, equity, and innovation.

The U.S. Department of Education (USDE) approved Pennsylvania's Consolidated State Plan on January 16, 2018.

The commonwealth's education vision is grounded in the following:

- Historic investments in public education – collaboration between Governor Wolf and the General Assembly to provide historic increases in state funding for K -12 education with increases in the Basic Education Formula driven out through a newly adopted funding formula that considers both student-based factors and district-based factors;
- Diverse measures of school success – development of a new, public-facing school progress report which will debut in Fall 2018 and broadens the indicators used to measure school success including an emphasis on growth; a career ready indicator in elementary, middle, and high school; and a measure of postsecondary activity;
- High-quality early childhood education – a sustained increase in funding for high-quality early childhood education as well as focused professional development to improve alignment between pre-k and k-3 and help principals improve their knowledge and practice in the early learning context; and
- Investment in great teachers and leaders – the Secretary's Superintendents' Academies, now serving a second two-year cohort with a focus on system leadership for equity and postsecondary readiness; the successful Pennsylvania Inspired Leaders (PIL) program which focuses on foundational concepts in school leadership and equity; and work to develop a national system of credentialing for principals.

Pennsylvania places a high value on decisions made locally by communities and local leaders. Pennsylvania's Consolidated State Plan recognizes that ESSA provides significant autonomy and flexibility at both the state and local levels for spending federal funds. As such, the State Plan articulates certain priorities that promote student success while providing flexibility for LEAs and communities to make their own decisions about how to use federal funds, driven by students' needs, determined within a local context, as appropriate. These priorities include:

- Development of innovation and capacity in STEM opportunities for all students including access to technology and computer science;
- Provision of equitable opportunity for advanced coursework including Advanced Placement, International Baccalaureate, and Dual Enrollment with college credit;
- Expansion of Career and Technical Education programs and coursework to provide additional pathways to postsecondary success, high value industry credentials and work based experiences;
- Development of a community schools model to engage community supports and help meet the non-academic needs of children;
- Enhancement of school climate to provide a safe and nurturing environment for teaching and learning;
- Engagement of parents and families to promote academic, social, and emotional success for every child;
- Promotion of strategies for successful transitions for students from early childhood through postsecondary success;
- Personalized Learning including equitable access for every child to a “well- rounded” education that includes English, reading and language arts, health and physical education, science, technology, engineering, and math (STEM), music and the arts, social studies, civics, and world languages; and
- Professional Development for educators including culturally responsive and trauma-informed concepts and competencies.

Document Features

This manual aims to provide Pennsylvania federal program coordinators and LEA administrators with the information needed to successfully conduct federal programs that are in compliance with state and federal requirements, including law, regulation, and guidance.

Boxes are used throughout this manual to highlight information and emphasize requirements LEA personnel need to know. If requirements are not met, an LEA's program is considered out of compliance, which will result in the need for corrective action and may result in the reduction of federal education funds.

Questions and Technical Assistance

LEAs are also encouraged to contact PDE with questions. Technical assistance and support are available through PDE's Division of Federal Programs (DFP).

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Key Terminology

This section is provided to help you understand key terms used in this manual.

Administrative Costs - Expenditures associated with the management of a program.

Allocable - The goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds charged to the program.

Appropriate State Certification – Requirement 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.

Attendance Area - The geographic area served by a particular school.

Carryover - The portion of the allocation not expended by the end of the grant period which is added to the available funds in the following fiscal year.

Catalog of Federal Domestic Assistance (CFDA) - A government-wide compendium of federal programs, projects, services, and activities. It identifies financial and non-financial assistance programs by a standard code.

Comprehensive Support and Improvement (CSI) Schools - The lowest-performing 5 percent of Title I schools in the state identified pursuant to the accountability system described in Pennsylvania's ESSA State Plan; any public high school failing to graduate one-third or more of its students; and Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as students in the lowest-performing 5 percent of Title I schools, and that has failed to improve after the school has implemented a targeted support and improvement plan over a four year-span.

Consolidated LEA Plan – A state-approved LEA plan for implementing the Titles I, IIA, III, and IVA.

Contract/Price Analysis - An analysis that must be performed by an LEA in connection with every procurement action in excess of \$150,000, including contract modifications.

DUNS - In order to receive federal funds as a subrecipient, an organization must have a DUNS number and active System for Award Management (SAM) registration at the time of application. The DUNS number is a nine-digit identification number that uniquely identifies business entities. Obtaining a DUNS number is free and is requested at the Dun & Bradstreet (D&B) D-U-N-S Request Service for US Federal Government Contractors and Assistance Awardees website.

eGrants - The Pennsylvania Department of Education's grants management system that provides licensed educational agencies and community-based programs with online access to grant applications.

English Learner (EL) - Refers to speakers of other languages in the process of learning English. ESL/LEP acronyms were used in prior years. English learners (ELs) have been among

the fastest-growing populations in our nation's schools. ELs comprise nearly 10 percent of the student population nationwide, and in many schools, LEAs, and states; ELs account for an even higher percentage of the student population. ELs also comprise a highly diverse group of students who bring with them valuable cultural and linguistic assets, including their home languages.

Equipment – Tangible, non-expendable, personal property having a useful life of more than one year and/or an acquisition cost of more than \$5,000.

Excess Funds - Carryover funds that exceed the maximum carryover.

Expenditure of Funds - Payment for obligations made during a fiscal year.

Federal Funding Accounting and Transparency Act (FFATA) – The Federal Funding Accountability and Transparency Act of 2006 (FFATA) affects ALL federal funds – the FFATA form has been incorporated into eGrants to ensure that all required subrecipient award information is included with each application.

PLEASE NOTE: FFATA is referred to as Funding Accountability and Transparency Data (FAAT) in the eGrants system.

Final Approval - The date determined by the Division of Federal Programs that the Consolidated Application is complete and acceptable.

Focus School - Lowest 10 percent of Title I schools (based on highest achievement gap for the Historically Low Performing students Annual Measurable Objective (AMO)). The aggregate achievement gap in this calculation is for combined Mathematics/Reading Pennsylvania System of School Assessment (PSSA) (and/or Algebra I/ Literature Keystone Exams) OR Title I school with a graduation rate below 60 percent OR test participation below 95 percent AND not a Priority school. Following the transition year of 2017-18, the category of Focus Schools is eliminated for the purpose of federal accountability.

Full-Time Equivalency (FTE) - The amount of time an employee spends in fulfilling his/her assignment. One FTE is a full-time employee. If not full-time, the FTE is usually expressed as a decimal fraction to the nearest tenth. As a data element in the Consolidated Application, FTE refers to salaried positions or those paid on an hourly rate rather than those receiving stipends for one-time events.

Hold-Harmless (Title I) - The percentage of a given fiscal year's allocation guaranteed to an LEA the following fiscal year.

Local Educational Agency (LEA) – As used in this manual, LEA refers to school districts and charter schools.

Micro Purchases - A purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed \$3,500.

Necessary Cost - A key aspect in determining whether a cost is necessary is whether the LEA can demonstrate that the cost addresses an existing need and can prove it.

Obligation of Funds - A purchase order, a contract, or grant awarded, a service, or similar transaction during a given period that requires payment by the recipient. Funds may not be obligated before July 1 or the substantially approvable date, whichever comes later.

Ombudsman – Serves to help ensure equitable services and other benefits for eligible private school children, teachers and other educational personnel, and families, and monitors / enforces ESSA equitable services requirements under both Title I and Title VIII.

Paraprofessionals/Instructional Assistants – Non-certified staff who work under the direct supervision and presence of a certified teacher. Paraprofessionals must meet the appropriately state certified requirements as outlined in ESSA and Certification Staffing Policies Guidelines (CSPGs) 101 in order to work in a Title I program or be paid by Title I.

Priority School – Lowest 5 percent of Title I schools (based on aggregate mathematics and reading proficiency for PSSA and/or Algebra I/literature for Keystone Exams) OR Title I school receiving School Intervention Grant funds. Following the transition year of 2017-18, the category of Priority Schools is eliminated for the purpose of federal accountability.

Reallocated Funds - Funds redistributed among eligible LEAs.

Reasonable Cost - A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made.

Reconfigurations (School Reconfigurations) - School districts find it necessary from time to time, to make changes to their school organization. Examples of changes include opening or closing a school, changing the grade structure or name of a school, and closing a school building. Sometimes these changes can affect any associated federal designations. Please contact your regional coordinator for further assistance on specific scenarios.

Rural Education Achievement Program (REAP) - See Small Rural School Achievement (SRSA).

Sealed Bids - Purchases over \$150,000. Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the lowest responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids.

Selection of Schools (SOS) – The part of the data entry wizard of the consolidated Federal Program Application used to determine which buildings are eligible for Title I allocations and services and the building level budgets.

Single Attendance Area - An LEA that does not have the same grades in more than one building.

Small Purchases - Purchases between \$3,500 and \$150,000.

Small Rural School Achievement (SRSA) - Funding source for small rural schools that comes directly from the U.S. Department of Education under Title VI; therefore, these funds are not included in the Consolidated Application. LEAs may use these funds to support the programs

included in the Consolidated Application. LEAs eligible for these funds are also called REAP schools.

Subgrantee Risk Assessment - Is completed on all LEAs that receive federal funds. To determine risk the following factors may be used: timely submission of reports, previous year monitor/audit findings, excessive carryover, allocation, suspension of funds, new charter school, and new Federal Program Coordinator, Business Manager, and/or Superintendent/CEO. Based on the points assessed, each LEA will receive a high, medium, or low risk category for monitoring purposes.

Substantially Approvable - The Consolidated Application is considered to be in substantially approvable form when all of the required items have been received by the Division of Federal Programs (DFP). An LEA may begin to obligate funds as of the substantially approvable date (the date on which the final required item is received by DFP or July 1, whichever is later), even though the application may not yet have been given final approval.

System for Award Management (SAM) - The DUNS number is used to register in the System for Award Management for LEAs to submit an application. Recipients of federal funds must maintain an active registration in SAM. Failure to maintain a current SAM registration will result in the subrecipient's funds being frozen until registration is renewed. Funds will only be released upon verification of renewal of SAM registration for an expired subrecipient.

Targeted Support and Improvement (TSI) Schools - Schools with one or more consistently underperforming subgroups based upon the accountability system described in Pennsylvania's ESSA State Plan.

Transferability - The flexibility an LEA has to move up to 100 percent of funds out of Title II.A and Title IV.A into Title I.A, Title I.C, Title I.D, Title II.A, Title III.A, Title IV.A, and Title V.B.

Uniform Guidance (UG) - The Federal Government updated and condensed all federal grants guidance documents into one uniform guidance document that will apply to ALL federal grants. Uniform Guidance (UG) went into effect on December 26, 2014. It applies to every federal funding source in each LEA, regardless of whether the funds come from USDE or another federal awarding agency. The purpose is to eliminate fraud, waste, and abuse.

Federal Programs Acronyms: What does that mean?

AFR – Annual Financial Report

AMO – Annual Measurable Objective

ASC – Appropriately State Certified

CEP – Community Eligibility Provision

CFDA – Catalog of Federal Domestic Assistance

CSI – Comprehensive Support and Improvement

DFP – Division of Federal Programs

EDGAR – Education Department General Administrative Regulations

EL – English Learner

ELD – English Language Development

ESEA – Elementary and Secondary Education Act

ESSA – Every Student Succeeds Act

ESL – English as a Second Language

ESOL – English for Speakers of Other Languages

FER – Final Expenditure Report

FFATA – Federal Funding Accountability and Transparency Act

FTE – Full-Time Equivalency

GED – General Education Diploma

GEPA – General Education Provisions Act

IDEA – Individuals with Disabilities Education Act

IEP – Individualized Education Plan

IGA – Intergovernmental Agreement

IU – Intermediate Unit

LEA – Local Educational Agency

LEP – Limited English Proficient

N or D – Neglected or Delinquent

PFE – Parent and Family Engagement

PSSA – Pennsylvania System of School Assessment

REAP – Rural Educational Achievement Program

RLIS – Rural Low Income School

SAM – System for Award Management

SEA – State Educational Agency

SPAC – State Parent Advisory Council

SRSA – Small Rural School Achievement

TSI – Targeted Support and Improvement

UG – Uniform Guidance

PART I – PROGRAM

Section 1 – General Guidelines

LEA Consolidated Plan

An LEA may receive Title I, II.A, III, and IV.A funds only if the LEA has a state-approved LEA plan for implementing the programs. The LEA plan is to be developed in consultation with teachers, principals, administrators, other appropriate school personnel including paraprofessionals and specialized instructional support personnel, and parents/family members of children in schools served with Title I funds. Each LEA is required to review the LEA plan annually and to make any necessary changes.

Any program changes must be included in the Consolidated Application and be approved by the Regional Coordinator prior to implementation. Revisions to the LEA plan are made in eGrants and submitted for approval.

Reduction upon Program Cessation

Federal funds awarded to LEAs are intended to support program purposes during the full term of the applicable grant agreement with the LEA. In the event that the LEA ceases operating the approved program or programs funded prior to the end of the term of the applicable agreement, the award shall be automatically reduced on a pro rata basis for the actual number of days of operation of the program. Without limitation of any other remedies to which it is entitled, in the event of such program cessation or in anticipation of any expected cessation, PDE may, in its sole discretion, terminate the monthly payments to the LEA and withhold any of the remaining funding granted under any applicable grant agreement until the Department has been provided appropriate documentation concerning any claimed program expenses through the last date of program operation.

School Reconfigurations and Closings

LEAs find it necessary, from time to time, to make changes to their school organizations. Examples of changes include opening or closing a school building or changing the grade structure or name of a school. The following laws and regulations apply to these changes and require the approval of the Department.

Laws and regulations for school closings

1. 22 Pa. Code § 349.28: Closing of school buildings to K-12 educational use.
2. Article V, 24 PS § 5-524: Closing school or department; notice to and suspending employees; other employment.
3. Article VII, 24 PS § 7-780: Public hearing prior to closing school.
4. Article XIII, 24 PS § 13-1311: Closing schools.
5. 22 Pa. Code § 4.41(c): Scheduling [approval of the Department for changes].

An LEA should also consider whether statutory provisions related to the furloughing of school personnel are relevant and should consult with its solicitor in that regard.

Laws and regulations for any configuration change

- 22 Pa. Code § 4.41(c): Scheduling [approval of the Department for changes].

Email submission of all proper documentation is required for configuration changes.

- In order for changes to be effective for the coming school year, all changes must be submitted to and received by the Department by July 31 (or the last Friday before July 31, if July 31 falls on a weekend). The Department will not authorize changes for the coming school year before June 14, regardless of the date sent.
- The effective date of approved school organization changes will be July 1 of the new school year, regardless of the date received and processed.
- Once configuration changes are approved, the Division of Data Quality will update EdNA v.2. LEAs will not need to update EdNA v.2.
- The Division of Data Quality will contact the Superintendent when their work is complete and will supply the Superintendent with the branch codes for new schools or with changes to the school's four-digit branch code, where necessary.
- This approval does not necessarily mean any federal designation statuses change.
- Approved configuration changes do not imply approval for curtailments or furloughs.

Please send email communications to ra-school-configs@pa.gov.

Parent/Family Members Notification

The Every Student Succeeds Act (ESSA) requires LEAs receiving federal funds to provide notifications to parents/family members as described below.

1. LEAs must annually disseminate Federal Programs Complaint Resolution Procedures to parents/family members of students and appropriate private school officials or representatives.
2. At the beginning of each school year, a participating LEA must notify the parents/family members of each student attending a building that receives Title I funds that they may request information regarding the professional qualifications of their child's classroom teachers and any paraprofessionals providing services to their child. This information must be provided by the LEA in a timely manner.
3. A building that receives Title I funds must provide all parents/family members notice that their child has been assigned to, or has been taught for four or more consecutive weeks by, a teacher or a person who is not appropriately state certified.
4. Within 30 days after the beginning of the school year, an LEA must inform parents/family members that their EL child has been identified for participation in a language instruction educational program.

Consolidated Application

LEAs applying for federal funds must annually submit the Consolidated Application in eGrants.

To access the online application, go to <http://egrants.intranet.ed.pa.lcl/Home.aspx>.

Funds may not be obligated for a given year until July 1 or the date a substantially approvable application is received by DFP, whichever comes later. Therefore, LEAs are encouraged to submit the application by July 1. DFP expects that all applications will be submitted no later than September 30, so that programs supported by these funds may begin with the school year.

To receive a substantially approvable date, the LEA must have submitted these components for your Consolidated Application:

- Consolidated Application (and revisions, if needed), submitted in eGrants reviewed and approved by the LEA's DFP Regional Coordinator;
- Nonpublic Affirmation of Consultation form for Titles I-A, II-A, III, and IV if applicable;
- Consortium signoff (online), if applicable;
- Title I.D Neglected or Delinquent form, if applicable;
- School Level/Improvement Plan, required by all schools operating a Schoolwide Program; and
- A Grant Agreement, signed and dated electronically or a pen and ink signature provided by the Superintendent, CEO, or Board designee.

If required components are received by DFP separately, the approval date will be the date on which the final component is received. For LEAs serving nonpublic schools with Title I funds, the application will not be approved unless services for nonpublic schools have been budgeted, or documentation indicates that services were declined.

Expenditures that require prior approval:

- Salaries of administrative staff (Clerical and Federal Program Coordinators) are to be included in the eGrants application and approved by the DFP Regional Coordinator prior to obligating funds.
- Out of state travel requires DFP pre-approval on a case by case basis. To attend workshops and/or conferences out of state an LEA must include a breakdown of costs including the number of staff, cost incurred per person for travel and lodging, meals, registration, and any incidentals. The LEA must document how it has determined out of state travel as the most cost effective way to provide the training. If applicable, the LEA should contract with a speaker to present on site and train more teachers using less funds. Prior to obligating funds, written approval must be obtained from the LEA's DFP Regional Coordinator.
- Entertainment Costs, Equipment, Student Activity Costs, Memberships, Subscriptions, and Professional Activities costs must be included in the approved Consolidated Application budgets and /or narratives, or the LEA must contact its DFP Regional

Coordinator to request approval for expenditures prior to obligating funds.
Documentation must be kept on file as required¹.

If a request is not included in the LEA's Consolidated Application for approval, the LEA must submit the request to its DFP Regional Coordinator for approval prior to obligating funds and if approved add to the application during a revision or funding adjustments.

