



Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**

# *Title I, Part A Fiscal Handbook*

**Version 3, 2020**

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# INTRODUCTION

This handbook provides general guidance from OSPI on how local educational agencies (LEAs) may spend Title I, Part A funds under the Every Student Succeeds Act (ESSA). This handbook is being disseminated to LEA Title I, Part A Directors and Business Managers and the Office of the Washington State Auditor (SAO). It should be considered official guidance from OSPI beginning with the 2019–20 school year. It should be read in tandem with other guidance documents from OSPI on the Title I, Part A program and federal funds. When appropriate, those guidance documents are referenced and linked.

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

ESSA is the most recent version of the Elementary and Secondary Education Act (ESEA), which was signed into law on December 10, 2015. The version of ESEA prior to ESSA was most recently known as the No Child Left Behind Act (NCLB). ESSA went into effect on July 1, 2017. For more information about ESSA, and the transition from NCLB, please see OSPI’s ESSA district resources page.

It is important to note that this handbook only provides an overview of each of the Title I, Part A spending rules and options; it does not discuss all details of compliance requirements that apply. For more on that, please see the OSPI’s Title I, Part A and LAP Program Guide and OSPI’s Title I, Part A website.

If your LEA has questions regarding scenarios specific to your program, please reach out to the OSPI Title I, Part A office at [Title1a@k12.wa.us](mailto:Title1a@k12.wa.us) or 360-725-6100.

## How Title I, Part A Funds May Be Used

The purpose of Title I, Part A is to provide all children “significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”<sup>1</sup> To achieve that, states must develop accountability systems to identify and support schools with academically struggling students, and LEAs and schools must use their Title I, Part A funds to improve student outcomes, including academic achievement.

Title I, Part A funds can support a wide range of activities to help Title I, Part A students meet state academic standards. This includes, but is not limited to:

- Providing eligible students with a well-rounded education, which ESSA defines as “[C]ourses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the SEA or LEA, with the

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<sup>1</sup> ESSA, Section 1001.

*purpose of providing all students access to an enriched curriculum and educational experience.”<sup>2</sup>*

- Instructional supports,
- Non-instructional supports such as behavior and mentoring supports, and social and emotional learning, and
- Improving school quality.

Historically, many LEAs and schools have used Title I, Part A funds narrowly for discrete instructional supports primarily focused on reading and math. (This happened because the NCLB law’s complexity led to narrower interpretations about the use Title I, Part A funds. It was only later, under the AARA guidance, that ED issued more flexible interpretations of Title I, Part A). The language of ESSA is clearer than NCLB. Title I, Part A may be used flexibly to meet a broad range of student needs, which can include reading and math instructional supports, but may also address other identified student needs.

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

### Common Title I, Part A Limitations Not Required by ESSA

Common Limitation Not Required by Federal Law	Actual Legal Authority
Limiting Title I, Part A spending to reading/language arts and math	Title I, Part A may be used broadly under ESSA for a broad range of subjects. <i>(Under NCLB, it could have been used for subjects like science, social studies, art, and others, though that was not common.)</i> <sup>3</sup>
Limiting Title I, Part A spending only to instruction or materials	ESSA permits Title I, Part A to be used for non-instructional supports, including school climate, attendance improvement, and school counselors. <sup>4</sup> <i>(Guidance under NCLB also provided flexibility that Title I, Part A could be used for non-instructional supports such as school climate, increasing attendance, school counselors, improving health (in some circumstances), etc.</i> <sup>5</sup>

<sup>2</sup> Please see ESSA, Section 8101(52) defining a “well-rounded education”.

<sup>3</sup> See NCLB, Sections 1111 and following, imposing no academic subject matter restrictions on Title I, Part A funding. See also the U.S. Department of Education’s (ED) guidance, *Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students* (September 2009) available at <https://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>, particularly Sections C and G. This guidance is referred to as “ED 2009 Title I Reform Guidance” for the rest of this document. Two notes about this guidance: (1) while the guidance was developed to provide information about the additional Title I, Part A money appropriated under the American Recovery and Reinvestment Act (ARRA), the guidance is applicable Title I, Part A funds generally (see page 15), and (2) the guidance was released under NCLB. ED may issue updated Title I, Part A spending guidance under ESSA.

<sup>4</sup> See, for example, ESSA, Section 1114(b)(7)(A)(iii)(I)&(III), ESSA, Section 1115(b)(2)(B)(ii), and ESSA, Section 1115(e)(2).

<sup>5</sup> See *ED 2009 Title I Reform Guidance*, particularly Sections C, E, and G.

Common Limitation Not Required by Federal Law	Actual Legal Authority
Limiting Title I, Part A spending to remedial programs	ESSA is now more explicit that Title I, Part A may be used for advanced learning opportunities for struggling students. <sup>6</sup> <i>(While NCLB did not impose such a restriction, many schools shifted focus there when the NCLB accountability systems were implemented. ED guidance permitted spending on advanced learning opportunities for struggling students.)</i> <sup>7</sup>
Limiting Title I, Part A spending to specific students in a schoolwide program	ESSA permits Title I, Part A schoolwide spending on broad improvement strategies based on the school's needs. <sup>8</sup> <i>(NCLB also permitted Title I, Part A spending to upgrade the entire educational program of a schoolwide school.)</i> <sup>9</sup>

## ALLOWABILITY

Title I costs must be allowable under the Title I program. At a minimum this means:

- Costs still must only benefit eligible students (eligible students = all students in a schoolwide program and identified students in a targeted assistance program).
- Costs must be permissible under Title I and ESSA generally (note that ESSA clarified the wide uses of funds that can be permissible under the Title I program).
  - Context matters. For example, a school operating a schoolwide program should be able to demonstrate that a Title I cost is consistent with the school's needs assessment and schoolwide plan.
- Costs must still be necessary and reasonable<sup>10</sup>.

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

1. All costs charged to ED grants must be **necessary, reasonable and allocable** and consider the amount of money being spent and the needs of the program.<sup>11</sup> This requirement comes from a set of federal regulations known as the Uniform Grant Guidance (UGG), which applies to all federal grants including ED grants.<sup>12</sup> Please see OSPI's memo on key changes from UGG:

<sup>6</sup> See *ED 2009 Title I Reform Guidance*, Section C.

<sup>7</sup> See, for example, ESSA, Section 1114(b)(7)(A) (II), ESSA, Section 1114(e), and ESSA, Section 1115(f).

<sup>8</sup> ESSA, Section 1114(a)(1)(A). Also, see ED guidance issued under ESSA, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2016) available at <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>.

<sup>9</sup> See NCLB, Section 1114. Also see ED guidance issued under NCLB, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2015) available at <http://www.ed.gov/policy/elsec/guid/eseatitleiswpguidance.pdf> and *Designing Schoolwide Programs* (2006) available at <http://www.ed.gov/policy/elsec/guid/designingswpguid.doc>.