Late Submission of Consolidated Applications

An LEA that fails to submit a Consolidated Application for funds within the initial fiscal program period (July 1 – September 30 of the following year) will forfeit its Title I allocation unless the LEA submits the application within the carryover period for that fiscal year. If the application is not submitted by the end of carryover, then all funds will be forfeit.

The Tydings Amendment allows an LEA to carryover up to 15 percent of its Title I allocation into the carryover period. An LEA may request a waiver once every three years to exceed the 15 percent carryover limit as long as there is reasonable justification and state educational agency (SEA) approval is obtained. Failure to submit an application for funds is not considered to be "reasonable justification," therefore, the LEA will only be eligible to claim 15 percent of its Title I allocation.

The remaining amount will be reallocated to other LEAs during the reallocation process.

Program Records

All records must be retained:

- For the current year plus previous six years;
- Until any pending audits have been completed; and
- Until all audit/monitoring corrective action(s) and recommendations have been completely resolved.

These records should include but are not limited to:

- Student eligibility criteria and participation roster for targeted assistance programs;
- Assessment/performance reports;
- Consolidated applications and revisions;
- Program evaluation data; and
- Financial reports.

Retention of records may be done electronically, as long as sufficient back-up policies are in place and the LEA can ensure adequate preservation of documents.

State and Local Equity Plan Requirements

State Educational Agencies – Section 1111 (g)(1)(b) of the ESSA states that:

"Each SEA plan must include steps that the SEA will take to ensure that low income and minority children are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers, and the measures that the SEA will

¹ (UG Sec. 200.333)

use to evaluate and publicly report the progress of the SEA with respect to such description.”

Local Educational Agencies – Section 1112 (b)(2) of the ESSA states that:

“Each LEA will identify and address 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.”

What this means:

- LEAs must analyze data:
 - To identify why teachers are not appropriately state certified;
 - To determine if novice (less experienced) teachers are concentrated in specific schools;
 - To measure progress;
 - To determine if strategies in the plan are working or should be changed; and
 - To revisit the plan regularly and update as needed.

For additional information regarding Equitable Teacher Distribution Plans, please contact a DFP Regional Coordinator.

Complaint Resolution Procedures

LEAs must have board-adopted standard complaint resolution procedures for nonpublic equitable services, and for parents and families. These procedures are used to resolve allegations of violations of the federal program requirements. The procedures should be made available to the public, and a copy of the procedures should be maintained in each building. DFP has adopted written procedures in the event that a complainant disputes an LEA decision.

LEAs must annually disseminate the complaint procedures to parents/family members of students and appropriate private school officials or representatives.

A sample of complaint resolution procedures is available on the [DFP webpage](#).

Monitoring

Based on the new requirements provided under the Uniform Guidance, PDE created a Subgrantee Risk Assessment that is completed on all LEAs that receive federal funds. To determine risk the following factors may be used:

- Timely submission of reports;
- Previous year monitor/audit findings;
- Excessive carryover;
- Allocation;
- Suspension of funds;
- New charter school; and

- New personnel including Federal Programs Coordinator, Superintendent/CEO, and Business Manager.

Monitoring typically occurs from January through May of each year. When an LEA is due for a review, they are required to complete a self-assessment, using an assigned username and password provided by DFP, online at www.federalmonitor.com/pa.

The monitors conducting LEA reviews are typically retired administrators that are hired and trained by DFP staff. Monitors will use the self-assessments completed by the LEA to verify compliance of each federal program requirement for Titles I Part A, I Part D, IIA, III, IV, Uniform Guidance and Fiscal Review, REAP, and Ed-Flex Waivers. LEAs will have access to their final monitoring report which is also stored online at www.federalmonitor.com/pa. It can be viewed and printed after logging in with the same DFP assigned username and password. All LEAs are placed on a four-year monitoring cycle beginning with 2016-17 as year one.

Findings of Non-Compliance

LEAs can be found to be non-compliant in various ways:

- Single audits;
- Complaints filed with PDE/USDE;
- Fiscal review;
- On-site monitoring; or
- Application reviews.

If an LEA is found to be out of compliance in one or more areas during an on-site monitoring visit or as a result of a desk audit, a Corrective Action Plan is generated through FedMonitor. Corrective Action documentation must be submitted to DFP within a reasonable period of time (generally within two months unless otherwise indicated in follow-up letter from DFP).

- Failure to respond adequately with submitted documentation of corrective action may result in the following consequences: DFP may suspend further payments of programs in the current Consolidated Application until appropriate documentation is provided;
- Consolidated Application for the following year will not be approved; or
- Denial of the use of funds for all or part of the cost of the program activity not in compliance; or
- Refund of the money determined to have been misused, if applicable.

Upon review of evidence, DFP will send a final letter indicating compliance issues have been resolved.

Equitable Services for Nonpublic School Children²

Annually, an LEA must contact officials of nonpublic schools with children who reside in an attendance area of an eligible and participating school within the LEA, regardless of whether the nonpublic school the children attend is located in the LEA. The LEA must maintain

² (ESEA section 1117)

documentation signed by an official nonpublic representative that affirms required consultation has occurred. The results of agreement following consultation must be transmitted to the SEA's equitable services ombudsman.

LEAs must make available equitable services to eligible nonpublic school children, their teachers, and other educational personnel. Once an LEA has established the participating public school attendance areas, the first step is to determine the number of children from low-income families residing in each participating public school attendance area who attend public schools and private schools. The LEA would then determine the overall proportion of children from low-income families who reside in participating public school attendance areas and who attend public schools and private schools. Using the proportion of children from low-income families who attend private schools, the LEA would determine the amount of funds available for equitable services based on that proportionate share of the LEA's total Title I allocation.

The ESEA includes separate provisions governing equitable services for eligible private school students, teachers and other educational personnel, and families under Title I and programs covered under Title VIII, Part F, Subpart 1, Uniform Provisions Subpart 1—Private Schools: Equitable Services for Private School Students, Teachers, and Other Educational Personnel (Title VIII). Many of those requirements remain unchanged from requirements under the ESEA as amended by NCLB. The ESSA, however, made a number of significant changes. Some of those changes are common to the equitable services requirements under both Title I and Title VIII; others are different.

Timely and Meaningful Consultation

The requirements for consultation under Title I are in section 1117 of ESSA of the Title I statute and 34 C.F.R. 200.63.

Consultation with officials from nonpublic schools is an essential requirement in the implementation by an LEA of an effective Title I program for eligible nonpublic school children, their teachers, and their families.

Consultation involves discussions between public and nonpublic school officials on key issues that affect the ability of eligible private school students to participate equitably in Title I programs.

Accordingly, ESEA sections 1117(b)(1) and 8501(b)(1) state the goal of consultation is agreement between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children. In order to ensure timely consultation, LEAs should begin the consultation process early enough in the decision-making process to allow for participation of private school students and teachers at the start of each school year and should be ongoing throughout the year.

Consultation must occur before the LEA makes any decision affecting the opportunities of nonpublic school children to participate in Title I programs. In consultation with nonpublic school officials, the LEA must also establish criteria to determine which nonpublic school children are eligible and, within the eligible group, which children will be served. If the LEA, in consultation with nonpublic school officials, determines that it is inappropriate to select nonpublic children on the basis of state standards, then the LEA must select nonpublic school children who are at risk

of failing to meet high levels of achievement comparable to those required by the state's standards.

The "goal of reaching agreement" between an LEA and appropriate private school officials is grounded in timely, meaningful, and open communication between the LEA and the private school officials on key issues that are relevant to the equitable participation of eligible private school students, teachers and other education personnel, and families in ESEA programs.³

The topics subject to consultation have been expanded to include the following:

- How the proportion of funds allocated for equitable services is determined;
- Whether the LEA will provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
- Whether to provide equitable services to eligible private school children by pooling funds or on a school-by-school basis;
- When, including the approximate time of day, services will be provided; and
- Whether to consolidate and use funds available for Title I equitable services in coordination with eligible funds available for equitable services under programs covered under section 8501(b) to provide services to eligible private school children in participating programs.

The written affirmation that consultation has occurred must provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children.⁴

Nonpublic Use of Funds

The LEA and nonpublic school officials may choose one or both of the following options for using the funds reserved for instructional services for eligible private school children:

- (1) **School-by-School Basis:** Provide equitable services to eligible children in each nonpublic school with the funds allocated for the children who reside in participating public school attendance areas and attend that nonpublic school.
- (2) **Pooling Option:** Combine funds allocated for private school children in all participating areas to create a pool of funds from which the LEA provides equitable services to eligible nonpublic school children who are in the greatest educational need of those services and reside in participating public school attendance areas. If it pursues this option, the LEA, in consultation with officials from the nonpublic schools, must establish criteria to determine the eligible nonpublic school students in greatest educational need who should receive services. Under this option, the services provided to eligible children attending a particular nonpublic school do not depend on the amount of funds allocated for children in that school.

³ (ESEA sections 1117(b)(1) and 8501(c)(1)(5))

⁴ (ESEA section 1117(b)(5))

Nonpublic School Participants

The LEA and nonpublic school officials decide the criteria for nonpublic school students. Title I funds may not be used to identify the nonpublic school children who are eligible to participate. Title I funds, however, may be used to select participants from among those who are eligible and to determine the specific educationally appropriate Title I services based on the needs of the nonpublic school students.

Services for Nonpublic School Children

Services as agreed upon shall be provided by employees of a public agency or through contract with an individual, association, agency, or organization independent of the nonpublic school and any religious organization. Title I services may be provided in subject areas or at grade levels that are different from those provided public school students, as long as these services are provided in the same grade-span as the services provided to public school children. These services must hold reasonable promise that the academic performance of nonpublic school participants will improve. The public LEA makes the final decisions with respect to the services provided to nonpublic children with federal funds from the consolidated federal programs. The public LEA controls funds, employment, and contracts used to provide services to nonpublic students, parents, and teachers. Services **MUST** benefit students, **NOT** the private schools, and they must follow Uniform Guidance and Procurement Procedures as applicable.⁵

Title I, A- Services, may include:

- Special educational services;
- Instructional services (including evaluations to determine the progress in meeting such students' academic needs);
- Counseling;
- Mentoring;
- One-on-one tutoring; and
- Other benefits under Title I (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment).

Equitable Share Carryover

In general, to ensure that equitable services are provided in a timely manner, an LEA must obligate the funds allocated for equitable services under all applicable programs in the year for which they are appropriated.⁶ There may be extenuating circumstances, however, in which an LEA is unable to obligate all funds within this timeframe in a responsible manner. Under these circumstances, the funds may remain available for the provision of equitable services under the respective program during the subsequent school year. In determining how such carryover funds will be used, the LEA must consult with appropriate private school officials.⁷

⁵ (ESEA sections 1117(d) and 8501(d))

⁶ (ESEA sections 1117(a)(4)(B) and 8501(a)(4)(B))

⁷ (ESEA sections 1117(b) and 8501(c))

New Requirement: Ombudsman

To help ensure equitable services and other benefits for eligible private school children, teachers, and other educational personnel, and families, an SEA must designate an ombudsman to monitor and enforce ESEA equitable services requirements under both Title I and Title VIII.⁸

The ombudsman will act as an impartial mediator, whose primary responsibilities are to provide guidance to LEAs and nonpublic school officials. The ombudsman will facilitate in the event disputes arise and a mutually agreed upon decision cannot be achieved independently through consultation. Additionally, the ombudsman will review programs as needed to ensure equitable services and other benefits for eligible nonpublic school children, teachers, other educational personnel, and families are provided correctly. The ombudsman will monitor and enforce the equitable service requirements in Titles I and VIII programs.

Nonpublic Complaint Procedures

The timeframe in which an SEA must respond to a complaint from parents, teachers, or other individuals concerning violations of ESEA section 8501, regarding the participation by nonpublic school children and teachers, is 45 days. In addition, the Secretary must investigate and resolve an appeal of an SEA's resolution of a complaint within 90 days.⁹

LEAs serving nonpublic school children are required to have Title I complaint procedures for nonpublic schools. LEAs are also required to provide a copy of the complaint procedures to nonpublic schools and verify this distribution.

⁸ (ESEA sections 1117(a)(3)(B) and 8501(a)(3)(B))

⁹ (ESEA section 8503)

Section 2 – Title I.A Improving the Academic Achievement of the Disadvantaged

Legislative Purpose

Title I was enacted to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and assessments. This can be accomplished by meeting the educational needs of low-achieving children, closing the achievement gap between high-performing and low-performing children, having high standards for all students, enriching and accelerating instruction, decentralizing decision-making, improving accountability, providing high-quality professional development, coordinating and integrating of services, expanding family involvement, extending learning time, and providing early intervention.

Annual Title I Allocation Timeline

January

- DFP receives updated census data from USDE
- DFP posts census data to website for LEAs to review
- DFP informs LEAs of census data appeal process to USDE

February/March

- Deadline for LEAs to file Census data appeal to USDE
- DFP receives preliminary Title I allocations from USDE

May/June

- DFP receives final Title I allocations from USDE (generally in late June)
 - If DFP receives final Title I allocations from USDE in a timely enough fashion, finals are posted to eGrants in time for application submission
 - If final Title I allocations from USDE are not received in a timely enough fashion, LEAs will apply using preliminary Title I allocations, and DFP will post final allocations to its website as soon as they are available, so that LEAs can plan for later amendments

July/August

- Consolidated Application due to PDE

September/October

- DFP surveys all open and operating charter schools to update enrollment figures in order to run revised Title I allocations (required by law)

January/February

- DFP releases final Title I allocations, adjusted for charter school updates, then loads those allocations onto the eGrants system in order for LEAs to submit upward/downward funding adjustments

Carryover

The time period in which grant monies can be used is known as an obligation window. If a Consolidated Application (Title I included within) is submitted and determined to be in an approvable form by the DFP prior to July 1, then a 15-month obligation window will be established beginning July 1. For example, if a 2018-19 Consolidated Application is determined to be in an approvable form prior, or up to July 1, then the obligation window will be open from July 1, 2018 until September 30, 2019. The beginning of an obligation window is contingent on when an approvable application is received by DFP, but the original end date for such a window will always be September 30.

Carryover is a provision which allows for the extension of a grant obligation window. The DFP must approve the use of carryover. If carryover is determined to be allowable, then the obligation window will be extended for an additional 12 months. In the example above, the 2018-19 obligation window would extend to September 30, 2020.

Title I carryover is capped at 15 percent per year. There is a waiver to this 15 percent cap that can be utilized once within a three-year cycle¹⁰. For more in-depth detail regarding the availability of this waiver, LEAs should contact DFP.

Title I carryover funds will always remain in the budget from the originating program year. The only time that carryover funds are accounted for during the extended obligation window is during the Reservation of Funds process. An LEA must determine if carryover funds will be used in the manner as applied for during the originating year, or if such funds will be redistributed and used in alignment with the spending plan for the year into which they were carried forward. This indication will be made within the Selection of Schools data entry wizard in eGrants.

Reservation of Funds

Before allocating Title I funds to eligible school buildings, LEAs must first reserve funds from their allocation to meet certain required (and optional) set asides. An LEA must determine the proportionate share of Title I funds available for equitable nonpublic services based on the total amount of Title I funds received, on a formula basis, plus any funds transferred into Title I via ESEA Transferability authority.

Per ESSA, nonpublic equitable share is calculated before the Reservation of Funds process. This is a significant change from NCLB where the nonpublic equitable share was calculated after the Reservation of Fund process. Nonpublic shares are not specifically calculated for Summer School and/or Professional Development (if the public school district made reservations for such programming) as was the case under NCLB. This is another change from NCLB to ESSA. Instead, such activities are allowable within the entire calculated equitable nonpublic share. For more information regarding nonpublic funds usage refer to the Nonpublic Section of this manual or refer to the USDE Guidance on Nonpublic Equitable Share which can

¹⁰ (Sec. 1127)

be found at:

https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf?utm_name.

Required:

- Parent and Family Engagement - Minimum of 1 percent set-aside for parent and family engagement if Title I allocation (including transfers) is greater than \$500,000. 90 percent of the 1 percent set aside must be used at the building level as opposed to the LEA/district level.¹¹ LEAs can reserve a percentage higher than 1 percent, and that increased reservation can be used at the LEA or building level. LEAs with Title I allocations under \$500,000 can also reserve funds for parent and family engagement as an option.
- Neglected - Allocation for Title I services provided to Neglected Institutions. A Neglected Institution is a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians. (NOTE: Most LEAs do not serve this type of institution thereby making this reservation requirement moot, but for those LEAs that do the funds should be segregated and specifically reserved.)
- Homeless Children and Youth - Set-aside for providing Title I services and support services to homeless students attending Title I and non-Title I schools. No minimum or maximum amount is defined by law. All LEAs are required to set aside funds for homeless children and youth, there are no exemptions. This is a significant change from NCLB to ESSA. Per NCLB the homeless reservation was only applicable when an LEA had buildings that were not Title I served. ESSA provides that the homeless reservation is applicable even when all buildings are served via the Selection of Schools process. This set aside must be taken from Title I funds.

Optional:

- Audit - Cost to conduct annual audit of federal programs.
- Community Day Programs – Costs associated with providing Title I preschool programs and services in a community-based setting.
- Indirect Costs - All or part of the restricted indirect costs rate (ICR) approved for the LEA. The ICR is established via the Pennsylvania Annual Financial Reporting (AFR) process.
- LEA-Wide Professional Development - Costs for providing LEA-wide Title I professional development. Non-Title I staff may participate in Title I-paid staff development if the activity is addressing the needs of Title I students and the Non-Title I staff works with Title I students at some point during the day.
- Title I Pupil Transportation - Costs for providing transportation for extended day Title I programs.
- LEA-wide Preschool Programs – An LEA may reserve a portion of its allocation to serve eligible preschoolers throughout the district. A child may be served regardless of

¹¹ (Sec. 1116 (a) (1-3))

residence, so long as the child is identified as most at-risk in the same way preschoolers are identified as at-risk for school-based targeted assistance programs. An LEA may operate a preschool program to serve all children in the district only if all schools in the district are Title I schools operating schoolwide programs.

- Program Evaluation - Activities associated with the LEA evaluation of the effectiveness of federal programs (local assessments).
- Salary and Fringe Benefit Differentials – Costs associated with the difference in salary and benefits when seniority is considered for positions that are otherwise the same. This reservation must be calculated consistently and should apply only to Title I paid staff. For example, the base Title I salary and benefit compensation cost for a reading specialist may be \$80,000 annually. The same position with 10 years of experience may cost \$90,000. In this example \$10,000 may be reserved as a salary and fringe benefit differential.
- LEA-wide Summer & Intersession Programs – Title I costs associated with providing summer school, extended day services, and/or extended year programming.
- State & Federal Liaison Administrative Costs- Costs associated with staff responsible for administering the Title I program in an LEA.
- Homeless and/or Foster Liaison - LEAs may cover the salaries and benefits of the required Homeless and/or Foster Care Liaison positions.
- Homeless and/or Foster Transportation – LEAs may use Title I to help ensure that Homeless and/or Foster Transportation needs are being met. To ensure these students receive services that are “in the best interest of the child” transportation is integral. It should be noted that all possible state and local transportation funding should be utilized before the Title I reservation is accessed.
- Nonpublic Administrative Costs – Fees associated with the cost of third party nonpublic service providers.

Building Eligibility and the Selection of Schools (SOS)

Low-Income Data

Title I funds can only be used in “eligible school attendance areas.” A “school attendance area” means the geographic area of a particular school in which the children served by that school reside. This low-income based funding distribution process, as determined by low-income head count, should not be confused with the head count of those students that will eventually be determined as being in academic need. The establishment of the funding distribution and the establishment of those students requiring Title I service are based upon different criteria.

Five measures of poverty may be used to identify children from low-income families as a baseline for the Selection of Schools funds distribution process:

1. The number of low-income children, ages 5 through 17, according to the most recent census data approved by the Secretary of Education;
2. The number of children eligible for free and reduced price lunches under the Richard B. Russell National School Lunch Act;
3. The number of children in families receiving assistance under the state program funded under Part A of Title IV of the Social Security Act (Temporary Assistance to Needy Families or “TANF”);

4. The number of children eligible to receive Medicaid assistance; or
5. A composite of the above measures.

In place of using counts in a middle or high school, an LEA may also use a feeder pattern. A feeder pattern allows LEAs to project the percent of low-income children in a middle or high school based on the average poverty rate of all the attendance areas feeding into the middle or high school. LEAs should contact their Regional Coordinator to discuss data entry should this methodology be utilized.

Ranking and Serving Eligible Buildings

Once an LEA has established a common poverty metric, the annual process of ranking and serving Title I buildings can begin. LEAs must rank their buildings from highest to lowest based upon poverty percentages. Different ranking allowances exist for those buildings below 75 percent low-income as compared to those at 75 percent low-income or above.

Buildings at or above 75 percent low-income must be ranked and served regardless of grade span. This includes LEAs where only one building exists per grade span (for example one K-6 building and one 7-12 building).

If funds remain after serving schools at or above 75 percent then the LEA should rank and serve the remaining eligible buildings. LEAs can continue to rank and serve buildings regardless of grade span or they can rank and serve buildings by grade span. A grade span determination is not based upon the “type” of building such as “elementary,” but rather is defined by the configuration of each building as determined by the LEA. For example, a K-3 building and 4-6 building can be ranked as being within the same grade span, but more commonly they will be ranked as belonging to different grade spans. Buildings that are ranked as district-wide will need to be at or above the district average to be served. Buildings that are ranked by grade span must be ranked within the poverty order established in that grade span but can be served if they are at or above the district average or at or above an established grade span average.

There is also another mechanism that allows for buildings to be served on a district-wide or grade span basis when the poverty level of a building is below the district average or a grade span average. The 35 percent rule allows for any building at or above 35 percent poverty to be served with Title I funds.

The grandfather clause can also be used to serve a building that is not eligible for service via district average, grade span average, or the 35 percent rule. In this case an otherwise ineligible school would be eligible for service for one year if it had been eligible and served via one of the other mechanisms (district average, grade span average, or 35 percent rule) in the previous school year.

[USDE Selection of Schools guidance, including ESSA updates](#)

Community Eligibility Provision (CEP) Effects on Title I School Ranking

The Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) offers LEAs an alternative to collecting household applications in the National School Lunch and National School Breakfast Programs, which eliminates unnecessary paperwork previously required by the Richard B. Russell National School Lunch Act.

The CEP is a reimbursement option for eligible LEAs and schools that wish to offer free meals to all children in high-poverty schools. This program is administered via the Division of Food and Nutrition in the PDE. Detailed information regarding the program can be found at:

<http://www.education.pa.gov/Teachers%20-%20Administrators/Food-Nutrition/Pages/default.aspx#tab-1>

The adoption of the CEP will influence other programs, including Title I. The Title I ranking and serving process via Selection of Schools will be affected the most. The traditional data source used by most LEAs is based upon the number of children eligible for free and reduced price lunches under the Richard B. Russell National School Lunch Act. Because household applications will no longer be collected, a similar data source must be established. Detailed information regarding how to obtain this data can be found at:

<https://www2.ed.gov/programs/titleiparta/15-0011.doc>.

Targeted Assistance Programs

Schools operating a targeted assistance model must use Title I funds to help educationally-disadvantaged students meet state standards. Students are eligible for Title I if they are failing, or at risk of failing, to meet state standards.

Students automatically eligible for services include:

- Participants of Head Start or Title I preschool services at any time within the previous two years;
- A child attending a community day program or living in a state or local neglected or delinquent institution;
- A child served in the previous two years under the Migrant Education program; and
- Homeless children.

Title I Student Selection

In a targeted assistance program, Title I law requires that selection of Title I students be based on objective, educationally related, and uniformly applied criteria given to all students at each grade level. Listed below are specific points to keep in mind regarding the student selection process:

- The selection criteria should be given to all students in any particular grade;
- Multiple selections or criteria must be used to determine eligibility;
- Examples of criteria used for student selection could include: report card grades, book tests, informal reading inventories, Dibels, PSSA, etc;
- The students must be ranked in priority order according to greatest need for services;
- Economically disadvantaged, English Learners, and migrant students are eligible on the same basis as all other students. Students in these groups may not be excluded just because they are receiving other services;
- While children with disabilities may qualify for Title I, a school may decide that the non-Title I services these children are receiving are sufficient to enable them to meet the state's challenging standards. However, students may receive services from both special education and Title I simultaneously; and

- If a new student moves into the LEA, they must be selected and ranked in the same way as the other eligible students receiving services. Even if they received services in another school, they must meet the new school's criteria before receiving services.

Components of a Targeted Assistance Program

Targeted assistance schools must use Title I funds to help identified students meet state standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education.¹² Use Title I funds to help children meet the state's challenging academic achievement standards which are expected for all children.

Targeted assistance schools must:

- Help provide an accelerated, high-quality curriculum;¹³
- Minimize the removal of children from the regular classroom during regular school hours for instruction provided by Title I;¹⁴
- Review the progress of eligible students on an ongoing basis and revise the targeted assistance program, if necessary, to provide students additional assistance to meet state standards;¹⁵
- Be incorporated into existing school planning;
- Use effective methods and instructional strategies that rely on evidence based research; and
- Coordinate with and support the regular educational program, which may include services to assist preschool children into early childhood programs such as Head Start or state-run preschool programs.

Spending Options in a Targeted Assistance Program

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

- Expanding learning time for eligible students, including before- and after-school programs, summer programs, and opportunities;
- Providing early intervening services to eligible students, including services coordinated with similar activities and services carried out under IDEA;
- Providing eligible students with extra supports aligned to the school's regular education program, which may include services to assist preschool children in the transition from early childhood education programs to elementary school programs;
- Providing professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible students; and
- Implementing strategies to increase the engagement of parents and family of eligible students.¹⁶

¹² ESSA, Section 1115(b)(2)(A).

¹³ ESSA 1115(b)(2)(6)

¹⁴ ESSA 1115(b)(d)(6)

¹⁵ ESSA, Section 1115(b)(2)(G).

¹⁶ ESSA, Section 1115(b)(2).

A secondary school operating a targeted assistance program may use Title I funds to provide dual or concurrent enrollment program services to eligible children.¹⁷

Coordinating Targeted Services with Other Programs and Supports

The law also encourages targeted assistance schools to coordinate and integrate federal, state, and local services and programs, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities.¹⁸

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

- Participate in general professional development and school planning activities; and
- Assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction, or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time when compared to similar personnel at the same school.¹⁹

Schoolwide Programs

A schoolwide program is a comprehensive reform strategy designed to upgrade the entire educational program in a Title I school; its primary goal is to ensure that all students, particularly those who are low-achieving, are able to demonstrate proficient and advanced levels of achievement based on state academic achievement standards.

Title I Schoolwide Program Waivers:

States may waive 40 percent poverty threshold for schoolwide programs upon request and demonstration that a schoolwide program would best serve needs of students. In Pennsylvania, schools under 40 percent poverty threshold that want to operate a schoolwide program must complete the narrative in the “Intent to Plan” form. The “Intent to Plan” form is available upon request. Contact your DFP Regional Coordinator if you need this form.

Required Components of a Schoolwide program

- 1) Comprehensive needs assessment
 - A schoolwide plan must be based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children, particularly the needs of those children who are failing, or are at-risk of failing, to meet state standards, and any other factors as determined by the LEA.²⁰

¹⁷ ESSA, Section 1115(f).

¹⁸ ESSA, Section 1115(b)(2)(F).

¹⁹ ESSA, Section 1115(d).

²⁰ ESSA, Section 1114(b)(6).

- Using the information from the comprehensive needs assessment, the schoolwide plan must describe the strategies the school will implement to address its needs, including a description of how the strategies will:
 - Provide opportunities for all children, including each subgroup of students, to meet state standards; and
 - 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.

2) Comprehensive schoolwide plan

- Must be developed with the involvement of parents and members of the community to be served and individuals who will carry out the plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators, the local educational agency, tribes and tribal organizations present in the community, specialized instructional support personnel, technical assistance providers, school staff, and students (secondary).
- Must be available to the LEA, parents, and the public, in an understandable format, in a language the parents can understand.

3) Annual evaluation of the schoolwide plan, with revisions as necessary.

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 ELs;
- 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;
- 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;
- 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;
- 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
- Activities that have been shown to be effective at increasing family and community engagement in the school, including family literacy programs,
- Two-generation approaches that consider the needs of both vulnerable children and parents and families, 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.²¹

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

Required Schoolwide Plan

Schools will utilize the Comprehensive Planning web application to complete a School Level Plan/School Improvement Plan in its entirety, which includes a section on their Title I Schoolwide Program. Please note that a School Level Plan and a School Improvement Plan contain the same content and follow the same process. The title, “School Improvement Plan,” is used for designated Priority and Focus Schools. The title, “School Level Plan,” is used for Undesignated or Reward schools.

All existing Title I schools in Pennsylvania implementing a schoolwide program must update their plans in the Comprehensive Planning web application by September 1st, 2018.

Title I schools implementing a Schoolwide program for the first time in 2018-19 must complete and submit their Schoolwide Plan (School Level/Improvement Plan) by the beginning of the school year (2018-19).

Schools may not change their Title I program (Targeted Assistance to Schoolwide) after the school year has started.

For additional information, please visit the Comprehensive Planning page via this link: compplanning.caiu.org.

²¹ U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, pp. 4-5 (2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>. This guidance will be referred to as “ED 2016 Schoolwide Guidance” for the rest of this document.

Please note: A PDE portal account is needed to gain access to the Comprehensive Planning application. Use the link on the Comprehensive Planning page titled “Access to Comp Plan Application” to access the portal.

For additional information regarding the Title I Schoolwide Plan via the Comprehensive Planning web application, please visit the Comprehensive Planning page mentioned above and click on the “Title I Information” link on the lefthand side.

For questions, contact the Comprehensive Planning Support Team by emailing paplanning@caiu.org or calling 717-732-8403.

Title I Parent and Family Engagement

Section 1116 of ESSA requires LEAs to provide opportunities for parents and family members to be partners and decision-makers in various aspects of the Title I program. An LEA may receive funds under Title I only if:

- The LEA conducts outreach to all parents and family members;
- The LEA implements programs, activities, and procedures for the engagement of parents and family members; and
- The LEA planned and implemented the Title I program with expectations and objectives for meaningful parent and family engagement.²²

Title I LEA Level Parent and Family Engagement Requirements

The LEA Parent and Family Engagement Policy must be revised annually with parent and family input and disseminated to parents and family members.

At the beginning of the school year the LEA must notify parents of each student attending all Title I schools that the parents may request the qualifications of the teachers and paraprofessionals.

Title I Parent and Family Engagement Use of Funds

An LEA must reserve 1 percent if the Title I funds are \$500,000 or more. LEAs are not limited to reserving more than 1 percent. Not less than 90 percent of the 1 percent set aside must be distributed to the schools with priority given to high-need schools. Parents and family members must have input on how the funds are allotted for parent and family engagement activities.

LEAs that are required to reserve funds, must use the funds to carry out activities and strategies consistent with the LEA Parent and Family Engagement Policy, and must include at least one of the options below:

- Professional development for school and LEA personnel on parent and family engagement strategies;

²² ESSA, Section 1116(a)(1))

- Supporting programs that reach parents and family members at home, in the community, and at school;
- Disseminating information on best practices;
- Collaborating, or providing schools with subgrants to collaborate, with community-based or other organizations to improve parent and family engagement; and/or
- Engaging in other activities that are described in the LEA/School Parent and Family Engagement Policies.

Title I School Level Parent and Family Engagement Requirements

Title I requires documentation that Title I parents and family members are involved in the planning, implementation, and evaluation of these components. Each Title I school is responsible for the following parent and family engagement requirements:

- Develop and revise annually with parent and family input the School, Parent, and Family Engagement Policy;
- Disseminate the policy to parents and family members in a language they can understand;
- Develop and revise annually, with parent and family input, a school-parent compact that outlines how the parents and family members, the school staff, and students will share responsibility for improved student achievement and address the importance of communication between parents and family members and teachers;
- Inform parents and family members of state academic standards, curriculum, state and local assessments, and how to monitor their child's progress;
- Provide training materials for parents and family members;
- Educate staff, with parent and family input, on the value and contributions of parents and family members to work as equal partners, how to communicate with parents and family members, and how to build ties between parents and family members and the school;
- Coordinate with other parent and family engagement programs, including, but not limited to, federal, state, and local preschool programs;
- Provide any other reasonable support for parent and family engagement activities as requested by the parents and family members; and
- Hold an annual Title I parent and family member meeting to provide timely information to Title I parents about the purpose of Title I.

Educating Children and Youth Experiencing Homelessness

Students under any of these categories are considered "homeless":

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;
- Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- “Migratory children” who qualify as homeless under federal law because the children are living in circumstances described in clauses (1) through (3) above. The term "migratory children" means children who are (or whose parent(s) or spouse(s) are) migratory agricultural workers, including migratory dairy workers or migratory fishermen, and who have moved from one school or LEA to another in the preceding 36 months, in order to obtain (or accompany such parents or spouses in order to obtain) temporary or seasonal employment in agricultural or fishing work; and
"Unaccompanied homeless youth" including any child who is "not in the physical custody of a parent or guardian." This includes youth who have run away from home, been thrown out of their home, been abandoned by parents or guardians, or separated from their parents for any other reason.

Title I, Part A funds must be used only as a last resort when funds or services are not available from other public or private sources, such as the USDA's National School Lunch Program and Breakfast Program, public health clinics, or local discretionary funds (sometimes provided by the PTA) used to provide similar services for economically disadvantaged students generally.

Services must be reasonable and necessary to assist homeless students to take advantage of educational opportunities.

This following list identifies possible services which Title I, Part A funds may support for homeless students. While this is not an exhaustive list, it does provide examples LEAs may find useful:

- Items of clothing, particularly if necessary to meet a school's dress or uniform requirement;
- Clothing and shoes necessary to participate in physical education classes;
- Student fees that are necessary to participate in the general education program;
- Personal school supplies such as backpacks and notebooks;
- Birth certificates necessary to enroll in school;
- Immunizations;
- Food;
- Medical and dental services;
- Eyeglasses and hearing aids;
- Counseling services to address anxiety related to homelessness that is impeding learning;
- Outreach services to students living in shelters, motels, and other temporary residences;
- Extended learning time (before and after school, Saturday classes, summer school) to compensate for lack of quiet time for homework in shelters or other overcrowded living conditions;
- Tutoring services, especially in shelters or other locations where homeless students live;
- Parental and family engagement specifically oriented to reaching out to parents of homeless students;
- Fees for Advanced Placement and International Baccalaureate testing;
- Fees for college entrance exams such as the SAT or ACT; and

- GED testing for school-age students.

In the Consolidated Application (Title I) LEAs must explain the following:

- 1) Method used for determining the amount set aside to support homeless children and youth:
 - Needs assessment;
 - Past homeless student enrollment and support service cost data;
 - Reserving a flat percentage based on the LEA's overall poverty rate; and
 - Reserving an amount per homeless child equal to the LEA's Title I per-pupil allocation.
- 2) How the homeless liaison was consulted or involved in determining the set-aside for homeless children and youth.

Ensuring Educational Stability for Children in Foster Care

ESSA reauthorized the Elementary and Secondary Education Act of 1965 and includes new provisions for children in foster care that complement requirements in the Fostering Connections Act of 2008. These provisions took effect on December 10, 2016.

The Title I foster care provisions apply to all children in foster care enrolled in schools in the state and local educational agencies.

“Foster care” is defined as 24-hour substitute care for children outside their own home. The reporting system includes all children who have or had been in foster care at least 24 hours. The foster care settings include, but are not limited to:

- Family foster homes;
- Relative foster homes;
- Group homes;
- Emergency shelters;
- Residential facilities;
- Child care institutions; and
- Pre-adoptive homes.²³

LEAs must provide assurances that they will collaborate with State or local County Children and Youth Agency (CCYA) to:

- Develop and implement clear written procedures for how transportation will be provided, arranged, and funded to the child's school of origin for the duration of the time in foster care. Procedures must ensure that children will promptly receive transportation in a cost-effective manner in accordance with the Fostering Connections Act; and
- Ensure that, if there are additional costs incurred in providing transportation to the school of origin, LEAs will provide transportation if:

²³ (45 C.F.R. § 1355.20(a)).

- The local CCYA agrees to reimburse the LEA;
- The LEA agrees to pay the cost; or
- The LEA and local CCYA agree to share the cost.

LEAs must provide an assurance that they will designate a Point of Contact (POC) for the corresponding CCYA, if the CCYA notifies the LEA, in writing, that it has designated a POC.

- Responsibilities should include coordinating with local CCYAs to develop a process for implementation of ESSA provisions.