<sup>10</sup> For more on necessary and reasonable see CCSSO's *A Guide to State Educational Agency Oversight Responsibilities under ESSA: The Role of the State in the Local Implementation of ESSA Programs*: [https://ccsso.org/sites/default/files/2017-10/CCSSO\\_State\\_Authority\\_Over\\_ESSA\\_Programs.pdf](https://ccsso.org/sites/default/files/2017-10/CCSSO_State_Authority_Over_ESSA_Programs.pdf).

<sup>11</sup> 2 CFR 200.403(a).

<sup>12</sup> The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the Code of Federal Regulations available at <http://www.ecfr.gov/cgi-bin/text->

Memorandum No. 007-15. The UGG affects ED grant spending in a number of ways. This includes listing:

- Costs that may never be paid for with federal funds.<sup>13</sup> For example, federal funds can never pay for alcohol<sup>14</sup> and typically cannot pay for lobbying.<sup>15</sup> See the Section B for a list of items than can never be paid with federal funds.
  - General criteria all costs supported with federal funds must satisfy.<sup>16</sup> For example, federal funds can only pay for costs that are allocable to the relevant grant.<sup>17</sup>
  - Additional requirements for certain costs supported with federal funds.<sup>18</sup> For example, LEAs that use federal funds for employee salaries and benefits must keep records documenting how much time the employees spent on grant activities.<sup>19</sup>
  - Rules for how LEAs procure goods and services with federal funds,<sup>20</sup> how they track items paid for with federal funds,<sup>21</sup> and the kinds of records they must keep about their grant spending.<sup>22</sup>
2. All employees charged to federal grants must document the time they spend working on the grant's objectives to demonstrate that the amounts charged to federal programs are true and accurate (commonly referred to as Time and Effort). Please see OSPI's Bulletin B048-17 "Guidelines for Charging Employee Compensation to Federal Grants" and the following forms available on OSPI's School Apportionment tools and forms webpage.
- Semi-Annual Certification–Single Cost Objective
  - Monthly PAR–Multiple Cost Objectives/Reconciliation to Payroll Records
  - Monthly PAR with Multiple Cost Objectives for Employee with Fixed-Schedule (if not using the "Fixed Schedule" system)
  - Employee Certification and Schedule–Employee with Fixed Schedule (if using the "Fixed Schedule" system)
3. Activities supported by ED funds must be consistent with the LEA's Title I, Part A annual application for funds approved by the OSPI.<sup>23</sup> For Title, Part A, this is the Title I, Part A Annual Plan that is submitted in iGrants Form Package (FP) 201. Refer to your LEA's approved FP 201 or to OSPI's LAP/Title I, Part A Handbook for general information.

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[idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html). Federal guidance and other resources about the UGG are available at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

<sup>13</sup> See 2 CFR Part 200, Subpart E.

<sup>14</sup> 2 CFR § 200.423.

<sup>15</sup> 2 CFR § 200.450.

<sup>16</sup> See 2 CFR § 200.403.

<sup>17</sup> 2 CFR § 200.403(a).

<sup>18</sup> See 2 CFR §§ 200.420-200.475.

<sup>19</sup> 2 CFR § 200.430.

<sup>20</sup> 2 CFR §§ 200.317-200.326.

<sup>21</sup> 2 CFR §§ 200.313-200.314.

<sup>22</sup> See, for example, 2 CFR § 200.318(h)(i) for procurement records or 2 CFR § 200.302(b)(3) for financial records.

<sup>23</sup> 34 CFR § 76.700.

4. Some parts of ESSA require LEAs to spend on activities that are supported by evidence, are demonstrated to be effective, or that are consistent with a formal needs assessment. Even where this is not required, ED grant spending has the most impact when LEAs spend federal funds on effective activities designed to meet program goals. To do this, LEAs are encouraged to:
- Carefully consider the needs of students, educators, and other relevant stakeholders,
  - Determine which activities are most likely to effectively address those needs, and
  - Prioritize those activities when deciding what costs to support with ESSA funds (unless those activities are being paid for by other funding sources).

## Costs that are Never Allowable Under Title I, Part A

**Gifts and incentives are not allowable in Washington.** Do not use state or federal funds to pay for gifts/incentives related to Title I, Part A programs or activities. This is a provision of the Washington State Constitution (Article 8, Sections 5 and 7). This includes gifts or items that appear to be gifts. Examples include souvenirs, memorabilia, or other promotional gifts, such as T-shirts, caps, tote bags, key chains. Gifts for Title I, Part A program participants can be provided if donated by individuals/private funds.

### **The following costs may not be charged to U.S. Department of Education Grants<sup>24</sup>:**

- Advertising and public relations costs such as promotional items and memorabilia, including models, gifts and souvenirs (with limited exceptions)
- Advisory councils unless permitted by the grant or federal awarding agency
- Alcoholic beverages
- Bad debts
- Contributions and donations
- Entertainment, including amusement, diversion, and social activities and any associated costs, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved grant or by the federal awarding agency
- Fines, penalties, damages and other settlements (with limited exceptions)
- Fund raising and investment management costs (with limited exceptions)
  - General costs of government (such as the salaries and other expenses of a school board, or the costs of the school district's chief executive (superintendent))
- Goods or services for personal use
- Lobbying
- Organizing activities, such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselors, in connection with establishment or reorganization of an organization, except with prior approval of the federal awarding agency
- Selling and marketing

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<sup>24</sup> CFR 200



- Student activity costs (such as costs incurred for intramural activities, student publications, student clubs, and other student activities) unless specifically allowed under the grant (such as to remove barriers for homeless students-See section F-Required Set-Asides).

## **Considerations When Determining if a Cost is Allowable under Title I, Part A**

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

1. How is the expenditure reasonable, necessary and allocable to carry out the intent and purpose of the Title I, Part A program?
2. What need does the expenditure address? How does it connect to relevant Title I, Part A plans (LEA annual plan- FP 201, schoolwide plan, targeted assistance plan)? The purchaser should be able to clearly explain how the expenditure aligns to the LEA or building's Title I, Part A plans.

For example:

- If it is a district initiative expenditure, the expenditure must be aligned to what has been approved in the Title I, Part A Annual Plan (FP 201). The auditors regularly review the Title I, Part A annual plan (FP 201) and review whether LEA expenditures align with it.
  - If it is a schoolwide expenditure, it needs to be aligned to the schoolwide plan's needs assessment. The auditors will be looking at your schoolwide plan, particularly the comprehensive needs assessment, to ensure costs charged to Title I, Part A align to the plan. If they do not, they run the risk of being disallowed.
  - If it is a targeted assistance expenditure, it needs to be aligned in the targeted assistance comprehensive assessment.
3. How will the expenditure be evaluated to measure a positive impact on student achievement?