Questions should be addressed to Matthew Butensky, SEA Point of Contact, at (717) 763-1661 x171 or mbutensky@csc.csiu.org or www.pafostercare.org

Qualifications for All Teachers Working in a Program Supported with Title I Funds

ESSA eliminated the federal requirements that were established under NCLB that all core content teachers be “highly qualified” as of August 1, 2016. LEAs will ensure that all teachers and paraprofessionals working in a program supported with Title I meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

For specific information on proper certification of teachers in Pennsylvania, please contact the Bureau of School Leadership and Teacher Quality at (717) 787-3356 or review PDE’s Highly Qualified Teacher Guidelines.

Annual Title I Evaluation

Each Title I school must conduct an annual review of data to assess the effectiveness of its Title I program. Participants in this annual review should include Title I teachers and paraprofessionals, classroom teachers, and building administrators to evaluate what programs are effective and what needs to be changed.

Documentation of this program evaluation should include:

- Appropriate representation of school personnel;
- Agenda;
- Sign-in sheet of participants;
- Review of student achievement data;
- Review of parents’ evaluations;
- Review of program strengths and weaknesses; and
- Documentation of recommendations and revisions.

Schools should also meet with Title I parents in the spring to evaluate Title I services and the LEAs and School’s Parent and Family Engagement Policy. Input from parents, such as a survey, should be considered as part of the annual Title I evaluation.

School Intervention Grant 1003(a) (previously known as School Improvement Grant)

Both the now superseded NCLB and the new ESSA provide for the identification of low-performing school based, at least in part, on measures of student academic achievement.

Under NCLB, schools identified as low performing were designated as either Priority (lowest 5 percent) or Focus (next lowest 5 percent). Under ESSA, Title I schools identified as low performing, and high schools with low graduation rates will be designated as Comprehensive Support and Improvement (CSI) schools. Schools with low performing subgroups of students will be designated Targeted Support and Improvement (TSI) schools.

School Improvement Grant 1003(g) SIG

The School Improvement Grant (SIG) was a competitive grant authorized under Section 1003(g) of the Title I ESEA. This grant is no longer funded under ESSA.

Comprehensive Support and Improvement (CSI) and Targeted Support and Improvement (TSI)

Priority and Focus designations that were originally determined under NCLB are still valid under ESSA for the remainder of the 2017-18 school year. Thereafter, these designations will no longer apply.

Under ESSA, states must develop accountability systems to identify schools in need of improvement:

- Schools in need of Comprehensive Support and Improvement include:
 - The lowest-performing 5 percent of Title I schools in the state as determined by the state's system;
 - Any public high school failing to graduate one-third or more of its students; and
 - Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as students in the lowest-performing 5 percent of Title I schools, and that has failed to improve after the school has implemented a targeted support and improvement plan over a four-year span.²⁴
- Schools in need of Targeted Support and Improvement (TSI) are schools with one or more consistently underperforming subgroups.²⁵

CSI and TSI schools²⁶ must develop plans for improving student outcomes that:

- Are informed by all the indicators for differentiating schools listed above;
- Include evidence-based interventions (see box below); and
- Are based on an assessment of the school's needs.²⁷

²⁴ ESSA, Section 1111(c)(4)(D).

²⁵ ESSA, Section 1111(c)(4)(C)(iii) and Section 1111(d)(2). ESSA does not define what it means to be consistently underperforming, but rather leaves it for states to define through their consolidated state plan.

²⁶ For CSI schools, the LEA develops the plan, which must be approved by the school, LEA and SEA. ESSA, Section 1111(d)(1)(B).

²⁷ ESSA, Section 1111(d)(1)(B) and Section 1111(d)(2)(B).

Definition of “Evidence-Based” in ESSA²⁸

Evidence-based means an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes. ESSA identifies four tiers of evidence-based:

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.

An additional category included an activity, strategy or intervention that (I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes and (II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

Under ESSA, CSI and TSI schools that receive Title I funds have the same Title I, Part A spending options as any other Title I school, and can also use their Title I, Part A funds to support the school's CSI and TSI 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, 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 funds can only be used to support activities that meet ESSA's top three tiers of evidence. In other words, Section 1003 funds can only be used to fund activities, strategies, or interventions based on a study that demonstrates the activity, strategy, or intervention has a *statistically significant effect* on improving student outcomes.²⁹

Therefore, while TSI and CSI schools must implement evidence-based interventions under ESSA's school improvement requirements, this requirement does not directly affect their use of Title I, Part A funds under ESSA.

²⁸ ESSA, Section 8101(21)(A).

²⁹ 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).

Section 3 – Title I.D Prevention and Intervention Programs for Delinquent and At-Risk Students

Legislative Purpose

The purpose of Title I.D is to support LEA programs that collaborate with locally operated delinquent correctional facilities in these ways:

- To carry out high-quality educational programs to prepare children and youth for secondary school completion, training, employment, or further education;
- To provide activities to facilitate the transition of children and youth from the correctional program to further education or employment.

Facility users of the Neglected and Delinquent (N & D) Reporting System will be emailed documentation regarding the completion and submission of the Annual Survey of Children in Local Institutions for Neglected or Delinquent Children (PDE-3048) in October or November. The survey is completed through the N & D Reporting System and is due mid-to-late December of each year. Information is collected through the Facility Entry Form and Caseload Data. The caseload consists of a list of children aged 5 through 17, who reside in the facility, under 24-hour care, during any portion of the period from October 31 to November 29.

The data is used to compile a total of eligible children, which is forwarded to the USDE. The data collected from Pennsylvania along with the other states help determine the following year's Title I.A and Title I.D allocations.

If a new institution has opened, either the LEA or the institution must complete the New Facility Form found at www.ndprogramspa.com under Reporting. If the facility does not have an AUN number assigned to the specific address, the New AUN Form must also be completed. Instructions for submission are listed on each form.

The allocation for neglected children comes from Title I.A and will be accounted for separately. The amount of the neglected allocation can be found by clicking on Title I Neglected on the Title I.A project within eGrants. Funds for neglected children should be spent on services comparable to those provided to other public school children.

Delinquent Institution Plan

The LEA in which an eligible delinquent institution is located that wishes to use Title I.D funds to operate prevention and intervention programs for delinquent or other at-risk youth, must submit a plan for DFP review each year. The plan is completed in the eGrants application. In addition, a Formal Agreement needs to be signed by both the LEA and institution and submitted to DFP annually. This is also found in the eGrants application.

Financial Records

The allocation for delinquent children comes from Title I.D and will be accounted for separately. Funds for delinquent children should be spent on services comparable to those provided to other public school children.

The amount of the delinquent allocation may be found by clicking on the Delinquent Institution link on the Title I.D Menu on eGrants. Each spring, DFP staff will contact LEAs regarding the allocations for the delinquent institutions located within their LEAs. Delinquent funds must be accounted for separately. Any portion of the delinquent allocation budgeted for delinquent services may NOT be used by the LEA for any other purpose. A Final Expenditure Report (FER) must be submitted to DFP by October 30 or when funds are expended.

Evaluation

Annually, each state agency and LEA must evaluate its prevention and intervention programs for youth who are delinquent or at risk of dropping out. Participation data must be disaggregated by gender, race/ethnicity, and age. The disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

Evaluations should use multiple and appropriate measures of student progress. The results must be submitted to DFP and used to plan and improve subsequent programs for participants.

The evaluation should be used to determine the program's impact on the ability of participants to:

- Maintain and improve educational achievement;
- Accrue credits for grade promotion and graduation;
- Make the transition to a regular school program or other education program operated by the LEA;
- Complete secondary school or its equivalent and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and
- Participate in postsecondary education and job training programs, as appropriate.

Data Reporting

Data must be submitted on each student who was served by Title I in a neglected or delinquent institution throughout the year. The data is due by September 30 of each year in the N & D Reporting System at www.ndprogramspa.com. Information collected includes demographic data and profile data regarding the student's stay at the facility, educational services received, and progress of the student. Detailed instructions can be found at www.ndprogramspa.com.

Section 4 – Title I.G – Advanced Placement Fee Reduction Program

General Information

Beginning in 2017, ESSA eliminated funding dedicated to offset the cost of the Advanced Placement (AP) Exams for low-income students under a Title I program. LEAs may utilize Title I or Title IV SSAEG funds to provide AP testing assistance.

For additional assistance or information about any aspect of the AP Test Program, information may be obtained directly from the College Board via www.collegeboard.org.

Section 5 – Title II.A Supporting Effective Instruction

Legislative Purpose

The purpose of Title II is to provide grants to SEAs and subgrants to LEAs to:

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

How Title II Funds May Be Used

Overview

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

- Be consistent with Title II's purpose (see above); and
- Address the learning needs of all students, including children with disabilities, ELs, and gifted and talented students.³⁰

Federal law requires LEAs to prioritize Title II, Part A funds to schools that:

- Are implementing comprehensive support and improvement activities and targeted support and improvement activities; and
- Have the highest percentage of children counted under section 1124(c)³¹ (these are primarily low-income children).³²

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

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

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

First, ESSA changed the formula USDE uses to distribute Title II money to states.³³ This change will be phased in over time between 2017 and 2023. In some cases, this will result in

³⁰ ESSA, Section 2103(b)(1)-(2).

³¹ ESSA, Section 2102(b)(2)(C).

³² ESSA, Section 1124(c) is located in Title I of ESSA, and describes the children that should be counted.

³³ ESSA, Section 2101(b). As with prior law, there are two parts to the federal-to-state Title II formula: (1) a "hold harmless" allocation that guarantees states at least as much money as they received in 2001 under two (no longer authorized) programs related to Title II, and (2) an allocation based partly

individual states getting more money, meaning there will be more to pass on to LEAs. For other states, the change in formula will result in individual states getting less money, meaning there will be less to pass on to LEAs.

Second, ESSA changed the formula SEAs must use to distribute Title II money to LEAs. Under prior law, LEAs were (with some caveats) guaranteed to receive a minimum amount of money regardless of how their student population changed over time.³⁴ This was known as a hold harmless provision.

ESSA eliminated the hold harmless provision, and LEAs will now receive funds based only on their number of 5 to 17 year old students (20 percent of the allocation), and their number of low-income 5 to 17 year old students (80 percent of the allocation).³⁵

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

Title II requires LEAs to consult meaningfully with a wide array of stakeholders on the LEA's plan for carrying out Title II activities.³⁶

LEAs must also conduct ongoing consultation with those stakeholders to update and improve activities supported with Title II funds.³⁷

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

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

on a state's number of 5-17 year olds (population levels) and partly on a state's number of low-income 5-17 year olds (poverty levels). ESSA gradually reduces the "hold harmless" amount between 2017 and 2022 until it is eventually eliminated. ESSA also changes the amounts generated by population versus poverty. Now, states generate 35 percent based on population and 65 percent based on poverty. The percentages shift between 2018 and 2020 until it is 20 percent based on population and 80 percent based on poverty.

³⁴ NCLB, Section 2121(a)(2).

³⁵ ESSA, Section 2102(a).

³⁶ ESSA, Section 2102(b)(3). Stakeholders include teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a LEA that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet Title II purposes. ESSA, Section 2102(b)(3)(A).

³⁷ ESSA, Section 2102(b)(2)(D).

of proposed new uses of funds, in order to consider the best uses for schools and districts to support teacher and school leader development; and

- Consider the concerns identified during consultation, and revise uses of Title II funds when appropriate.³⁸

Allowable Uses of Local Title II Funds

What follows is an overview of all LEA spending options under Title II of ESSA. LEAs are encouraged to prioritize activities that will have the highest impact on teaching and learning. It is important to note that allowing spending of Title II funds under ESSA is broader than allowable spending under NCLB.

When determining which of the many allowable Title II strategies and activities will have the highest impact, USDE guidance suggests LEAs undertake a five-step framework:

1. Choose interventions aligned with identified local needs;³⁹
2. When selecting a strategy, consider the local capacity and ensure the strategy is supported by one of the four tiers of accepted evidence based research;
3. Develop a robust implementation plan;
4. Provide adequate resources so the implementation is well-supported; and
5. Gather information and data regularly to examine the strategy and to reflect on and inform next steps.⁴⁰

LEAs must use data and ongoing stakeholder consultation to continually update and improve Title II-supported activities.⁴¹

Allowable uses of Title II funds under ESSA include:

- Supplemental teacher/principal evaluation;
- Recruitment and retention efforts;
- Class size reduction;
- Supplemental induction/mentoring programs;
- Library programs;
- Programs to identify students with trauma, mental illness, and appropriate intervention;
- Programs to improve school climate including school safety, drug and alcohol abuse, chronic absenteeism;
- Support for gifted learning;
- Sex abuse prevention;
- Expansion of access to and opportunities for STEM;
- Career/tech education integration and work-based learning to prepare for workforce or post-secondary transition;
- Support for principals/school leaders;

³⁸ *ED 2016 Title II, Part A Guidance*, p. 28.

³⁹ LEAs were required to conduct a formal needs assessment under No Child Left Behind (NCLB). ESSA eliminated that requirement.

⁴⁰ *USDE 2016 Title II, Part A Guidance*, p. 30. Pages 30-34 of USDE's guidance contain more information about these five steps.

⁴¹ ESSA, Section 2102(b)(2)(D).

- Selecting/implementing assessments;
- Improved staff working conditions (feedback);
- The following professional development activities:
 - Technology integration;
 - Use of data;
 - Parent and family engagement;
 - IEPs;
 - English Learners; and
 - Early learning.
- And other uses that meet the intent of Title IIA.

All expenditures must be supplemental in nature and may not supplant, or replace, required activities.

Evaluation and Support Systems

LEAs may use Title II funds to develop or improve evaluation and support systems for teachers, principals, or other school leaders that are (1) based in part on student achievement; (2) include multiple measures of performance; and (3) provide clear, timely, and useful feedback.⁴²

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

LEAs may use Title II funds to develop and implement initiatives to recruit, hire, and retain effective teachers to improve the equitable distribution of teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet state standards.⁴³ LEAs may also use Title II funds to implement supports for principals and other school leaders.

This can include:

- Expert help in screening candidates and enabling early hiring;⁴⁴
- Differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;⁴⁵
- Teacher, paraprofessional, principal, or other school leader advancement and professional growth,⁴⁶ which, according to USDE guidance can include creating hybrid roles that allow teachers to provide instructional coaching to colleagues while remaining in the classroom, as well as other responsibilities such as collaborating with administrators to develop and implement distributive leadership models and leading decision-making groups;⁴⁷

⁴² ESSA, Section 2103(b)(3)(A).

⁴³ ESSA, Section 2103(b)(3)(B).

⁴⁴ ESSA, Section 2103(b)(3)(B)(i).

⁴⁵ ESSA, Section 2103(b)(3)(B)(ii).

⁴⁶ ESSA, Section 2103(b)(3)(B)(iii).

⁴⁷ *USDE 2016 Title II, Part A Guidance*, p. 14.

- New teacher, principal, or other school leader induction and mentoring programs;⁴⁸
- Development and provision of training for school leaders, coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform decision-making about professional development, improvement strategies, and personnel decisions;⁴⁹ and
- A system for auditing the quality of evaluation and support systems.⁵⁰

Example: Teacher Residency Program

According to USDE guidance,⁵¹ LEAs may use Title II funds to establish, improve, or support school-based residency programs for teachers in which prospective teachers, for at least one academic year:

- Teach alongside an effective teacher who is the teacher of record for the classroom; and
- Receive concurrent instruction – from either the LEA or the teacher preparation program – in the teaching of the content area in which the teacher will become certified or licensed; and
- Acquire effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the state.⁵²

Example: Supporting Educator Diversity

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

Providing financial support to educator recruitment programs within the community to improve hiring and retention of a diverse workforce;

Offering career advancement opportunities for current staff members, such as paraprofessionals, who have worked in the community for an extended period of time, to support their efforts to gain the requisite credentials to become classroom instructors;

⁴⁸ ESSA, Section 2103(b)(3)(B)(iv).

⁴⁹ ESSA, Section 2103(b)(3)(B)(v).

⁵⁰ ESSA, Section 2103(b)(3)(D).

⁵¹ *USDE 2016 Title II, Part A Guidance*, p. 8.

⁵² ESSA, Section 2002(5).

- Partnering with preparation providers including local community colleges, Institutions of Higher Education (IHEs), Minority Serving Institutions, and alternative certification providers, to build a pipeline of diverse candidates;
- Providing ongoing professional development aimed at cultural competency and responsiveness, and equity coaching, designed to improve conditions for all educators and students, including educators and students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientations;
- Providing time and space for differentiated support for all teachers, including affinity group support;
- Supporting leadership and advancement programs aimed to improve career and retention outcomes for all educators, including educators from underrepresented minority groups; and
- Developing and implementing other innovative strategies and systemic interventions designed to better attract, place, support, and retain culturally competent and culturally responsive, effective educators, especially educators from underrepresented minority groups, such as having personnel or staff-time dedicated to recruiting diverse candidates of high-quality who can best teach to the diversity of the student population.⁵³

Recruiting from Other Fields

LEAs may use Title II funds to recruit qualified individuals from other fields to become teachers, principals, or other school leaders. Qualified individuals from other fields include mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers, principals, or other school leaders.⁵⁴

Class Size Reduction

LEAs may use Title II funds to reduce class size to a level that is evidence-based, to the extent the SEA (in consultation with LEAs) determines such evidence is reasonably available.⁵⁵ According to USDE guidance, LEAs may consider reducing class size as one strategy to attract and retain effective educators in high-need schools.⁵⁶

⁵³ *USDE 2016 Title II, Part A Guidance*, p. 19.

⁵⁴ ESSA, Section 2103(b)(3)(C).

⁵⁵ ESSA, Section 2013(b)(3)(D).

⁵⁶ *USDE 2016 Title II, Part A Guidance*, p. 24.

Allowable Professional Development Activities Including Newly Expanded Opportunities

LEAs may use Title II funds to provide high-quality, personalized professional development⁵⁷ for teachers, instructional leadership teams, principals, or other school leaders.⁵⁸ The professional development must be evidence-based, to the extent the SEA (in consultation with LEAs) determines such evidence is reasonably available. The professional development must also focus on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders to:

- Effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);
- Use data to improve student achievement and understand how to ensure individual student privacy is protected;
- Effectively engage parents, families, and community partners, and coordinate services between school and community;
- Help all students develop the skills essential for learning readiness and academic success;
- Develop policy with school, LEA, community, or state leaders; and
- Participate in opportunities for experiential learning through observation.⁵⁹
- Community of learning opportunities where principals and other school leaders engage with their school teams to fully develop broad curriculum models;⁶⁰
- Opportunities for principals and other school leaders to collaborate, problem-solve, and share best practices;⁶¹
- “Teacher time banks” to allow effective teachers and school leaders in high-need schools to work together to identify and implement meaningful activities to support teaching and learning (for example, when implementing teacher time banks, Title II funds may be used to pay the costs of additional responsibilities for teacher leaders, use of common planning time, use of teacher-led developmental experiences for other educators based on educators’ assessment of the highest leverage activities, and other professional learning opportunities);⁶² and
- Ongoing cultural proficiency training to support stronger school climate for educators and students.⁶³

⁵⁷ USDE’s guidance describes ESSA’s definition of “professional development” in the following way: Section 8101(42) defines “professional development,” specifically noting that the professional development activities are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused.

USDE 2016 Title II, Part A Guidance, p. 11. For the full definition of professional development, please see ESSA, Section 8101(42).

⁵⁸ ESSA, Section 2103(b)(3)(E).

⁵⁹ ESSA, Section 2103(b)(3)(E)(i)-(vi).

⁶⁰ *USDE 2016 Title II, Part A Guidance*, p. 15.

⁶¹ *USDE 2016 Title II, Part A Guidance*, p. 15.

⁶² *USDE 2016 Title II, Part A Guidance*, p. 24.

⁶³ *USDE 2016 Title II, Part A Guidance*, p. 24.

Increasing Teacher Effectiveness for Students with Disabilities and English Learners

LEAs may use Title II to develop programs and activities that increase teachers' ability to effectively teach children with disabilities and ELs, which may include the use of multi-tiered systems of support and positive behavioral intervention and supports.⁶⁴

Supporting Early Education

LEAs may use Title II funds to provide programs and activities to increase the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing.⁶⁵

LEAs may also use Title II funds to provide programs and activities to increase the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age eight, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school.⁶⁶

Supporting Effective Use of Assessments

LEAs may use Title II funds to provide training, technical assistance, and capacity-building to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate.⁶⁷

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

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

- The techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness;
- The use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate;
- Forming partnerships between school-based mental health programs and public or private mental health organizations; and
- Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.⁶⁸

⁶⁴ ESSA, Section 2103(b)(3)(F).

⁶⁵ ESSA, Section 2103(b)(3)(G)(i).

⁶⁶ ESSA, Section 2013(b)(3)(G)(ii).

⁶⁷ ESSA, Section 2103(b)(3)(H).

⁶⁸ ESSA, Section 2103(b)(3)(I).

Supporting Gifted and Talented Students

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

- Early entrance to kindergarten;
- Enrichment, acceleration, and curriculum compacting activities (techniques relating to differentiated instruction); and
- Dual or concurrent enrollment programs in secondary school and postsecondary education.⁶⁹

School Library Programs

LEAs may use Title II funds to support the instructional services provided by effective school library programs.⁷⁰

Preventing and Recognizing Child Sexual Abuse

LEAs may use Title II funds to provide training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.⁷¹

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

LEAs may use Title II funds to develop and provide professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science.⁷²

Feedback Mechanisms to Improve School Working Conditions

LEAs may use Title II funds to develop feedback mechanisms to improve school working conditions. This can include periodically and publicly reporting feedback on educator support and working conditions.⁷³

Supporting Postsecondary and Workforce Readiness

LEAs may spend Title II funds to provide high-quality professional development for teachers, principals, or other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning (if appropriate), which may include

⁶⁹ ESSA, Section 2103(b)(3)(J).

⁷⁰ ESSA, Section 2103(b)(3)(K).

⁷¹ ESSA, Section 2103(b)(3)(L).

⁷² ESSA, Section 2103(b)(3)(M).

⁷³ ESSA, Section 2103(b)(3)(N).

providing common planning time, to help prepare students for postsecondary education and the workforce.⁷⁴

Other Activities

LEAs may also spend Title II funds on other activities that meet Title II purposes (see “Purpose of the Title II Program” above) and are evidence-based to the extent the SEA (in consultation with LEAs) determines that such evidence is reasonably available.⁷⁵

Title II.A Nonpublic Proportionate Shares

Beginning with the 2017-18 school year, PDE will no longer automatically remove an LEA’s Title II Part A share owed to nonpublic schools and allocate it to an Intermediate Unit. Section 8501(c)(1)(C) of ESSA provides that one of the topics of discussion during consultation with nonpublic schools regarding services owed to them is “how, where, and by whom the services will be provided.” Consequently, PDE does not have the statutory authority to decide who provides services; taking it off the top and allocating it directly to Intermediate Units by PDE would circumvent the consultation requirements of ESSA. Therefore, deciding who provides equitable services is a decision between the nonpublic school(s) and the LEA. This does not preclude IUs from providing services, and nonpublic schools may continue to receive services from them if that is what is agreed upon during consultation.

The eGrants system will calculate a proportionate share of Title IIA funds within the Consolidated Application. The LEA will enter previous year nonpublic enrollment. eGrants will calculate the breakdown of the nonpublic amounts owed and populate the list of nonpublic schools that have indicated they wish to participate in the Title II program for the upcoming year. This breakdown amounts to a straight proportionate share of the LEA’s entire Title II allocation, minus anticipated public and nonpublic administration costs.

⁷⁴ ESSA, Section 2103(b)(3)(O).

⁷⁵ ESSA, Section 2103(b)(3)(P).

Section 6 – Title III Language Instruction for English Learners and Immigrant Students

Legislative Purpose

The purpose of Title III is to ensure that EL students, including immigrant children and youth who are also identified as EL students, develop English proficiency and meet the same academic content and academic achievement standards that all children are expected to meet. SEAs, LEAs, and schools are accountable for increasing the English proficiency and core academic content knowledge of EL students. LEAs use these funds to enhance language instruction educational programs designed to help EL students achieve these standards.

The LEA may select one or more methods of instruction, consistent with federal and state guidelines and requirements, to assist EL students to attain English proficiency and meet academic content and academic achievement standards. Language instruction curriculum must be evidence based and have demonstrated effectiveness.

Eligibility

To be eligible for Title III funds, LEAs must:

- Complete both the EL survey and the PIMS annual data collection. The EL survey ensures programmatic compliance is met while the PIMS collection ensures that the identification measures upon which the LEA's subsidy is based are accurate;
- Complete the assessment (ACCESS for English Learners) database;
- Complete the administration of the assessment for identified ELs and report to PDE; and
- Meet the \$10,000 allocation threshold based on student population reported in the EL System. LEAs with under \$10,000 can receive services via consortium lead.

Purpose of Title III Subgrants to LEAs

In General

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

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

4. Implementing LEA-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.

Definition of English Learner and Immigrant Children and Youth under ESSA

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

- (A) Who is aged 3 through 21;
- (B) Who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C) (i) Who was not born in the United States or whose native language is a language other than English;
(ii)(I) Who is a Native American or Alaska Native, or a native resident of the outlying areas; and
(II) Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
(iii) Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) Whose difficulties in speaking, reading, writing, or understanding the English language maybe sufficient to deny the individual —
 - (i) The ability to meet the challenging State academic standards;
 - (ii) The ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) The opportunity to participate fully in society.⁷⁶

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

- (A) Are aged 3 through 21;
- (B) Were not born in any State (the definition of State in section 8101(48) of the ESEA, as amended by the ESSA, means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas); and
- (C) Have not been attending one or more schools in any one or more States for more than 3 full academic years.⁷⁷

Title III and the Supplement Not Supplant Requirement

Title III is subject to a strict “supplement not supplant” (SNS) requirement that affects how Title III funds are spent.⁷⁸ Because SNS works differently in Title III than other federal programs, this section addresses SNS before addressing other Title III spending issues.

⁷⁶ ESSA, Section 8101(20). Also, USDE 2016 *Title III, Part A Guidance*, p. 43.

⁷⁷ ESSA, Section 3201(5). Also, USDE 2016 *Title III, Part A Guidance*, p. 43.

⁷⁸ ESSA, Section 3115(g).

At its most basic, SNS requires Title III funds to add to (supplement) and not replace (supplant) other federal, state, and local funds. Whether a cost complies with SNS is situation specific. The federal government presumes Title III supplanting in the following two situations:

1. An LEA uses Title III funds to provide services the LEA is required to make available under other laws; or
2. An LEA uses Title III funds to provide services the LEA paid for with state or local funds the prior year.⁷⁹

These presumptions can be “rebutted” (disputed with evidence) and possibly overcome if the LEA can show it could not have provided the services in question with state or local funds.⁸⁰

Example: Presumed Supplanting Violation

Paying for an interventionist that provides intensive small-group interventions to EL students with Title III funds would violate the second presumption of supplanting if the LEA paid for this interventionist with local funds the prior year.

NOTE: The LEA may be able to rebut this presumption of supplanting if it can show it did not have local funds available to pay for the interventionist.

Civil Rights Obligations

Under the first presumption of supplanting an LEA may not use Title III funds to meet the requirements of federal, state, or local law. Under federal law, specifically Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA), LEAs have legal obligations to ensure that ELs can meaningfully and equally participate in educational programs and services.⁸¹ USDE guidance explains that to meet these civil rights obligations to EL students LEAs must:

- Identify and assess all potential EL students in a timely, valid, and reliable manner;
- Provide EL students with a language assistance program that is educationally sound and proven successful, consistent with *Castañeda v. Pickard* and the U.S. Supreme Court decision in *Lau v. Nichols*;
- Provide sufficiently well prepared and trained staff and support the language assistance programs for EL students;
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
- Avoid unnecessary segregation of EL students;
- Ensure that EL students who have or are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are identified, located, and evaluated in a timely manner and that the language needs of students who need special education and disability related services because of their disability are considered in evaluations and delivery of services;

⁷⁹ USDE 2016 Title III, Part A Guidance, Question A-2.

⁸⁰ USDE 2016 Title III, Part A Guidance, Question A-2.

⁸¹ USDE 2016 Title III, Part A Guidance, Question A-2 and A-3.

- Meet the needs of EL students who opt out of language assistance programs;
- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;
- Evaluate the effectiveness of a school district’s language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program is reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time; and
- Ensure meaningful communication with limited English proficient (LEP) parents.⁸²

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

Example: Impermissible Title III Spending on Civil Rights Obligations

An LEA may not use Title III funds to identify EL students because identifying EL students is a civil rights obligation under Title VI and the EEOA.⁸³

Example: Permissible Title III Supplemental Spending

An LEA that meets its civil rights obligations on staffing may use Title III funds to hire extra staff. For example, USDE guidance states that an LEA may use Title III funds to hire a specialist on EL students with interrupted formal education or English learners with disabilities to provide *supplemental* support to these unique populations; an LEA could also use Title III funds to hire staff that would provide *supplemental* LEA-wide instructional support to teachers of ELs. USDE guidance also notes that determinations about the supplement not supplant requirement in Title III are always fact-specific.⁸⁴

How Title III Funds May Be Used

Title III includes two types of subgrants to LEAs. First, are “formula” subgrants available to LEAs (or a consortium of LEAs) that generate at least \$10,000 under a formula established in the Title III law. These subgrants must be used to support ELs in learning English and meeting state academic standards. These subgrants are referred to as “Title III EL funds.” Second, are “targeted” subgrants SEAs might award to LEAs that experience a significant increase in

⁸² USDE 2016 Title III, Part A Guidance, Question A-3. Additional information about the civil rights obligations to EL students is available in a joint U.S. Department of Education and U.S. Department of Justice Dear Colleague Letter (2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

⁸³ USDE 2016 Title III, Part A Guidance, Question A-8.

⁸⁴ USDE 2016 Title III, Part A Guidance, Question D-7.

immigrant children and youth and should provide immigrant children with enhanced instructional opportunities. These subgrants are referred to as “Title III Immigrant funds.”

Title III EL Funds

LEAs must use Title III EL funds to assist ELs in learning English and meeting state academic standards.⁸⁵

Required Uses of Title III EL Funds at the LEA-Level

LEAs must use Title III EL funds for three activities:

1. Providing effective language instruction educational programs (LIEPs) that meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement;⁸⁶
2. Providing effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel; that is:
 - Designed to improve the instruction and assessment of ELs;
 - Designed to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs;
 - Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
 - Of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom.⁸⁷
3. Providing and implementing other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which must include parent, family, and community engagement activities, and may include strategies that serve to coordinate and align related programs.⁸⁸

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

⁸⁵ ESSA, Section 3115(a).

⁸⁶ ESSA, Section 3115(c)(1). For federal guidance about LIEPs, please see USDE 2016 *Title III, Part A Guidance*, Section C.

⁸⁷ ESSA, Section 3115(c)(2). For federal guidance on educators of English Learners, including professional development, please see USDE 2016 *Title III, Part A Guidance*, Section D.

⁸⁸ ESSA, Section 3115(c)(3). For federal guidance on parent, family, and community engagement, please see USDE 2016 *Title III, Part A Guidance*, Section E.

Authorized Uses of Title III Funds at the LEA-Level

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

- Upgrading program objectives and effective instructional strategies;⁸⁹
- Improving the instructional program for ELs by identifying, acquiring and upgrading curricula, instructional materials, educational software, and assessment procedures;⁹⁰
- Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators;⁹¹
- Developing and implementing effective preschool,⁹² elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services;⁹³
- Improving the English language proficiency and academic achievement of ELs;⁹⁴
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children;⁹⁵
- Improving the instruction of ELs, which may include ELs with a disability, by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs;⁹⁶
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education;⁹⁷ and
- Carrying out other activities that are consistent with the purposes of Title III subgrants.⁹⁸

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

Title III Immigrant Funds

LEAs that have experienced a significant increase in immigrant children and youth might receive an “immigrant subgrant” from their SEA. These Title III immigrant funds must be used to pay for

⁸⁹ ESSA, Section 3115(d)(1).

⁹⁰ ESSA, Section 3115(d)(2).

⁹¹ ESSA, Section 3115(d)(3).

⁹² For more information on Title III and Early Learning, please see USDE 2016 *Title III, Part A Guidance*, Section F.

⁹³ ESSA, Section 3115(d)(4).

⁹⁴ ESSA, Section 3115(d)(5).

⁹⁵ ESSA, Section 3115(d)(6).

⁹⁶ ESSA, Section 3115(d)(7).

⁹⁷ ESSA, Section 3115(d)(8).

⁹⁸ ESSA, Section 3115(d)(9).

activities that provide enhanced instructional opportunities for immigrant children and youth, and may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;
- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program;
- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education; and
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.⁹⁹

Other Spending Considerations and Rules

Funding Requirements

Per Section 3115(b) of ESEA, the LEA may use no more than 2 percent of its subgrant for administrative costs. This includes direct costs and indirect costs. Per Section 3114(b), if the LEA does not meet the minimum \$10,000 threshold for EL students, the LEA cannot receive Title III funding unless the LEA enters into a consortium to accept the funds. This threshold applies only to EL funds. Any amount of immigrant funding can be applied for, as long as the LEA meets the requirements for immigrant funding. To qualify for immigrant funding, the LEA must have had at least a 10 percent increase in the number of immigrant students over the average of the previous two years which included at least 10 additional immigrant students.

Maintenance of Effort

LEAs that receive Title III funds must comply with a maintenance of effort requirement.¹⁰⁰ In short, maintenance of effort ensures LEAs maintain a consistent floor of state and local funding for free public education from year-to-year.¹⁰¹

⁹⁹ ESSA, Section 3115(e). See also USDE 2016 Title III, Part A Guidance, Question G-4.

¹⁰⁰ ESSA, Section 8521.

¹⁰¹ USDE 2016 Title III, Part A Guidance, Question A-17.

Equitable Services

Title III funds are subject to an equitable services requirement.¹⁰² In short, this means that the LEA must ensure that eligible private school students, their teachers, and other educational personnel are served by Title III.¹⁰³ Nonpublic students qualify for Title III funding and should be given Title III services through the LEA. LEAs are responsible for nonpublic students in any nonpublic school within the LEA's geographic boundaries. Through the nonpublic consultation process, the Title III program and identification of eligible students should be determined. The numbers of nonpublic immigrant and EL students should be entered in the EL database.

Accountability Provisions

Title III under No Child Left Behind required that states hold Title III subgrantees accountable for meeting Annual Measurable Achievement Objectives (AMAOs) for English Learners. The AMAOs were:

- Making annual progress on the ACCESS (Assessing Communication and Comprehension in English State to State) for English Language Learners (ELLs);
- Attaining English proficiency on ACCESS; and
- Making Adequate Yearly Progress (AYP) for the ELL subgroup at the LEA level.

Under ESSA, these accountability provisions are removed from Title III and placed into the Title I framework but only during the transition year 2017-18. The AMAO points to consider during this transition time are as follow:

- 2016-17 (15-16 data) and 2017-18 (16-17 data) Title III accountability is suspended. AMAO targets and Successive Years determination provisions are not under enforcement; and
- PDE will continue to provide the supports and interventions needed by any LEA during the transition year between NCLB and ESSA. PDE will be disseminating information regarding the change after approval of the Pennsylvania State ESSA plan by the U.S. Department of Education.

Pennsylvania Information Management System (PIMS) / Limited English Proficient (LEP) System

The purpose of the Limited English Proficient System (LEP System) is to collect information on ESL/Bilingual Education Programs and ELs for reporting data to PDE and the USDE. The PIMS system is used to validate EL and Immigrant student counts for funding purposes.

Data Collection Required by USDE

LEAs and IU leads that received Title III funding must keep track of the impact of professional development activities supported by Title III funding. This information is collected every fall via PIMS and every recipient of Title III is required to complete it.

¹⁰²ESSA, Section 8501(b)(1)(C).

¹⁰³ USDE 2016 Title III, Part A Guidance, Question C-6. See also [ED 2016 Fiscal Changes Guidance](#), Section P.

Annual State English Language Proficiency Assessment

The PDE has joined the multi-state World Class Instruction Design and Assessment (WIDA) Consortium. The WIDA Consortium developed an assessment entitled ACCESS for ELs. The PDE has adopted the ACCESS for ELs as the statewide assessment instrument for the required annual assessment of English language proficiency. ACCESS for ELs is a standards-based, criterion referenced English language proficiency assessment designed to measure English learners' social and academic language proficiency in English. It assesses social and instructional English proficiency as well as English proficiency in the language associated with language arts, mathematics, science, and social studies across the four language domains of listening, speaking, reading, and writing.