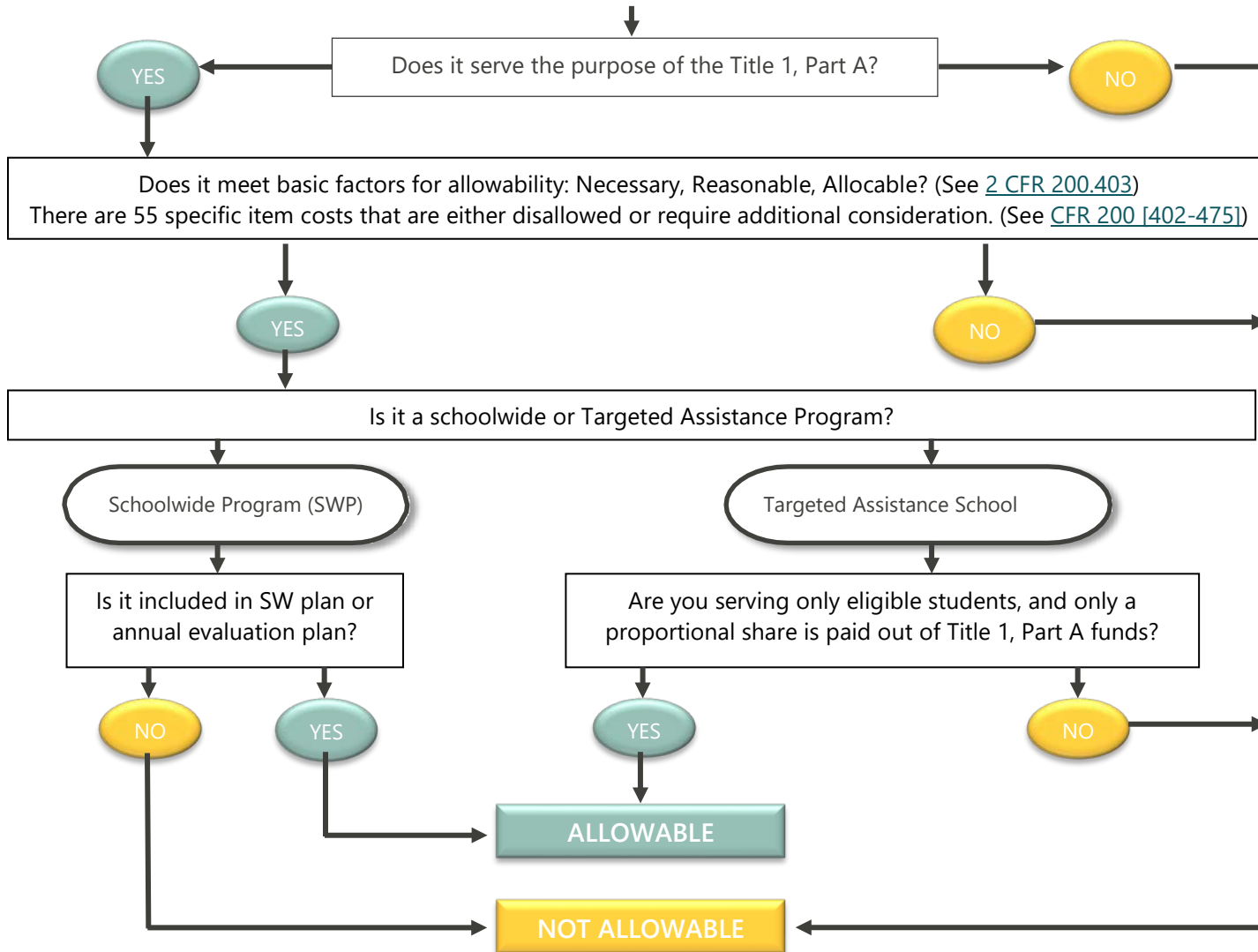
**Allowable Activities for Title I, Part A Budgets**

**PROGRAM 51 – ESEA DISADVANTAGED—FEDERAL  
OBJECTS OF EXPENDITURE**

ACTIVITY	Total	Debit	Credit	Cert.	Class.	Employee	Supplies, Inst	Purchased	Travel	Capital
		Transfer	Transfer	Salaries	Salaries	Benefits	Mat'l's Noncap	Services		Outlay
		(0)	(1)	(2)	(3)	(4)	(5)	(7)	(8)	(9)
15 Public Relations										
21 Supervision										
22 Learning Resources										
24 Guidance and Counseling										
25 Pupil Management and Safety										
26 Health and Related Services										
27 Teaching										
29 Payments to School Districts										
Instructional Professional										
31 Development										
32 Instructional Technology										
33 Curriculum										
63 Operation of Buildings										
64 Maintenance										
65 Utilities										
<b>TOTALS</b>										

## Allowability Chart

Can a Title 1, Part A school use Title 1, Part A funds to pay for a purchase or activity?



# SET-ASIDES

## Required Set-Asides at the LEA Level

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

### Equitable Services for Eligible Private School Students

LEAs must reserve a proportional amount based on the number of eligible private school students in the LEA.<sup>25</sup> ESSA requires an LEA to determine the amount of funds available for providing equitable services under Title I, Part A prior to any expenditures or transfers of funds.<sup>26</sup> This includes all reservations previously taken “off the top” of an LEA’s Title I, Part A allocation, including reservations for administration, parental involvement, and district-wide initiatives.<sup>27</sup>

#### Equitable Service Set-Aside

#### *Private Schools Inside and Outside LEA Boundaries*

Private school students residing within LEA boundaries generate funding for the LEA. This is true regardless of whether the private school is located inside or outside the LEA. In other words, that student is your responsibility. It is an option, based on private school consultation, and conversations with other LEAs to set up an inter-local agreement with another LEA for them to delivery services to the eligible student(s). Please review OSPI’s [LAP/Title I, Part A Handbook](#) and [OSPI ESSA Private School’s page](#) for additional information on calculating and expending the set-aside.

*“Expenditures for equitable services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families to attend private schools.”<sup>29</sup>*

#### *Equal vs. Equitable*

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

Services to private school students do not need to be equal to (the same as) those services provided to public school students. If the needs of the students enrolled in private schools are

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<sup>25</sup> ESSA, Section 1117(a)(4). ED, *Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)* (2016) available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.

<sup>26</sup> ESSA, Section 1117(a)(4).

<sup>27</sup> See U.S. Department of Education, *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)* (November 2016), Q&A O-1, available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.

different (i.e. delivery method, subject area, etc.) than those of the public school students, then the LEA is required to provide different benefits.<sup>28</sup> Services that best meet the needs of private school students should be discussed during the consultation process and documented in the record of agreed upon services.

## Services for Homeless Children

This set-aside may pay for the cost of homeless liaison and transportation, and other activities required under the McKinney Vento Homeless Education Act. Students are eligible whether or not they attend, Title I, Part A schools. LEAs must reserve “such funds as are necessary,” based on an assessment of homeless children’s needs; ESSA does not specify an amount.<sup>29</sup> Each LEA is required to complete a [Homeless Student Needs Assessment](#) to determine the Title I, Part A set-aside amount for homeless children and youth.