LEA Evaluation Requirements

An LEA that receives a Title III subgrant must provide to the SEA an evaluation at the end of every second fiscal year as prescribed by the SEA. The SEA and LEA must use the evaluation to improve programs and activities and to determine the effectiveness of the programs and activities in helping EL students attain English proficiency and meet the same challenging state academic content and student achievement standards that all other students are expected to meet.

The biennial report is completed on the EL system annual online data collection by responding to the Title III program questions each year.

Section 7 – Title IV, Part A Student Support and Academic Enrichment Grants

Legislative Purpose

The purpose of Title IV, Part A is to provide all students access to a well-rounded education; to improve school conditions for student learning; and to improve the use of technology to improve the academic achievement and digital literacy of all students.

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

This section provides information about how local educational agencies (LEAs) can spend funds under the Student Support and Academic Enrichment (SSAE) grant program under Title IV, Part A, Subpart 1.¹⁰⁴

SSAE is a USDE grant program that provides supplemental funding to help provide students with a well-rounded education, improve school conditions, and improve the use of technology. USDE awards Title IV, Part A funds to SEAs, which then subgrant funds to LEAs.

Purpose of the SSAE Program

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

1. Provide all students with access to a well-rounded education;
2. Improve school conditions for student learning; and
3. Improve the use of technology in order to improve the academic achievement and digital literacy of all students.¹⁰⁵

How SSAE Funds May Be Used

Funds Overview:

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

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

¹⁰⁴ Title IV of ESSA is divided into different “parts” and “subparts,” each of which contains one or more grant programs. Title IV, Part A, Subpart 1, which is the focus of this handbook, is known as Student Support and Academic Enrichment (SSAE) Grants.

¹⁰⁵ ESSA, Section 4101. For federal non-regulatory guidance on the SSAE program, please see U.S. Department of Education, *Non-Regulatory Guidance: Student Support and Academic Enrichment Grants* (October 2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>. This guidance will be referred to as *ED 2016 SSAE Guidance* for the rest of this document.

- LEA spending options are listed in the section below, but there are several things to consider when deciding which activities to support including:
- LEA needs;
- School needs;
- The LEA’s objectives and intended outcomes;
- Stakeholder input; and
- Funding floors and ceilings on certain activities.

Local Needs Assessment

LEAs that receive \$30,000 or more in SSAE funds must, at least once every three years,¹⁰⁶ conduct a comprehensive needs assessment of the following:

- Access to and opportunities for, a well-rounded education for all students;
- School conditions for student learning to create a healthy and safe school environment; and
- Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.¹⁰⁷

LEAs that receive less than \$30,000 in SSAE funds do not have to conduct a formal needs assessment,¹⁰⁸ but are encouraged to consider the needs above when deciding how to spend SSAE funds.¹⁰⁹

Prioritizing High-Need Schools

LEAs must prioritize SSAE funds to schools that:

- Have the greatest needs as determined by the LEA;
- Have the highest percentages or numbers of low-income children;
- Are identified for Comprehensive Support and Improvement under Title I;
- Are implementing Targeted Support and Improvement plans under Title I; or
- Are identified as a persistently dangerous school under Section 8532.¹¹⁰

Objectives and Outcomes

LEAs must develop objectives for their SSAE programs and intended outcomes for SSAE-funded activities.¹¹¹ LEAs must use these objectives and outcomes to periodically evaluate the effectiveness of SSAE-funded activities.¹¹² LEAs must also provide SEAs with information

¹⁰⁶ ESSA, Section 4106(d)(3).

¹⁰⁷ ESSA, Section 4106(d).

¹⁰⁸ ESSA, Section 4106(d)(2).

¹⁰⁹ USDE *2016 SSAE Guidance*, p. 16 at footnote 14.

¹¹⁰ ESSA, Section 4106(e)(2)(A). ESSA requires LEAs to prioritize the distribution of funds to high-need schools. USDE’s SSAE guidance clarifies that an LEA can provide district-wide services with SSAE funds, but must prioritize activities for high-need schools (pp.14-15).

¹¹¹ ESSA, Section 4106(e)(1)(E).

¹¹² ESSA, Section 4106(e)(1)(E).

about their progress towards their objectives and outcomes so SEAs can satisfy their reporting requirements.¹¹³

Stakeholder Engagement

LEAs must meaningfully consult with a wide array of stakeholders when designing their SSAE programs.¹¹⁴ They must also engage in continuing consultation with stakeholders to improve SSAE activities and to coordinate SSAE activities with other activities conducted in the community.¹¹⁵

Funding Floors and Ceilings

Required activities

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

- At least 20 percent on activities to support a well-rounded education;
- At least 20 percent to activities to support safe and healthy students; and
- At least some funds for activities to support the effective use of technology.¹¹⁶ (Please note the cap on technology infrastructure below.)

Please note that a single activity can satisfy more than one category of required costs.¹¹⁷

Cap on Technology Infrastructure:

- Of the SSAE funds spent on technology, LEAs may not spend more than 15 percent of those technology funds to purchase technology infrastructure.¹¹⁸ Specifically, this means that LEAs may not spend more than 15 percent of its SSAE technology funds on devices, equipment, software applications, platforms, digital instructional resources, and/or other one-time IT purchases.¹¹⁹

Cap on Administrative Costs:

- LEAs may not spend more than 2 percent of their SSAE funds on direct administrative costs.¹²⁰

¹¹³ ESSA, Section 4104(a)(2); see also ESSA, Section 4106(e)(2)(F).

¹¹⁴ Stakeholders include parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet SSAE purposes. Section 4106(c)(1).

¹¹⁵ ESSA, Section 4106(c)(2).

¹¹⁶ ESSA, Section 4106(e)(2)(C)-(E).

¹¹⁷ USDE 2016 SSAE Guidance, p. 13.

¹¹⁸ ESSA, Section 4109(b).

¹¹⁹ USDE 2016 SSAE Guidance, p. 32.

¹²⁰ ESSA, Section 4105(c).

Local SSAE Spending Options

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

Activities to Support a Well-Rounded Education

LEAs may (and in some cases must¹²¹) spend SSAE funds to develop and implement programs and activities that support access to a well-rounded education.¹²² Activities should be coordinated with other schools and community-based services and programs.¹²³ They can also be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success.¹²⁴

Allowable activities are listed below.¹²⁵

College and Career Guidance

LEAs may use SSAE funds for college and career guidance and counseling programs like postsecondary education and career awareness and exploration activities, training counselors to effectively use labor market information in assisting students with postsecondary education and career planning, and financial literacy and Federal financial aid awareness activities.¹²⁶

Music and Arts to Support Student Success

LEAs may use SSAE funds for programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution.¹²⁷

Science, Technology, Engineering, and Mathematics (STEM)

LEAs may use SSAE funds for programs and activities to improve instruction and student engagement in STEM, including computer science.¹²⁸ Examples include:

- Increasing access to high-quality courses for underrepresented student groups such as female students, minority students, English learners, students with disabilities, and economically disadvantaged students;

¹²¹ LEAs that receive \$30,000 or more in SSAE funds must spend at least 20 percent of funds on activities to support a well-rounded education. Section 4106(e)(2)(C).

¹²² ESSA, Section 4107(a).

¹²³ ESSA, Section 4107(a)(1).

¹²⁴ ESSA, Section 4107(a)(2).

¹²⁵ For additional resources and tools to support LEAs in implementing these activities, see *USDE 2016 SSAE Guidance*, pp. 39-43.

¹²⁶ ESSA, Section 4107(a)(3)(A).

¹²⁷ ESSA, Section 4107(a)(3)(B).

¹²⁸ ESSA, Section 4107(a)(3)(C).

- Supporting low-income students to participate in nonprofit competitions related to STEM subjects;
- Providing hands-on learning and exposure to STEM and supporting the use of field-based or service learning to enhance student understanding;
- Supporting the creation and enhancement of STEM-focused specialty school;
- Facilitating collaboration among school personnel and the personnel of afterschool and informal programs, to improve the integration of programming and instruction; and
- Integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education.¹²⁹

Accelerated Learning

LEAs may use SSAE funds to raise student academic achievement through accelerated learning programs that provide courses or instruction accepted for credit at institutions of higher education (like dual or concurrent enrollment courses, early college high school courses, AP and IB).¹³⁰

This can include reimbursing low-income students for part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning exams.¹³¹ (Please note LEAs may use SSAE funds to cover fees for exams taken in the 2017-18 school year.¹³²)

It can also include increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses.¹³³

Other Instructional Opportunities

LEAs may use SSAE funds for:

- Activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education;¹³⁴
- Foreign language instruction;¹³⁵ and
- Environmental education.¹³⁶

¹²⁹ ESSA, Section 4107(a)(3)(C)(i)-(vi).

¹³⁰ ESSA, Section 4107(a)(3)(D). See also ESSA, Section 4104(b)(3)(A)(i)(IV).

¹³¹ ESSA, Section 4107(a)(3)(D)(i).

¹³² ESSA, Section 4107(b).

¹³³ ESSA, Section 4107(a)(3)(D)(ii).

¹³⁴ ESSA, Section 4107(a)(3)(E).

¹³⁵ ESSA, Section 4107(a)(3)(F).

¹³⁶ ESSA, Section 4107(a)(3)(G).

Volunteerism and Community Involvement

LEAs may use SSAE funds for programs and activities that promote volunteerism and community involvement.¹³⁷

Integrating Multiple Disciplines

LEAs may use SSAE funds to support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics.¹³⁸

Other Activities

LEAs may use SSAE for other activities and programs to support student access to, and success in, a variety of well-rounded education experiences.¹³⁹

Activities to Support Safe and Healthy Students

LEAs may (and in some cases must¹⁴⁰) use SSAE funds to develop, implement and evaluate comprehensive programs and activities that:

- Are coordinated with other schools and community-based services and programs;
- Foster safe, healthy, supportive, and drug-free environments that support academic achievement; and,
- Promote parent involvement in activities or programs.¹⁴¹

LEAs may conduct activities in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success.¹⁴²

Allowable activities are listed below.¹⁴³

Evidence-Based Drug and Violence Prevention

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

- Programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes; and/or
- Professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early

¹³⁷ ESSA, Section 4107(a)(3)(H).

¹³⁸ ESSA, Section 4107(a)(3)(I).

¹³⁹ ESSA, Section 4107(a)(3)(J).

¹⁴⁰ LEAs that receive \$30,000 or more in SSAE funds must spend at least 20 percent of funds on activities to support safe and healthy students. Section 4106(e)(2)(D).

¹⁴¹ ESSA, Section 4108(1)-(3).

¹⁴² ESSA, Section 4108(4).

¹⁴³ For additional resources and tools to support LEAs in implementing these activities, see *USDE 2016 SSAE Guidance*, pp. 43-45.

identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention.¹⁴⁴

School-Based Mental Health Services

LEAs may use SSAE funds for school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers.¹⁴⁵

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

- Based on trauma-informed practices that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available);
- Coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (IDEA); and
- Provided by qualified mental and behavioral health professionals who are certified or licensed by the state and practicing within their area of expertise.¹⁴⁶

LEAs **must obtain prior written consent** from the parent of each child under the age of 18 to participate in any mental-health assessment or service funded with SSAE and conducted in connection with school.¹⁴⁷ Before obtaining consent, the LEA must provide the parent with written notice describing in detail:

- The mental health assessment or service;
- The purpose for the assessment or service;
- The provider of such assessment or service;
- When the assessment or service will begin; and
- How long such assessment or service may last.¹⁴⁸

Providing this consent does not waive any rights or protections under Family Educational Rights and Privacy Act (FERPA).¹⁴⁹

¹⁴⁴ ESSA, Section 4108(5)(A)(i)-(ii).

¹⁴⁵ ESSA, Section 4108(5)(B)(i).

¹⁴⁶ ESSA, Section 4108(5)(B)(ii).

¹⁴⁷ ESSA, Section 4001(a)(1)(A). Please note informed written consent is not required in an emergency where it is necessary to protect the immediate health and safety of the child, other children, or LEA personnel. Informed written consent is also not required when the LEA actively seeks parental consent but cannot reasonably obtain it, including when a parent does respond to notice from the LEA, or the child is at least 14 years old and is considered an “unaccompanied youth” under Section 725 of the McKinney Vento Homeless Education Act. Section 4001(a)(2).

¹⁴⁸ ESSA, Section 4001(a)(1)(B).

¹⁴⁹ ESSA, Section 4001(a)(1)(C).

Health and Safety Activities or Programs

LEAs may use SSAE funds for programs or activities that:

- Integrate health and safety practices into school or athletic programs;
- Support a healthy, active lifestyle, including nutritional education and regular structured physical education activities and programs, that may address chronic disease management with instruction led by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students;
- Help prevent bullying and harassment;
- Improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment;
- Provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse;
- Establish or improve school dropout and reentry programs; and/or
- Establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports.¹⁵⁰

Addressing Trauma and Violence

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

- Suicide prevention;
- Effective and trauma-informed practices in classroom management;
- Crisis management and conflict resolution techniques;
- Human trafficking;¹⁵¹
- School-based violence prevention strategies including programs addressing sexual violence;
- Drug abuse prevention, including educating children facing substance abuse at home; and
- Bullying and harassment prevention.¹⁵²

Addressing Sexual Abuse

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

¹⁵⁰ ESSA, Section 4108(5)(C).

¹⁵¹ Defined as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) available at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section7102&num=0&edition=prelim>.

¹⁵² ESSA, Section 4108(5)(D).

- Age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and
- Information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child.¹⁵³

Reducing Exclusionary Discipline Practices

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

- Is consistent with best practices;
- Includes strategies that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available); and
- Is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services.¹⁵⁴

Positive Behavioral Interventions and Supports

LEAs may use SSAE funds to implement schoolwide positive behavioral interventions and supports.¹⁵⁵ This can include coordinating with similar IDEA activities to improve academic outcomes and school conditions for student learning.

Resource Coordinator

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

- Establishing partnerships within the community to provide resources and support for schools;
- Ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and
- Strengthening relationships between schools and communities.¹⁵⁶

Pay for Success

LEAs may use pay for success initiatives aligned with the goal of supporting safe and healthy students.¹⁵⁷

¹⁵³ ESSA, Section 4108(5)(E).

¹⁵⁴ ESSA, Section 4108(5)(F).

¹⁵⁵ ESSA, Section 4108(5)(G).

¹⁵⁶ ESSA, Section 4108(5)(H).

¹⁵⁷ ESSA, Section 4108(5)(I).

A pay for success initiative is a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector.¹⁵⁸

Activities to Support the Effective Use of Technology

LEAs may (and in some cases must¹⁵⁹) use SSAE funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students.¹⁶⁰ Of the amount an LEA chooses to spend on technology, only 15 percent may be used for technology infrastructure. Please see section above “Funding Floors and Ceilings” for more information about this 15 percent cap.

Allowable activities are listed below.¹⁶¹

Professional Learning

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

- Personalize learning to improve student academic achievement;
- Discover, adapt, and share relevant high-quality educational resources;
- Use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and
- Implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning.¹⁶²

Technological Capacity and Infrastructure

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

- Procuring content and ensuring content quality; and
- Purchasing devices, equipment, and software applications in order to address readiness shortfalls.¹⁶³

LEAs may not spend more than 15 percent of the SSAE funds used for technology on technology infrastructure.¹⁶⁴

¹⁵⁸ ESSA, Section 8101(40). More information about pay for success initiatives is available from USDE at <http://www2.ed.gov/about/inits/ed/pay-for-success/index.html>.

¹⁵⁹ LEAs that receive \$30,000 or more in SSAE funds must spend some SSAE funds on activities that support the effective use of technology. Section 4106(e)(2)(E).

¹⁶⁰ ESSA, Section 4109(a).

¹⁶¹ For additional resources and tools to support LEAs in implementing these activities, see *USDE 2016 SSAE Guidance*, pp. 46-47.

¹⁶² ESSA, Section 4109(a)(1).

¹⁶³ ESSA, Section 4109(a)(2).

¹⁶⁴ ESSA, Section 4109(b).

Delivering Courses through Technology

LEAs may use SSAE funds to develop or use effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.¹⁶⁵

Blended Learning

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

- Planning activities, like developing new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases (that do not include significant construction or renovation of facilities) (please note all technology infrastructure costs count towards the 15 percent cap noted above); or
- Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project.¹⁶⁶

Professional Development on Use of Technology in STEM Areas

LEAs may use SSAE funds to provide professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in STEM areas.¹⁶⁷

Access to Digital Learning Experiences

LEAs may use SSAE funds to provide students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.¹⁶⁸

Other Spending Rules

Maintenance of Effort

LEAs that receive SSAE funds must comply with a maintenance of effort requirement.¹⁶⁹ In short, maintenance of effort requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year.

¹⁶⁵ ESSA, Section 4109(a)(3).

¹⁶⁶ ESSA, Section 4109(a)(4).

¹⁶⁷ ESSA, Section 4109(a)(5).

¹⁶⁸ ESSA, Section 4109(a)(6).

¹⁶⁹ ESSA, Section 8521.

Supplement not Supplant

LEAs that receive SSAE funds must comply with a supplement not supplant requirement.¹⁷⁰ In general terms, this means that SSAE funds should add to (supplement) and not replace (supplant) state and local funds.

For the SSAE program, supplanting is presumed when:

- An LEA uses SSAE funds to pay for an activity that is required by federal, state, or local law; or
- An LEA uses SSAE funds to pay for an activity it supported with state or local funds the prior year.¹⁷¹

An LEA may overcome a presumption of supplanting if it has written documentation (e.g., State or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the SSAE program funds.¹⁷²

Equitable Services

SSAE funds are subject to an equitable services requirement.¹⁷³ In short, this means LEAs must reserve funds to provide SSAE services to eligible private school children, teachers, and other educational personnel in private schools.¹⁷⁴

¹⁷⁰ ESSA, Section 4110.

¹⁷¹ *USDE 2016 SSAE Guidance*, p. 14.

¹⁷² *USDE 2016 SSAE Guidance*, p. 14

¹⁷³ ESSA, Section 4106(e)(2)(b); ESSA, Section 8501(a).

¹⁷⁴ *USDE 2016 SSAE Guidance*, p. 13, in particular footnote 13. See also [ED 2016 Fiscal Changes Guidance](#), Section P.

Section 8 - Title VI. B Rural Education Initiative/Rural Education Achievement Program (REAP)

Legislative Purpose

The purpose of Title VI.B REAP is to address the unique needs of rural districts that frequently lack the personnel and resources needed to compete effectively for federal competitive grants and that receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

The REAP is designed to assist rural school districts in using Federal resources more effectively to improve the quality of instruction and student academic achievement. It consists of two separate programs – the Small, Rural School Achievement (SRSA) Program and the Rural and Low-Income Schools (RLIS) Program.