## Services for Neglected Children

An LEA is required to reserve funds necessary to provide services to children in local institutions or community day programs for neglected children. LEAs must reserve “such funds as are necessary;” ESSA does not specify an amount.<sup>30</sup> For more information, visit [OSPI’s Institutional Education website](#) and review OSPI’s [LAP/Title I, Part A Handbook](#).

## Services for Delinquent Children

An LEA is required to reserve funds necessary to provide services to children in local institutions or community day programs for delinquent children. LEAs must reserve “such funds as are necessary;” not a specific amount.<sup>31</sup> Additional information is available at [OSPI’s Institutional Education website](#) and OSPI’s [LAP/Title I, Part A Handbook](#).

## Parent and Family Engagement (PFE)

At least one percent must be set-aside if the LEA district has an allocation of \$500,000 or more.<sup>32</sup> Calculate the PFE set-aside by taking one percent of your total allocation. Of that one percent, no less than 90 percent must go to Title I, Part A buildings. The remaining ten percent (or less) may remain at the LEA level. For more information and resources, please visit [OSPI’s Parent and Family Engagement web page](#) and review OSPI’s [Title I, Part A Program Guide](#).

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

- ❑ Consumables such as paper, glue, and scissors for make and take projects at home that promote academic learning.
- ❑ Instructional kits, workbooks, reading materials.
- ❑ Books for loan programs or check out system.

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<sup>28</sup> Title I Services to Eligible Private School Children, Non-Regulatory guidance, October 17, 2003

<sup>29</sup> ESSA, Section 1113(c)(3)(C).

<sup>30</sup> ESSA, Section 1113(c)(3).

<sup>31</sup> ESSA, Section 1113(c)(3).

<sup>32</sup> ESSA, Section 1116(a)(3)(A). ESSA clarifies LEAs can reserve more than one percent at their discretion.

- Transportation and childcare costs for Title I, Part A parent engagement
  - Meals/refreshments. To encourage attendance when parent and family engagement meetings and trainings conflict with family meals or schedules. You can provide refreshments but only if you can prove that these refreshments increase participation. Keep in mind that there is a high burden of proof to show paying for food with Federal funds is necessary to meet the goals and objectives of the Title I, Part A grant, so it's best to pursue other sources of funding such as the PTA.
    - **Note:** Do not pay for snacks or refreshments at any staff meetings with Title I, Part A funds.
- Registration and travel costs for parent representatives/committee members to attend in-state workshops and conferences that support parent education and engagement. The expectation is that parent participants will share new knowledge with other parents.
- Translation and interpretation services
  - translation and interpretation resources to make it possible for parents to attend meetings and training sessions.
  - Facility rental and usage—Unavoidable costs related to the facility in which you conduct parent and family engagement activities. For example, holding meetings at different times of the day or at a center location where parents feel familiar with the community. Remember this should be reasonable and necessary.

### Please Note

*LEAs and schools must fulfill state and federal civil right laws before using Title I, Part A funds. See the [Equity and Civil Right office website](#) for translation and interpretation resources.*

## Optional Set-Asides at the LEA Level

LEAs may also set-aside funds for the following optional activities.

### Administering the Title I, Part A Program

LEAs may reserve a reasonable and necessary amount.<sup>33</sup>

### Expanded Learning Time

Use this set-aside for before- and after-school programs, and other expanded learning opportunities which strengthen the academic program of the school.<sup>34</sup>

### Early Learning

Use this set-aside for district-wide early learning activities.<sup>35</sup> Whether in the entire LEA or just a portion of the LEA, there are a number of early learning activities that can be funded with Title I, Part A dollars. Refer to the OSPI guide Funding Early Learning Activities in [Washington State with Title I, Part A \(Birth–Age 5\)](#). It explains options for the early learning set-aside and the staffing and educational requirements that apply if using Title I, Part A funds for early learning.

<sup>33</sup> 34 CFR Part 200, Reservation of funds by an LEA.

<sup>34</sup> ESSA, Section 1115(b)(2)(B)(i)

<sup>35</sup> ESSA, Section 1113(c)(5).

## Foster Care

Use this set-aside to support foster care students, who are categorically eligible for Title I, Part A under ESSA.<sup>36</sup> For more information on Title I, Part A and Foster Care, review the [OSPI Foster Care Frequently Asked Questions](#). There are specific sections on Title I, Part A and Foster Care.

## Incentives and Rewards

Use this set-aside to attract and retain qualified teachers who serve in Title I, Part A funded buildings.<sup>37</sup> The LEA may set-aside no more than five percent of the LEA's allocation for this purpose.

## LEA-Managed Initiatives in Title I, Part A Schools

This set-aside may provide extended learning time for struggling students at Title I, Part A and non-Title I, Part A schools under limited conditions.<sup>38</sup>

LEAs may set-aside Title I, Part A funds to implement LEA-managed Title I, Part A initiatives. These are managed at the central level (rather than the school level), and designed to improve the achievement of Title I, Part A students. LEA-managed initiatives are sometimes called "districtwide" initiatives because they benefit all, or a group, of Title I, Part A schools. Generally, these initiatives are not districtwide in an LEA with both Title I, Part A and non-Title I, Part A schools. An LEA cannot, for example, use Title I, Part A funds to benefit non-Title I, Part A students, except for a district-wide targeted extended learning time exception explained in the last bullet.

Guidance from ED permits LEAs to use Title I, Part A funds for the following types of district-managed initiatives for all, or a subset of, an LEA's Title I, Part A schools. The examples illustrate possible uses of Title I, Part A funds for a LEA-managed Title I, Part A initiative; other uses of funds that are consistent with Title I, Part A rules are also permissible:<sup>39</sup>

- Contracting with an outside provider with expertise in school improvement to support low-achieving Title I, Part A schools,<sup>40</sup>
- Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework,<sup>41</sup>

### Please Note

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

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<sup>36</sup> U.S. Department of Education and U.S. Department of Health and Human Services, *Ensuring Educational Stability for Children in Foster Care* (2016), Q&A 30, available at <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.

<sup>37</sup> ESSA, Section 1113(c)(4)

<sup>38</sup> 34 CFR § Part 200, Reservation of funds by an LEA.

<sup>39</sup> *ED 2009 Title I Reform Guidance*, Q&A B-8.

<sup>40</sup> *ED 2009 Title I Reform Guidance*, Q&A B-8.

<sup>41</sup> *ED 2009 Title I Reform Guidance*, Q&A C-1.

- Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English language learners,<sup>42</sup>
- Hiring an outside expert to work with the staff of low-achieving Title I, Part A schools to build their capacity to analyze student data and identify promising interventions,<sup>43</sup>
- Paying for extended time for educators in Title I, Part A schools to review data for at-risk students and identify interventions to better meet the needs of those students,<sup>44</sup> and
- Extending learning time (ELT) in Title I, Part A schools (before- and after-school programs, Saturday school and summer school, summer activities, offering early start to the school year for students needing transition support, extending the school year, extended learning opportunities during the school day).<sup>45</sup>
- There is a narrow exception allowing Title I, Part A funds to support ELT for students not attending a Title I, Part A school, i.e. a LAP school, in a district-wide targeted assistance program. In 2016, ED wrote, “An LEA generally may not use Title I funds to pay for ELT in Title I schools while also using non-Title I funds to support ELT in non-Title I schools. However, an LEA that wants to provide ELT programs *for only low-achieving students* in both its Title I and non-Title schools may be able to do so, consistent with 34 C.F.R. § 200.79.”<sup>46</sup> **Note:** Consider this a district-wide targeted program and code students accordingly.

## RANKING AND ALLOCATION

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

- In order to determine which schools will receive Title I, Part A funds, each LEA with 1,000 or more enrolled students must put its schools in rank order from highest to lowest concentrations of poverty.
- Without regard to grade spans, LEAs must first rank and serve school attendance areas with low-income percentage greater than 75 percent from highest to lowest. **Note:** ESSA 1113 (a)(3)(B) authorizes LEAs to lower this the threshold to 50 percent for high schools, if it elects to do so.
  - An LEA may designate buildings with 35 percent low-income children as eligible.
  - If a building with less than 35 percent low-income is served, all buildings must be served according to the 125% rule.
- Once the LEA serves buildings with 75 percent or higher poverty (or 50 percent for high schools), the LEA may serve remaining eligible school attendance areas from highest to lowest either by grade span or by district average.

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<sup>42</sup> ED 2009 Title I Reform Guidance, Q&A C-8.

<sup>43</sup> ED 2009 Title I Reform Guidance, Q&A D-1.

<sup>44</sup> ED 2009 Title I Reform Guidance, Q&A D-4.

<sup>45</sup> ED 2009 Title I Reform Guidance, Q&A G-5.

<sup>46</sup> See Appendix A in this Guide. Letter from Ann Whalen to Chief State School Officers dated Feb 26, 2016.



## Basis for Ranking and Allocating Chart

Step	Priority	Basis for Allocation	Who May Be Served	Additional Conditions
1. LEAs with less than 1000 students may serve any building(s).	NA	Less Than 1000	Buildings in an LEA with less than 1000 students.	The ranking and allocating rules do not apply to districts with less than 1000 students.
2. The LEA must serve buildings over 75% poverty first, and may choose to serve high school buildings with at least 50% poverty.	A	75% Rule	Buildings whose poverty rate is greater than 75%.	These buildings must be served before any buildings under 75% may be served.
	A	HS 50% or +	<i>Optional:</i> High school buildings whose poverty rate is 50% or greater and are included in the priority A grouping.	If the district selects this option, all high schools with 50% or greater poverty must be treated the same. They must be served in rank order after those above 75%, but before those in priority group B.
3. The LEA chooses whether to serve remaining buildings via district average <i>or</i> grade span.	B	Dist. Avg.	Buildings whose poverty rate is at least 35%.	Used for buildings below 75% but at least 35%. Buildings must be served in rank order regardless of grade span. Do not use if using grade-span.
	B	Grade-Span	Buildings whose poverty rate is at least 35%.	Used for buildings below 75% but at least 35%. Buildings served on the basis of grade span must be served in rank order within the grade span. Do not use if using District Average.
4. The LEA may choose to serve buildings via these exemptions.	B	Less Than 35%	Buildings whose poverty rate is at or greater than the district average, but less than 35%.	A minimum per-pupil allocation of 125% is required for <i>all</i> buildings being served. This requirement is referred to as the 125% Rule.
	B	1-Year Extension	A building which is no longer eligible for Title I funds but was both eligible and served in the prior year.	This exemption allows a building to be eligible for one additional year. If a building under 35% is served, the 125% Rule applies.

Step	Priority	Basis for Allocation	Who May Be Served	Additional Conditions
	B	Feeder	Middle and/or high school building poverty percent is based upon the elementary buildings which “feed” into the building. This changes the poverty level and the number of low-income students for the middle and/or high school building, then ranking and allocation rules still apply.	See the <a href="#">Feeder Pattern Guidance</a> document for details on how to calculate the poverty rate and number of low-income students. The poverty percent must be re-calculated based on the guidance in this document, then ranked and allocated according to the new poverty percent and estimated student poverty count.

If your district has approved [Community Eligibility Provision \(CEP\)](#) schools, please ensure you gain an understanding about how this affects your ranking and allocation for Title I purposes.

### **Skipping a School from Ranking and Allocation**

OSPI will allow a LEA to “skip” a school in the Ranking and Allocation process if it is actually a “program” and not a brick and mortar school. However, if an LEA accepts the LAP High Poverty School allocation for a “program” school, it cannot treat that school as a “program” when doing ranking and allocation for Title I, Part A. OSPI previously allowed an LEA to “skip” a school if there was LAP funds in the school. This will not be allowed due to HB 2242 (passed 2017). For detailed instructions and options for Ranking and Allocating, please see OSPI’s [LAP/Title I, Part A Handbook](#) and FP 201.

# PROGRAM MODELS

## Targeted Assistance School

A targeted assistance school (TAS) is available to any Title I, Part A school that does not operate a schoolwide program.<sup>47</sup> Schools operating a TAS must use Title I, Part A funds to help educationally-disadvantaged students meet state standards.<sup>48</sup> Students are eligible for Title, Part A if they:

- ❑ Are failing, or at risk of failing, to meet state standards,
- ❑ Participated in certain federally-funded preschool programs,
- ❑ Received services under the Migrant Education Program,
- ❑ Are in a local institution for neglected or delinquent children or are attending a community day program, or
- ❑ Are homeless or in foster care.<sup>49</sup>

Any Title I, Part A school that does not operate a schoolwide program must operate a TAS. In a TAS, the school uses Title I, Part A funds to provide additional supports to specifically identified students struggling to meet state standards. See OSPI's [Title I, Part A Targeted Assistance webpage](#) or OSPI's [LAP/Title I, Part A Handbook](#) for more information on designing and operating a TAS.

## Spending Options in a Targeted Assistance School

Targeted assistance schools must use Title I, Part A funds to help identified students meet state standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education.<sup>50</sup> Targeted assistance schools may use Title I, Part A funds to serve their eligible students by:

- ❑ Expanding learning time for eligible students, including before- and afterschool programs, and summer programs and opportunities,
- ❑ Providing early intervening services to eligible students, including services coordinated with similar activities and services carried out under IDEA,
- Providing eligible students with extra supports aligned to the school's regular education program, which may include services to assist preschool children in the transition from early childhood education programs to elementary school programs,
- ❑ Providing professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible students, and
- ❑ Implementing strategies to increase the involvement of parents of eligible students.<sup>51</sup>

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<sup>47</sup> ESSA, Section 1115.

<sup>48</sup> ESSA, Section 1115(b)(2)(A).

<sup>49</sup> ESSA, Section 1115(c).

<sup>50</sup> ESSA, Section 1115(b)(2)(A).

<sup>51</sup> ESSA, Section 1115(b)(2).

Targeted assistance schools can also use Title I, Part A funds to provide eligible students with health, nutrition, and other social services<sup>52</sup> that are not otherwise available to them if:

- The school has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, if appropriate; and
- Funds are not reasonably available from other public or private sources.<sup>53</sup>

A secondary school operating a TAS may use Title I, Part A funds to provide dual or concurrent enrollment program services to eligible children.<sup>54</sup> TAS must:

- Help provide an accelerated, high-quality curriculum,
- Minimize the removal of children from the regular classroom during regular school hours for instruction provided by Title I, Part A, and
- Review the progress of eligible students on an ongoing basis and revise the targeted assistance program, if necessary, to provide students additional assistance to meet state standards.<sup>55</sup>

## Coordinating Targeted Assistance Schools with Other Programs and Supports

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

*Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.*<sup>56</sup>

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.<sup>57</sup>

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

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<sup>52</sup> Examples of such services include basic medical equipment such as eyeglasses and hearing aids, compensation of a coordinator, family support and engagement services, integrated student supports, and professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children. ESSA, Section 1115(e)(2)(B).

<sup>53</sup> ESSA, Section 1115(e)(2).

<sup>54</sup> ESSA, Section 1115(f).

<sup>55</sup> ESSA, Section 1115(b)(2)(G).

<sup>56</sup> ESSA, Section 1115(e)(1).

<sup>57</sup> ESSA, Section 1115(b)(2)(F).

overall school planning and improvement efforts, such staff can:

- Participate in general professional development and school planning activities, and
- Assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.<sup>58</sup>

## Schoolwide Program

The schoolwide program (SWP) offers high poverty schools the flexibility to implement comprehensive school improvement strategies, and not be limited only to narrow services for specific, identified students:

- Buildings operating a schoolwide program can use Title I, Part A funds to upgrade their entire educational program,<sup>59</sup> and
- All students are considered “Title I, Part A students.”<sup>60</sup>

A SWP is available to any school with at least forty percent poverty. Under ESSA it is also an option for schools below forty percent poverty if granted a waiver by OSPI. The waiver application process is available in late spring and must be completed in iGrants FP 795 by the stated deadline. The LEA, on behalf of the school, will only need to secure the waiver once from OSPI and will not need to apply annually. However, OSPI reserves the right to revoke the waiver if significant findings are discovered either by OSPI staff during monitoring or by the state auditor.

See OSPI’s [Title I, Part A Schoolwide webpage](#) for more information on designing and operating your Schoolwide Program. OSPI created a plan template that aligns the four components with reform strategies to help improve student outcomes.

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

The schoolwide plan provides the foundation for how a school can use Title I, Part A funds. The schoolwide building’s spending must align to its Title I, Part A plan. The school plans first, and then spends Title I, Part A funds to support the strategies identified in its plan. The auditors will be looking at your schoolwide plan, particularly the needs assessment, to ensure costs charged to Title I, Part A align to the plan. If they do not, they run the risk of being disallowed.

## Spending Options in a Schoolwide Program

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

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<sup>58</sup> ESSA, Section 1115(d).

<sup>59</sup> ESSA, Section 1114(a)(1)(A).

<sup>60</sup> ESSA, Section 1114(a)(2).

- High-quality preschool and services to facilitate the transition from early learning to elementary education programs.
- Recruitment and retention of effective educators, particularly in high-need subjects.
- Instructional coaches to provide high-quality, school-based professional development
- Increased learning time.
- Evidence-based strategies to accelerate the acquisition of content knowledge for English learners.
- Activities designed to increase access and prepare students for success in high-quality advanced coursework to earn postsecondary credit while in high school (e.g., Advanced Placement, International Baccalaureate, early college high schools, and dual or concurrent enrollment programs).
- Career and technical education programs to prepare students for postsecondary education and the workforce.
  - Counseling, school-based mental health programs, behavior services, mentoring services, and other strategies to improve students' nonacademic skills.
- School climate interventions (e.g., anti-bullying strategies, positive behavior interventions and supports).
- Equipment, materials, and training needed to compile and analyze student achievement data to monitor progress, alert the school to struggling students, and drive decision making.
- Response-to-intervention strategies intended to allow for early identification of students with learning or behavioral needs and to provide a tiered response based on those needs.
- Activities that have been shown to be effective at increasing family and community engagement in the school, including family literacy programs.
- Devices and software for students to access digital learning materials and collaborate with peers, and related training for educators (including accessible devices and software needed by students with disabilities).
- Two-generation approaches that consider the needs of both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.<sup>61</sup>

## CONSOLIDATION IN A SCHOOLWIDE PROGRAM<sup>62</sup>

A school operating a schoolwide program may consolidate federal, state, and local education funds to better address the needs of students in the school.<sup>63</sup> If a schoolwide school consolidates Title I, Part A with other funds, the Title I, Part A schoolwide plan must list the specific federal, state, and

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<sup>61</sup> 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.

<sup>62</sup> The guidance provided in this section supersedes Bulletin B-054-12-Combining Funds in a Schoolwide, issued 9.19.2012.

<sup>63</sup> ESEA section 1114(a)(1), (3)

local resources that will be consolidated in the schoolwide program.<sup>64</sup>

This section outlines which federal, state, and local funds may be consolidated into a schoolwide and the specific requirements that apply. It is important to note that Title I, Part A funds can be used to support comprehensive initiatives in a schoolwide school *even if Title I, Part A funds are not consolidated with other program funds*.<sup>65</sup> A school that chooses to consolidate funds within its Title I, Part A schoolwide program is *not exempt* from the following federal requirements.<sup>66</sup>

- Health, safety, civil rights, and gender equity
- Student and parental participation and involvement
- Services to private school children
- Maintenance of effort
- Comparability of services
- Uses of federal funds to supplement and not supplant

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

## Federal Funds

### Federal Funds Allowed for Consolidation

In general, ED guidance allows for a schoolwide building to consolidate federal funds it receives from discretionary (competitive) and formula grants, except where ED has expressed limitations. A schoolwide program that includes other federal education programs does not have to conform to the specific statutory or regulatory requirements for each separate program so long as the intent and purposes of those programs are met in the schoolwide plan.<sup>67</sup> These include:

- Title I, Part D (Neglected and Delinquent)
- Title II, Part A (Training and Recruiting High Quality Teachers and Principals)
- Title III, Part A (English Language Acquisition)

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

### Federal Funds with Limits or Conditions for Consolidation

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<sup>64</sup> ESEA section 1114(a)(1)

<sup>65</sup> See *ED 2016 Schoolwide Guidance*, p.9, stating:

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

<sup>66</sup> Federal Register, Vol. 69, No. 127, 7/2/2004.