1. The SRSA Program provides eligible LEAs with greater flexibility in using the formula grant funds that they receive under certain state-administered Federal programs. It also authorizes the Secretary to award formula grants directly to eligible LEAs (i.e., those LEAs eligible under the alternative uses of funds program) to carry out activities authorized under other specified Federal programs.
 - The Alternative Uses of Funds Authority is a flexibility provision that allows eligible LEAs to combine funding under certain programs to carry out local activities under other specified Federal programs.
2. The RLIS Program¹⁷⁵ is designed to address the needs of rural, low-income schools. The Secretary awards formula grants to SEAs, which in turn award subgrants to eligible LEAs either competitively or on a formula basis. The funds are to be used to carry out activities specified by the statute. LEAs may use RLIS funds to support a broad array of local activities to support student achievement.

Subpart I - Small, Rural School Achievement (SRSA) Program

Eligibility

Beginning in FY 2017, the following eligibility criteria for SRSA apply:

- 1a. The total number of students in average daily attendance at all of the schools served by the LEA is fewer than 600; or
- 1b. Each county in which a school served by the LEA is located has a total population density of fewer than 10 people per square mile; and

¹⁷⁵ (CFDA no. 84.358B, www2.ed.gov/programs/reaprlisp/index.html)

2a. All of the schools served by the LEA are designated with a school locale code of 41, 42, or 43, as determined by the Secretary of Education; or

2b. The LEA is located in an area determined to be “rural” by a governmental agency of the state.

For the SRSA program, the grant allocation process, application process and payment process are handled directly through the USDE.

SRSA Allowable Use of Funds

The LEA may use SRSA funding to carry out activities authorized under any of the following programs:

- ESSA, Title V, Part B, Subpart 1, Section 5212 (a);
- Title I, Part A;
- Title II, Part A;
- Title III; and
- Title IV, Part A.

Examples of allowable use of SRSA funds:

- A district develops a business education program to supplement its curriculum;
- A school district hires an aide to work alongside a teacher for an academic year;
- A school district offers an afterschool enrichment program for EIs; and
- An LEA purchases an upgrade in its internet service for all the schools in its district.

Subpart II - Rural and Low-Income School (RLIS) Program

RLIS Eligibility

A district is eligible for the RLIS Program if it is not eligible for SRSA funding and if 20 percent or more of its school-age population are from families with incomes below the census poverty line, and all of the schools served by the district are designated with a School Locale Code of 32, 33, 41, 42, or 43, as determined by the USDE. Due to these specific criteria, a district’s eligibility may change from year to year.

RLIS Allowable Uses of Funds

The LEA may use RLIS funds for the following:

- Teacher recruitment and retention (subject to state law);
- Professional development;
- Educational technology;
- Parent and Family Engagement activities;
- Activities authorized under Safe and Drug-Free Schools and Communities (restrictions on security expenditures do apply here);
- Activities authorized under Title I.A; and
- Activities authorized under Title III.

Examples of RLIS REAP-Flex Use of Funds:

- Title I, Part A;
- Title II, Part A;
- Title III;
- Title IV, Part A; and
- Parental and Family Engagement Activities.

REAP-Flex

“REAP-Flex” is the term that the USDE has given to the “alternative uses of funds” authority under the Small, Rural School Achievement program. This authority provides flexibility to eligible rural LEAs to use specific Federal formula funds (i.e., each LEA’s “applicable funding”) to support local activities under an array of Federal programs in order to assist them in addressing local academic needs more effectively.

REAP-Flex authority provides flexibility to eligible rural LEAs to use funds out of Title VI.B for purposes under Titles I, II, and III. REAP LEAs may transfer up to 100 percent of these funds. Under REAP-Flex, an LEA must spend these funds on local activities authorized under one of these programs but does not have to meet the set aside requirements of those programs.

REAP-Flex does not involve a transfer of funds from one program to another. Instead, REAP-Flex gives an LEA broader authority in spending “applicable funding” for alternative uses under selected federal programs. In contrast, when an LEA transfers funds from one program to another under the transferability authority, the transferred funds increase the allocation of the receiving program and are subject to all of the rules and requirements of the receiving program.

PART II - UNIFORM GRANTS (UG)

The Federal Government updated and condensed all federal grants guidance documents into one uniform guidance document that will apply to ALL federal grants. Uniform Grants (UG) went into effect on December 26, 2014. It applies to every federal funding source in each LEA, regardless of if the funds come from USDE or another federal awarding agency. The purpose is to eliminate fraud, waste, and abuse.

The new focus of the guidance and single audits will be on performance. The expectation is that federal grant dollars are spent to meet the intent of each program which will be demonstrated through performance goals set by each LEA.

Progress toward meeting performance goals will be reported and demonstrated through the annual performance report.

Five UG Policies/Procedures

LEAs must create and adopt two written policies (which must be board approved) and three written procedures. Here is the list of policies/procedures:

- Policies:
 - Written Travel Policy - § 200.474(b)
 - Written Conflicts of Interest Policy - § 200.318(c)

- Procedures:
 - Written Cash Management Procedure – § 200.302(b)(6) & § 200.305
 - Written Allowability Procedures – § 200.302(b)(7)
 - Written Procurement Procedures – § 200.319(c)

To access templates for the policies/procedures visit www.pafpc.org > DFP Resources > Uniform Grant Guidance

Determining Allowability of Cost

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval from the state and be Necessary and Reasonable for the performance of the federal award. LEA staff must consider these elements when determining the reasonableness of a cost. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. It must also be allocable to the federal award. A cost is allocable to the federal award if the goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds charged to the program. In order to determine whether federal funds may be used to purchase a specific cost, it is helpful to ask the following questions:

- Is the proposed cost allowable under the relevant program;
- Is the proposed cost consistent with an approved program plan and budget;

- Is the proposed cost consistent with program specific fiscal rules;
 - For example, the LEA may be required to use federal funds only to supplement the amount of funds available from nonfederal (and possibly other federal) sources.
- Is the proposed cost consistent with EDGAR; and
- Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?

2 CFR § 200.402: Total costs. The total costs of a Federal award are the sum of the allowable direct and allocable indirect cost less any applicable credits.

2 CFR § 200.403: Costs must meet the following general criteria in order to be allowable under Federal awards: (a) be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.

2 CFR § 200.404: Reasonable costs. A cost is reasonable if, in its nature and amount it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. Consideration must be given to: (a) whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award.

2 CFR § 200.405: Allocable costs. (a) A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received.

Procurement (PDE UG Procurement Guide, page 17)

Under UG there is new terminology for small and attractive items, they are now called micro-purchases. This is a purchase of supplies or services of small dollar value using simplified acquisition procedures, the aggregate amount of which does not exceed \$3,500. Micro-purchases should be distributed among suppliers equitably to the extent practicable. Small purchases are purchases between \$3,500 and \$150,000. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$150,000. If services/goods are purchased with federal funds, must follow these guidelines:

\$1 - \$3,499 no competitive solicitation required if operator considers price to be fair;

\$3,500 - \$150,000 - adequate number of price quotes (three or more) from qualified sources; and

\$150,000 and above - Competitive bid per school code.

Also, the LEA performs a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications.¹⁷⁶ A cost analysis generally means

¹⁷⁶ 2 CFR § 200.323(a).

evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements. Information pertaining to Procurement can be found in the PDE UG Procurement Guide, page 122.

Procurement and intergovernmental agreements (IGAs)

Because of questions from the field, the PDE recently consulted with the USDE concerning the appropriate process for LEAs to enter into IGAs to procure goods or services from IUs or other LEAs using federal funds.

As we understand it, these IGAs are sometimes entered into without the LEA first having engaged in one of the applicable competitive methods of procurement under 2 CFR § 200.320 (a)-(d). Such IGAs are often used by LEAs and IUs, which join together for the procurement of common or shared goods and services.¹⁷⁷ For example, IGAs may be used for the joint purchase of a commodity or service from a single vendor by several purchasers acting collectively and all entering into one contract with the vendor or for the individual purchase of a service from a LEA or IU by several LEAs.

USDE has advised PDE that while federal regulations permit entities to enter into IGAs as an appropriate alternative contractual arrangement for procurement or use of common or shared goods and services using federal funds when these agreements foster greater economy and efficiency, the provision for IGAs does not override the basic premise that competitive methods of procurement are preferred. Therefore, when joining together in a joint procurement for goods or services using federal funds, each LEA and/or the IU is responsible for ensuring that the purchasing organization or collective conducting the joint procurement complies with applicable federal regulations, including the competitive requirements for procurements under § 200.320(a)-(d), unless the requirements for a sole source procurement are met under § 200.320(f). Similarly, when using federal funds to purchase shared or common services from LEAs or IUs, the IGA used for such purchase must be compliant with § 200.320 (a)-(d), unless the requirements for a sole source procurement are met under § 200.320(f). In addition, LEAs must examine the suitability of sole source procurement on a case-by-case basis and ensure that costs in all cases can be documented to be reasonable. LEAs should have in place and adhere to strong internal controls, including the documentation of the procurement procedures they follow when obtaining goods and services with federal funds.

Property

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the LEA for financial statement purposes, or \$5,000.

Supplies means all tangible personal property other than those described in § 200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the

¹⁷⁷ See 2 CFR § 200.318(e).

capitalization level established by the LEA for financial statement purposes or \$5,000, regardless of the length of its useful life.

Computing devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting, and receiving, or storing electronic information.

PART III – FISCAL

LEA Allocations

DFP will compute and disseminate the allocations for each LEA. Allocations are posted on the [federal programs website](#) each year when released.

LEAs are authorized to receive allocations for Title I, Part A funds that meet the four separate funding formulas: Basic Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grant.

- Basic Grants provide funds to LEAs in which the number of children counted in the formula is at least 10 and exceeds 2 percent of an LEA's school-age population;
- Concentration Grants flow to LEAs where the number of formula children exceeds 6,500 or 15 percent of the total school-age population;
- Targeted Grants are based on the same data used for Basic and Concentration Grants, except that the data are weighted so that LEAs with higher numbers or higher percentages of children from low-income families receive more funds. Targeted Grants flow to LEAs where the number of school children counted in the formula (without application of the formula weights) is at least 10 and at least 5 percent of the LEA's school-age population; and
- Education Finance Incentive Grants (EFIG) distribute funds to states based on factors that measure: 1) a state's effort to provide financial support for education compared to its relative wealth as measured by its per capita income; and 2) the degree to which education expenditures among LEAs within the state are equalized.

Reallocation

Excess funds will be made available for reallocation to LEAs when possible. Reallocation procedures for Title I and Title II are available on the federal programs website. Reallocation procedures for all other programs will be developed when needed.

Funding Adjustments

Adjustments to allocations will occur in the winter of each year to reflect revised allocations from the federal government and/or adjustments in LEA allocations that may occur as a result of new charter schools opening in an LEA attendance area.

LEAs will be notified if allocation adjustments have been made. The Consolidated Application will be reopened in eGrants to allow LEAs to access the original budget and narrative and update both pieces accordingly.

Amendments

An amendment is created when a new grant award has been added to an original application. A new sign off, either electronic or printed hard copy, will be required.

Obligation of Funds

LEAs may use grant funds only for obligations (encumbrances) made during the grant period, as defined by the start date and termination date on the fully executed Consolidated LEA Application. The following table shows when an obligation is made for various kinds of property and services.

If the obligation is for:	The obligation is made:
Acquisition of property	On the date which the LEA makes a binding written commitment to acquire the property
Personal services by an employee of the LEA	When the services are performed
Personal services by a contractor who is not an employee of the LEA	On the date when the LEA makes a binding written commitment to obtain the services
Public utility services	When the LEA receives the services
Travel	When the travel is taken
Rental of property	When the LEA uses the property

*If this commitment is made before the grant period, the LEA must include in the commitment letter or contract the following type of statement: "The provision of payment for these services is contingent on the availability of federal funds and approval for the use of those funds by DFP."

Administrative Funds

Although federal law does not set a cap for administrative funds for programs other than Title III, DFP does periodically monitor the amount of funds LEAs budget for administrative costs. As a general rule, budgets showing administrative costs in excess of 10 percent of an LEA's allocation for any program may be flagged for questioning and follow-up.

The following types of activities are considered to be examples of administrative tasks. They are provided as a guideline for LEAs to use when determining the amount of time a federally-funded employee spends on administration. This list is not exhaustive. If there are other activities needing consideration, please contact a regional coordinator.

Examples of administrative tasks:

- Helps develop plans and application;
- Supervises staff;
- Oversees budget;
- Monitors implementation;
- Understands and informs staff of legal requirements;
- Helps develop strategies;
- Monitors program evaluation; and
- Maintains required documentation.

Interest Earned

The Cash Management Improvement Act (CMIA) and related regulations require that states minimize the time elapsing between the transfer of funds from the United States Treasury and the expenditure of funds for program purposes.

To summarize, CFR § 200.305 states to promptly, but at least quarterly, remit interest earned on advances over \$500 per year.

Remit interest to: US Department of Health and Human Services (HHS), mail to HHS Program Support Center, PO Box 530231, Atlanta, Georgia 30353-0231.

Budget Function Descriptions

For your information in preparing your budget, the following are function descriptions for all line items.

The following detail functions are summarized under **1000 - INSTRUCTION** on the budget summary:

1190 Additional Other Instructional Programs – Instructional programs applicable to but not listed elsewhere in the 1400 series of accounts.

1190-1 Reading – Supplemental Reading activities/programs for students in grades K-12.

1190-2 Mathematics – Supplemental Mathematics activities/programs for students in grades K-12.

1190-3 Language Arts – Supplemental Language Arts activities/programs for students in grades K-12.

1190-4 English/Second Language – Supplemental English as a Second Language activities/programs for students in grades K-12.

1190-5 Early Childhood (Pre-K, Kindergarten, 1 and 2) – Use 1190-6 for Kindergarten, 1, and 2. Use 1800 for Pre-K (Supplemental Early Childhood activities/programs for students in grades K-12).

1190-6 Other – Include Kindergarten, 1 and 2 previously included in 1190-5 for any supplemental instructional program not covered by 1190-1 through 1190-5. Examples include: Supplemental instructional costs for programs/activities for Alternative Regular Education Programs, Adjudicated/Court Placed Programs, and/or Alternative Education Programs.

1500 Nonpublic School Programs (Instructional Costs) – Activities for students attending a school established by an agency other than the state, a subdivision of the state, or the federal government, which usually is supported primarily by other than public funds. The services consist of such activities as those involved in providing instructional services. Attendance, social work, health services and transportation are classified to the applicable 2000 support services function for nonpublic schools.

1800 Pre-Kindergarten – Activities designed to provide Pre-K students with learning experiences. (Previously included under 1190-5.)

The following functions are summarized under **2100 - PUPIL PERSONNEL SERVICES:**

2100 Support Services (Pupil Personnel) – Activities designed to assess and improve the well-being of students to supplement the teaching process and to meet the applicable provisions of Article XIII of the Pennsylvania Public School Code of 1949, as amended, and Chapter 7 of the Pennsylvania Code. Included in the subfunction are activities designed to provide program coordination, consultation, and services to the pupil personnel staff of an LEA.

2160 Social Work Services – Activities such as: investigating and diagnosing student problems arising out of the home, school, or community; casework and group work services for the child, parent or both; interpreting the problems of students for other staff members; and promoting modification of the circumstances surrounding the individual student which are related to his/her problem insofar as the resources of the family, school, and community can be brought to bear effectively upon the problem.

The following functions are summarized under **2200 - STAFF SUPPORT SERVICES:**

2200 Support Services (Instructional Staff) – Activities associated with assisting, supporting, advising, and directing the instructional staff with, or on the content and process of, providing learning experiences for students.

2220 Technology Support (previously Audiovisual Services) – Activities such as selecting, preparing, caring for, and making available to members of the instructional staff the equipment, films, filmstrips, transparencies, tapes, TV programs, and other similar materials, whether maintained separately or as part of an instructional materials center. Included are activities in the audiovisual center, TV studio, and related work-study areas, and the services provided by audiovisual personnel.

2240 Computer Assisted Instruction Services – Activities concerned with planning, programming, writing, and presenting educational projects which have been especially programmed for a computer.

2250 School Library Services – Activities such as: selecting, acquiring, preparing, cataloging, and circulating books and other printed materials; planning the use of the library by students, teachers, and other members of the instructional staff; and guiding individuals in their use of library books and materials whether maintained separately or as part of an instructional materials center. Included here are activities for planning the use of the library by students and instructing students in their use of library books and materials, whether maintained separately or as part of an instructional materials center or related work-study area.

2260 Curriculum Development/Pre-Service – Activities designed to provide specialized curriculum assistance to teachers and/or LEA's in developing the curriculum, preparing, and utilizing special curriculum materials, and understanding and appreciating the various techniques which stimulate and motivate students.

2270 Staff Development – Activities of an instructional staff development service designed to contribute to the professional or occupational growth and competence of members of the LEA instructional staff. These activities include workshops, demonstrations, and in-service courses. Included are costs for development staff members' salaries and benefits.

2280 Nonpublic Support Services – Activities associated with assisting, supporting, advising, and directing the nonpublic school staff with, or on the content and process of providing learning tools and experiences for nonpublic students.

The following cost functions are summarized under **2300 – ADMINISTRATIVE SUPPORT SERVICES:**

2300 Support Services (Administration) – Activities concerned with establishing and administering policy in connection with operating the LEA.

2350 Legal and Accounting Services – Costs associated with the single audit of federal programs.

The following cost functions are summarized under **2400 - HEALTH SUPPORT SERVICES:**

2400 Support Services (Pupil Health) – Physical and mental health services which are not direct instruction. Included are activities that provide students with appropriate medical, dental, and nurse services.

The following cost functions are summarized under **2500 - BUSINESS SUPPORT SERVICES:**

2500 Support Services (Business) – Activities concerned with paying, transporting, exchanging, and maintaining goods and services for the LEA. Included are the fiscal and internal services necessary for operating the LEA.

The following cost functions are summarized under **2600 - OPERATION AND MAINTENANCE:**

2600 Operation and Maintenance of Plant Services – The activities concerned with keeping the physical plant open, comfortable, and safe for use, and keeping the grounds, buildings, and equipment in effective working condition and state of repair.