<sup>67</sup> Federal Register, Vol. 69, No. 127, 7/2/2004.

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

**Individuals with Disabilities Education Act (IDEA), Part B** (formula or discretionary grant programs under IDEA and funds provided for eligible children with disabilities under Section 8003(d) of the ESEA)

These funds may be included in a schoolwide; the amount of federal special education funds consolidated cannot exceed the per-child allocation for each of the children with disabilities participating in the schoolwide program. See OSPI Bulletin No. [018-15](#) Use of Funds: Individuals with Disabilities Education Act (IDEA 2004), Part B.

**Title I, Part C—Education of Migratory Children** (funds provided under ESEA, Title I, Part C to state agencies for services to migratory children)

Title I, Part C, Migrant Education funds may be combined in a schoolwide program only after the LEA consults with parents and documents that it has met all identified student needs that result from a migratory lifestyle. In addition, any inclusion of Title I, Part C funding is contingent upon approval by the OSPI's Migrant Education office.

**Title VI, Part A—Indian, Native Hawaiian, and Alaska Native** (funds provided under ESEA, Title VI, Part A to local school districts for Indian Education services)

Title VI, Part A, Indian Education funds may be combined in a schoolwide program as long as they are used to assist Indian students in meeting state academic standards and are approved by an appropriately constituted committee.

### **Perkins Vocational and Technical Education**

Perkins funds may be consolidated as long as the school is providing services from state and local funds that are at least comparable to the services being provided in other secondary schools or sites within the district that are not being served with Perkins funds.<sup>68</sup>

## **Federal Funds Excluded from Consolidation**

The following federal funds are excluded from consolidation:

- ❑ **Federal programs that are not awarded by ED**, such as the National School Lunch Program and Head Start.
- ❑ **Funds provided under the School Facilities Infrastructure Improvement Act** to ensure the health and safety of students through the repair, renovation, alteration, and construction of school facilities.
- ❑ **Programs under the Adult Education and Family Literacy Act**<sup>69</sup> unless adult literacy services are integrated within a schoolwide program plan. Adult education funds could be included, for example, if they provide adult literacy as part of a family literacy activity under a schoolwide program plan.

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<sup>68</sup> Let's Talk Title I: Everything You Need to Know and Do as an Administrator. LRP Publications

<sup>69</sup> Federal Register, Vol. 69, No. 127, 7/2/2004.



- **The ED funds awarded to institutions of higher education**, unless those funds support elementary or secondary schools (e.g., the School, College, and University Partnerships Program).

## State Funds

### State Funds Allowed for Consolidation

The following state funds are the *only* funds that may be consolidated in a schoolwide program:

- State basic education allocations
- Levy Equalization (local effort assistance)
- Learning Assistance Program as long as it can be shown students served with LAP funds meet program eligibility criteria. LAP program reporting requirements still apply.

### State Funds Excluded From Consolidation

*All other state funds not listed above are excluded from consolidation*, either because of program consideration or because they are entitlement funding, and must therefore follow the eligible students. OSPI is frequently asked about the following funds, which are not allowed:

- Transitional Bilingual Instructional Program
- State Special Education
- State Highly Capable
- Early Childhood Education and Assistance Program (ECEAP)

## Local Funds

Local levy revenue may be consolidated in schoolwide programs. These are the programs commonly consolidated in a Schoolwide Plan. This is not the only set of program funds that may be consolidated.

## Sample Plan Illustrating How to Consolidate Funds in Schoolwide Plan

Program	Amount Available	The Intents and Purposes of the Program will be Met
Basic Education	\$1,719,026	To provide all students with instruction aligned to grade level specific state standards including differentiation and enrichment services as needed.  Basic education funds are combined to support the activities listed above. Examples include classroom teachers, textbooks, supplemental materials, supplies, equipment, technology, staff development, and substitutes.
Title I, Part A	\$269,477	To provide all children significant opportunity to receive a fair, equitable, and high-quality well-rounded education, and to close educational achievement gaps.
Title II, Part A	\$33,118	Preparing, training, and recruiting effective teachers, principals, or other school leaders.
Title III, Part A	\$17,855	To ensure that limited English proficient (LEP) students, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet.  Funds are used to implement language instruction education programs designed to help LEP students achieve these standards.
Learning Assistance Program (LAP)	\$100,000	Consolidate state Learning Assistance Program (LAP) revenue as long as it can be shown students served with LAP funds meet program eligibility criteria. LAP program reporting requirements still apply. Funds are used to support allowable LAP activities. See the Menu of Best Practice for <a href="#">ELA</a> , <a href="#">Math</a> , and <a href="#">Behavior</a> for additional ideas. This can include transition to HS and graduation assistance.
Local funds	\$40,000	Local levy revenue may be combined in schoolwide programs.
<b>Total</b>	<b>\$2,179,476</b>	

## Budgeting and Accounting for Funds Consolidated in a Schoolwide Program

Good communication between business managers, Title I, Part A directors, and schoolwide building principals and staff is important in the application, budgeting, reporting, and accounting process for a schoolwide program in general, and even more so if funds are consolidated.

Auditors will be looking at your schoolwide plan, particularly the comprehensive needs assessment, to ensure costs charged to Title I, Part A align to the plan. If they do not, they run the risk of being disallowed.

For consolidation, the Title I, Part A schoolwide plan must list the specific federal, state, and local

funds that will be consolidated in the schoolwide program.<sup>70</sup> A schoolwide building is not required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds.<sup>71</sup> For federal funds, ED requires that records must be maintained that demonstrate the schoolwide program address the intent and purposes of each federal program whose funds were consolidated into the schoolwide plan.<sup>72</sup>

Although combined funds lose their identity when combined in a schoolwide program, expenditures and revenues must address the population of students for whom the funds were provided. For F-195 budgeting, S-275 personnel reporting, F-196 annual financial reporting purposes, and the Schedule of Expenditures of Federal Awards (SEFA), districts must distribute schoolwide program costs to the individual programs that are included in the schoolwide program.

The district may use a subsidiary account or coding in accounting for schoolwide building revenues and expenditures for internal tracking. Such accounts or coding may be by program, subprogram, location, or combination using user-defined fields. District-level budgeting and financial reporting to OSPI will not change.

The district may use any reasonable method to demonstrate how the funds in a schoolwide program have been expended. OSPI has provided an example using Distribution of Expenditures Based on Revenues.

**Example: Distribution of Expenditures Based on Revenues**

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

<b>Revenues Consolidated in the Schoolwide School</b>	<b>Amount</b>	<b>Percent</b>
Basic Education Allocation	\$500,000	50%
Title I, Part A—Improving the Academic Achievement of the Disadvantaged	\$250,000	25%
Title II, Part A—Highly Qualified Teachers and Principals	\$100,000	10%
IDEA, Part B—Special Education	\$50,000	5%
Carl D. Perkins Career and Technical Education Improvement Act	\$100,000	10%
<b>Total</b>	<b>\$1,000,000</b>	<b>100%</b>

Under this option, the district may allocate all of the building’s schoolwide program expenditures proportionally (using percentages) that match the building’s budgeted schoolwide revenues. Expenditures are allowable without regard to individual program allowability as long as they are documented as part of the schoolwide plan.