The following cost functions are summarized under **2700 – STUDENT TRANSPORTATION:**

2700 Student Transportation Services – Includes activities concerned with the conveyance of students to and from school as provided by state and federal law. It includes transportation costs only for trips between home and school.

The following cost functions are summarized under **2800 - CENTRAL SUPPORT SERVICES:**

2800 Support Services (Central) – Activities, other than general administration, which support each of the other instructional and supporting services program. These activities include planning, research, development, evaluation, information, staff, and data processing services.

2810 Planning, Research and Development (previously known as Local Reform) – Those activities, on a systemwide basis, associated with conducting and managing programs of planning, research development, and evaluation for a school system.

2813 Evaluation Services (Program Evaluation) – Those activities concerned with ascertaining or judging the value or amount of an action or an outcome by careful appraisal of previously specified data in light of the particular situation and the goals and objectives previously established.

2820 Information Services (Dissemination) – Those activities concerned with writing, editing and other preparation necessary to disseminate educational and administrative information to students, staff, manager, and the general public through direct mailing, the various news media, or personal contact.

2850 State/Federal Agency Liaison Services – Those activities associated with acquiring, conducting, and managing programs or with planning, administration, implementation, coordination, reporting, and/or evaluation of programs and projects which are federally or state funded.

3300 Community/Parent Services – Those activities concerned with providing community services to students, staff, and parents.

5000 OTHER EXPENDITURES AND FINANCING USES previously called “Approved Indirect Cost”.

Budget Revisions

An LEA may revise the approved budget of any program throughout the life of the program. A budget revision is necessary if the total expenditures of any function line item in the budget exceed the approved amount by 20 percent or more.

DFP encourages LEAs to wait until the funds are expended and do one final budget revision to reconcile the final expenditures to the approved budget prior to submitting the Final Expenditure Report.

Interim approval is needed for budget revisions involving the purchase of equipment costing \$5,000 or more. The approval may be requested in writing or via email to the appropriate regional coordinator. The regional coordinator’s response may be kept on file as interim approval/disapproval and the final adjustments can be made to the budget at the end of the project.

Indirect Costs

Indirect cost is an optional reimbursement for expenditures not otherwise included in the application budgets. The indirect cost is calculated using a formula from the total direct costs (including salaries, employee benefits, purchased services, and materials and supplies) and the LEA’s approved restricted indirect cost rate. LEAs must apply for an indirect cost (IC) rate annually through their annual financial report (AFR). Approved IC rates are loaded into the eGrants system each year during funding adjustments, and eGrants calculates the maximum

indirect cost for each program. When completing an original Consolidated Application, create an estimated budget with the previous year's IC rate.

There has been a change to Indirect Costs based on the UG. The salaries of administrative and clerical staff must be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

- Administrative or clerical services are integral to a project or activity;
- Individuals involved can be specifically identified with the project or activity;
- Such costs are explicitly included in the budget or have the prior written approval of the federal awarding agency; and
- The costs are not also recovered as indirect costs.¹⁷⁸

Final Expenditure Report (FER)

An LEA with an approved application must submit an FER online only. The FER is accessed through the eGrants Management Menu. *The FER should be submitted within 30 days after funds are expended but no later than 30 days after the ending date of the project.* Reported expenditures in approved line item totals may not be more than 20 percent greater than the total amount budgeted within each of the approved programs. Expenditures in excess of the approved budget or of the allowable variations must be paid with local funds.

Due Dates for FERs

- 2016-17 Federal Programs with Approved Carryover – October 30, 2018 (or prior date funds are expended);
- 2017-18 Federal Programs without Carryover – October 30, 2018 (or date funds are expended); and
- 2017-18 Federal Programs with Approved Carryover – October 30, 2019 (or prior date funds are expended).

Quarterly Reports

LEAs are required to file Reconciliation of Cash on Hand Quarterly Reports for any program for which they are receiving monthly payments. The Quarterly Reports are due on the 10th working day of January, April, July, and October. LEAs should begin filing quarterly reports the first quarter after payments begin. Failure to submit quarterly reports will result in monthly program payments being suspended until the outstanding report is submitted. Quarterly reports are submitted through the Financial Accounting Information (FAI) system. Inquiries regarding payments or quarterly reports should be sent to ra-faiecs@pa.gov.

The quarterly report tracks LEA expenditures and cash payments. An LEA may not have more cash on hand than obligations. The Federal Cash Management Act prohibits LEAs from drawing down more funds than what their obligations warrant.

¹⁷⁸ 2 C.F.R. § 200.413(c).

Carryover

The carryover amounts will be reflected on the project carryover screen of the subsequent year's program application. Funds not used and carried over into the next fiscal year are subject to these limitations:

- Title I.A – LEAs with a Title I.A allocation of \$50,000 or more may not carryover more than 15 percent of the funds allocated each year beyond September 30 of the following year. DFP may grant a waiver of this limitation once every three years if the LEA's request is reasonable and necessary LEAs with an allocation of less than \$50,000 may carry over up to 100 percent of their allocation; and
- There is no limit on carryover for the following programs: Titles I.D, II.A, III, and IV.A.

Payment Schedule

Funds will be electronically transferred via the FAI system to an LEA according to a monthly payment schedule based on the approved budget and grant agreement. The first payment will be transferred upon Comptroller's Office approval of the Consolidated LEA Application.

Payments are calculated based on the start date and termination date on the approved grant agreement.

The first payment may include additional months to account for the period of time the application and grant agreement were going through the approval process. (For example, if a grant agreement was submitted on July 1 and did not reach the Comptroller's Office to be set up for payment until September, the first monthly payment would include July, August, and September. The LEA would receive payment one month at a time from October forward.)

Accounting Requirements

Separate and identifiable accounting records for receipts and expenditures in each program must be maintained. The LEA may not commingle funds unless they are used in a schoolwide program. When funds are used in a schoolwide program, the LEA must develop a separate source code for reporting expenses for each of the programs.

All program funds must be reported within the program they were originally allocated, regardless if they were transferred into/out of a program for use somewhere else. (For example, if an LEA was allotted \$100,000 in Title II A, but transferred \$30,000 to another program, they still complete their Final Expenditure Reports (FER) and Quarterly Reports based on the \$100,000.)

Inventory Control

A control system must be developed for adequate maintenance procedures to keep the equipment in good condition and to provide safeguards to prevent loss, damage, or theft of the equipment. This directive also pertains to "computing devices" as explained below.

For each equipment and computing device purchased with federal funds, the following information is maintained:

- Serial number or other identification number;

- Source of funding for the property;
- Who holds the title;
- Acquisition date and cost of the property;
- Percentage of federal participation in the project costs for the federal award under which the property was acquired;
- Location, use, and condition of the property; and
- Any ultimate disposition data including the date of disposal and sale price of the property.

All equipment/capital outlay, regardless of cost, must be tracked and inventoried in order to provide adequate controls for LEAs to safeguard all equipment purchased with federal funds. This directive includes “computing devices” such as laptop computers, calculators, PDAs, digital cameras, scanners, and other items that are easily stolen.

Procedures for managing equipment must meet the following requirements:

1. Inventory must be current and available for review and audit. The following information must be included:
 - a. Description of the property, including manufacturer’s model number, if any;
 - b. Manufacturer’s serial number or other identification number;
 - c. Identification of the funding source under which the property was acquired;
 - d. Acquisition date and unit cost;
 - e. Source of property (company name);
 - f. Percentage of federal funds used in the purchase of the property;
 - g. Present location, use, condition of the property, and date the information was reported; and
 - h. All pertinent information on the ultimate transfer, replacement, or disposition of the equipment.
2. Physical inventory must be conducted at least every two years;
3. There must be a control system in place to prevent loss, damage, or theft;
4. Adequate maintenance procedures must be implemented;
5. If authorized or required to sell property, proper sales procedures must be maintained to ensure highest possible return; and
6. Items acquired using federal monies shall be physically marked by source of funding and acquisition date.

Equipment on loan to nonpublic schools or local institutions for neglected or delinquent children must be used for Title I or Title I.D participants only and must be clearly identified as Title I or Title I.D equipment belonging to the LEA or intermediate unit. The equipment must be included on the inventory records of the LEA, and must be inventoried every year.

Disposition of Equipment Uniform Guidance 2 CFR §200.313-314

Equipment must be disposed of in accordance with applicable laws and procedures and may be disposed of with no obligation to the federal government, if all of the following criteria are met:

- Equipment is no longer needed in the current program;
- Equipment is not needed in other programs currently or previously funded by a federal agency; and
- Equipment is an item that has a current per-unit fair market value of less than \$5,000.

An LEA may purchase or lease equipment with ESSA funds if: 1) it is reasonable and necessary to operate its federal program effectively; 2) existing equipment will not be sufficient; and 3) the costs are reasonable.

Real property and equipment purchased with ESSA funds may be made available to other educational programs or projects, providing this use does not interfere with its use for the ESSA program or significantly shorten the equipment's useful life.

Records of transferred equipment must be retained for three years from date of transfer.

The written notification to purge or transfer must include:

- Item;
- Date of acquisition;
- Original cost;
- Reason for purge or transfer; and
- Anticipated use.

Generally, disposition of equipment is dependent on its fair market value (FMV) at the time of disposition. If the item has a current FMV of \$5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency. If the item has a current FMV of more than \$5,000, the federal awarding agency is entitled to the federal share of the current market value or sales proceeds.

LEAs must request from DFP disposition instructions for capital outlay with an acquisition cost of \$5,000 or more per unit.

Documentation Related to Payment of Staff

When monitored, the number of full-time employees must be consistent with the approved application. LEAs must keep documentation, such as time and effort logs or classroom schedules, and a list of staff paid from multiple funding sources for all partial full-time employees and for individuals receiving stipends.

Single Funding Certification

Where employees are expected to work solely on a single federal program, charges for their salaries and wages will be supported by the completion of the Single Funding Certification Form. These certifications will be signed at least each semester by the employee or building

principal. LEAs should keep these forms on file to certify that all staff fully funded with federal funds are conducting activities consistent with the purposes of the funding sources. Example of a Single Funding Certification Statement: "I hereby certify that for the period of January 1 through June 30, 2019, 100 percent of my time and effort was spent on Title I, Part A, activities."

In a schoolwide building where local, state, and federal funds are combined, all employees in that building are considered to be part of the schoolwide program and would need to complete the Single Funding Certification Form. The building principal could, however, meet this requirement by signing a payroll listing of all employees each semester.

Requirements for Split-Funded Employees

Employees at least partially paid from federal sources and working in multiple cost objectives are to complete a Personnel Activity Report (PAR). The employee is required to sign the form, certifying that the time spent on federal grant programs and activities is proportionate. The form should be signed on a monthly basis, and should include appropriate supporting documentation, such as employee work schedules.

Example of a Personnel Activity Report: "I hereby certify that for the period of July 1, 2018 through July 31, 2018, ____ percent of my time and effort was spent on Title I, Part A, activities."

In the event that an employee is not spending their time on the grant activities as required, the supervisor will work with the individual to ensure that the work effort is appropriate to the grant requirements and funding percentage, making necessary payroll reconciliations if needed.

Sabbatical Leave Request for Title I Staff

Sabbatical leave requests for Title I staff are required in accordance with federal and state regulations. Sabbatical leave requests are authorized from Title I providing there is no reduction in size, scope, and quality of Title I services.

Sabbatical Leave Request process:

1. The Division of Federal Programs must receive an official request (in writing, on official school LEA letterhead, from the school superintendent) for sabbatical leave. This request must include the teacher's name and title and should be directed to a regional coordinator;
2. Attach a completed copy of the completed PDE 5305 (12/01) form (found on DFP's website);
3. Once information is completed, mail to a regional coordinator for processing; and
4. Once approved, the LEA will receive an approval memo, the Sabbatical Leave Reimbursement Worksheet, and a copy of the original letter from the superintendent. This will serve as evidence that the request has been granted.

Comparability of Services

Section 1118(c) of ESSA provides that an LEA may receive Title I, Part A funds only if it uses state and local funds to provide services in Title I schools that, taken, are at least comparable to the services provided in schools that are not receiving Title I funds. If the LEA serves all of its schools with Title I funds, the LEA must use state and local funds to provide services that, taken, are substantially comparable in each Title I school.

Demonstrating comparability is a prerequisite for receiving Title I, Part A funds. Because Part A allocations are made annually, comparability is an annual requirement.

To be in compliance with comparability, an LEA must first complete a Detailed School Data Sheet if it has more than one building per grade span. Please note that when comparing buildings on a grade span basis, *similar* grade spans should be compared (as defined by a two-grade span difference or less, e.g. an LEA should compare a K-2 school with a K-4 but would not need to compare a K-2 school with a K-5). Second, all LEAs **must** complete, print out, and sign the Comparability Assurance form (PDE 3537) with the required signatures and mail it in to the Division of Federal Programs by November 15 of each year.

The Division of Federal Programs has developed a website for LEAs to enter data and report their Comparability online, eliminating the need to perform the manual process outlined in the previous paragraph. For 2018-19 Comparability Reporting, the website address is <http://pa.essacomparability.com>. The website login page includes a link to printable step-by-step instructions for requesting a user account (if not already a user), completing Comparability reporting, printing, and signing the Assurances document, and uploading the signed Assurances document. After the LEA enters its data, the website runs multiple scenarios automatically to check the LEA's compliance. The Comparability Reporting website opens October 1 of each year and continues to be open until at least the November 15 reporting deadline.

Maintenance of Effort (MOE)

An LEA may receive funds under a covered program for any fiscal year only if the SEA finds that either the combined fiscal effort per student or the aggregate expenditures of state and local funds with respect to the provision of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort per student or aggregate expenditures for the second preceding fiscal year.¹⁷⁹

If an 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 LEA), the SEA must reduce the LEA's allocation under a covered program in the exact proportion by which the LEA failed to maintain effort.¹⁸⁰

USDE may waive the maintenance of effort requirement for an LEA if it determines that a waiver would be equitable due to:

- Exceptional or uncontrollable circumstances such as a natural disaster;

¹⁷⁹ (ESEA section 1118(a) and 8521(a).)

¹⁸⁰ (ESEA section 8521(b).)

- A precipitous decline in the financial resources of the LEA; or
- A change in the organizational structure of the LEA.¹⁸¹

Below is a list of examples for what a change in the organizational structure of an LEA might mean.

- An LEA changes its configuration. For example:
 - The LEA merges with another LEA;
 - The LEA divides into two or more LEAs; and
 - The LEA eliminates grade levels (e.g., previously served grades K-12 and now serves grades K-8).
- An LEA changes its management or operations structure to create economies of scale to be more efficient. For example, each school in the LEA employs budget and fiscal management staff. The LEA makes the decision to consolidate budget and fiscal management staff into a single team located in the central office; and
- The statute provides two bases (exceptional or uncontrollable circumstances or a precipitous decline in the financial resources of an LEA) to warrant the Secretary's granting a waiver of maintenance of effort. With respect to exceptional or uncontrollable circumstances, prior to ESSA, the statute included the example of a natural disaster. Under ESSA, a new example was inserted so that exceptional or uncontrollable circumstances also include a change in the organizational structure of the LEA. In addition to these two examples listed in the statute, there can be other instances of exceptional or uncontrollable circumstances that might warrant when a waiver request will be considered.

ESEA, as amended by ESSA, made several updates to the maintenance of effort provision. Please note that provisions that did not change, including the information on expenditures to be included, expenditures to be excluded, and the definition of preceding fiscal year.

Updated Programs to which the Maintenance of Effort Requirement Applies

- Title I, Part A;
- Title I, Part D;
- Title II, Part A;
- Title III, Part A;
- Title V, Part B, Subpart 2; and
- Title VI, Part A, Subpart 1.¹⁸²

¹⁸¹ (ESEA section 8521(c).)

¹⁸² (ESEA sections 8101(11), 6118(c), 8521(a).)

Beginning with the 2017-18 school year, ESSA provided PDE with flexibility to not reduce an LEA's federal allocation if the LEA has maintained fiscal effort in each of the preceding five fiscal years.

If an LEA is found to be out of compliance with MOE requirements, the following will occur:

The regional coordinator will contact the LEA directly to discuss its options, which include any of the following:

- Review and revise AFR; and
- Waiver Request.

Before actual steps are taken to reduce LEAs federal program(s) allocation, the SEA will notify LEA in writing. LEA has the opportunity to:

- Review AFR information for accuracy;
- Submit revised AFR to the PDE at RA-SchlFin@pa.gov; and
- Submit a request for waiver from the USDE.

Fiscal and Compliance Audits

All LEAs must arrange for an independent audit of their records, at least annually, and provide a copy of the audit to the Bureau of Budget, PDE by October 31 following the audit period. LEAs expending \$750,000 or more in federal funds in a year shall have a single or program-specific audit conducted for that year in accordance with § 200.501.

Title V - Transferability

Under ESSA, LEAs have additional flexibility to transfer funds under Title II.A and IV.A between and into Title I parts A, C, or D, and Title III.A, but not out of Title I, parts A, C, or, D or Title III.A. There is no cap on the transfer of funds.

When an LEA transfers funds into Title I or Title III, the transferred funds are used to support projects and activities consistent with the Title I program however, the expenditures continue to be tracked within the program that was transferred. Funds "transferred" are subject to the rules and requirements of the programs to which the funds are transferred.

An LEA must notify PDE of their intent to transfer funds prior to conducting any activities with the transferred funds. Funds transferred into Title I cannot be transferred back out.

Procedure for transferring funds (must be completed prior to using transferred funds for new activities):

- Enter the transferred amount in the Reservations of Funds page in eGrants;
- Update Narrative to reflect the changes in program that will result from transferring the funds;
- Complete Transferability of Funds page in eGrants;
- Track activities funded with transferred funds under the new program area where they were transferred to (e.g. Title I.A); and

- Track the expenditure of the transferred funds under the program the funds are transferred from (e.g. Title II.A).

For example: If an LEA wanted to transfer 50 percent of their Title II.A allocation into Title I to support the purchase of supplies for the LEA, it would complete the Transferability of Funds page in eGrants, update the narrative, and then report the purchase of the supplies as a Title I activity and the expenditure of the funds under Title II.A.

HELPFUL RESOURCES

FedMonitor - https://www.federalmonitor.com/_pa/index.asp

PAFPC website - <http://www.pafpc.org/>

New Coordinator training

PAFPC/ISP Conference

UG templates USDE - <http://www.ed.gov/>

eCFR - <http://www.ecfr.gov/>

Green Book - <http://www.gao.gov/greenbook/overview>

PDE UG Guidance

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