<sup>70</sup> ESEA section 1114(a)(1)

<sup>71</sup> Federal Register, Vol. 69, No. 127, 7/2/2004.

<sup>72</sup> Federal Register, Vol. 69, No. 127, 7/2/2004.

## S-275 Personnel Reporting

Staff employed in schoolwide programs are reported with assignments in the various programs included in the schoolwide program. A separate program assignment code does not exist for schoolwide programs. The assignments may be made by assigning individual staff among programs or by split-coding staff to achieve the necessary distribution. The S-275 report should reflect an estimate of staff as of October 1, which will allow the district to distribute schoolwide costs in appropriate proportion based on the consolidated revenue sources.

## FISCAL TESTS

There are three fiscal tests for Title I, Part A:

1. **Maintenance of Effort (MOE)** – LEAs must maintain a consistent floor of state and local funding for free public education from year-to-year.
2. **Supplement Not Supplant (SNS)** – LEAs must distribute state and local funds to schools without taking into account a school's participation in the Title I program.
3. **Comparability** – state and local funds are used to provide services that, taken as a whole, are comparable between Title I and non-Title schools.

## Maintenance of Effort

LEAs receiving Title I, Part A funds must comply with annual Maintenance of Effort (MOE) requirement.<sup>73</sup> In short, MOE requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year.

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

ESSA states that funding will be reduced if (1) an LEA fails to meet the 90 percent threshold and (2) the LEA has also failed to meet the 90 percent threshold in any one of the immediately preceding five years.

OSPI's School Apportionment and Financial Services (SAFS) office calculates MOE annually using accounting records. OSPI is required to reduce the amount of Title I, Part A allocations in exactly the proportion by which a LEA fails to maintain effort by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the district).

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

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<sup>73</sup> ESSA, Sections 1118(a) and 8521.

### Example: Maintenance of Effort

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

## Supplement Not Supplant

Although both Title I, Part A and LAP have SNS requirements, we need to think of them in different contexts. Title I, Part A SNS requirements look solely at distribution of state and local resources to buildings, whereas LAP SNS requirements analyze LAP funds *only*.

In general terms, Title I, Part A funds should be in addition to (supplement) and not replace (supplant) state and local funds. ED’s [Supplement Not Supplant Non-Regulatory Guidance](#) and OSPI’s [SNS Guidance for Title I, Part A](#) provide additional details on this requirement.

## Title I, Part A Supplement Not Supplant Under ESSA

Under ESSA, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I, Part A school with all of the state and local money it would receive if it did not participate in the Title I, Part A program.<sup>74</sup> Although the term “methodology” is not defined in ESSA, a Senate committee report describing the revised SNS test clarifies that it refers to “the manner in which [LEAs] allocate state and local resources to schools.”<sup>75</sup>

<sup>74</sup> ESSA, Section 1118(b)(2). “a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

<sup>75</sup> U.S. Senate, Committee on Health, Education, Labor, and Pensions, S. Rpt. 114-231, available at <https://www.congress.gov/114/crpt/srpt231/CRPT-114srpt231.pdf>, p. 35.

## SNS Methodology

LEAs are responsible for documenting that it had a methodology to distribute funding and staffing to schools without taking Title I, Part A funds into account. LEAs will not be submitting their methodology to OSPI for approval. They should have the methodology available for auditing purposes. The LEA should be able to show that it has a method for distributing state and local resources to schools prior to allocating federal Title I, Part A funds. Clear documentation will be important for subsequent audits and program reviews.

### Please Note

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

For the methodology, OSPI is allowing that:

- LEAs can use the allocation of staffing units, rather than funds, for allocation of all employee related costs. This means it can exclude compensation from their methodology and instead use staff units (FTE).
- LEAs are *not* required to use the same methodology for each school. Keep in mind that the methodology cannot deprive a Title I school of state/local funds because of its Title I status. The methodology could vary based on:
  - Grade-span
  - School size
  - Student need (ELL, special education, etc.)
  - School model (CTE, magnet, etc.)
  - Other factors (not based on Title I status)
- The LEA methodology for distributing state and local resources *only* applies to charges allowed under Title I, Part A as listed in the [OSPI SAFS accounting manual](#). Consistent with the accounting manual and the Uniform Grants Guidance, the Title I, Part A costs must be *necessary, reasonable and allocable*. As such, the methodology for distribution of state and local resources only applies to equivalent Title I, Part A charges. The methodology may address any of the following if allocated at the building level:
  - Teaching
  - Learning Resources
  - Guidance and Counseling
  - Supervision (administrative)
  - Health Related Services
  - Instructional Professional Development
  - Instructional Technology
  - Curriculum
  - Communications (such as translation for parent/family engagement)

## Exemptions from the Methodology

An LEA is *fully* exempt from the methodology requirement if the LEA has:

- Only one school
- Only Title I schools
- Only one building per grade span
  - Example: An LEA with one K–6 building, one K–8 building, one 7–8 building, and one 9–12 building is fully exempt.

An LEA is *partially* exempt from the methodology requirement if the LEA has a grade span that contains only:

- a single school
- Title I, Part A schools
- non-Title I, Part A schools

### Example of Partial Exemption

Grade Span	Title I, Part A Status	Exemption Status
K–2	1 Title, 1 non-Title	Include in methodology
3–6	2 non-Title	Exempt – only non-Title schools
K–6	2 Title	Exempt – only Title schools
7–8	1 Title, 1 non-Title	Include in methodology
9–12	1 non-Title	Exempt – single school

## Exclusions from the Methodology

- Any centrally administered resources: employee-related compensation, curriculum purchases, etc.
- LAP funds, as it is a supplemental state funding source that has the same intent and purpose as Title I, Part A
- Costs that are Title I, Part A allowable only in limited circumstances:
  - Maintenance and utilities
  - Student transportation
  - Costs that are never allowed under Title I, Part A, either through ESSA or the Uniform Grants Guidance
    - debt service, capital expenditures, building repair costs, bus depreciation, food service, and child nutrition
    - costs already obligated for specific building repairs through locally approved capital levies and bonds

## Methodology Documentation

LEA's documentation should explain how it:

- Distributed state and local staff units and funds to schools for each school year using a methodology that did not take into account a school's Title I, Part A status.
- Demonstrate that the methodology doesn't reduce funding for Title buildings.
- Demonstrate that they followed their published methodology.

## Examples of SNS Methodologies:

- [SNS Methodology from LEA with 4400 students](#)
- [SNS Methodology from LEA with 16,050 students](#)
- [SNS Methodology from LEA with 53,380 students](#)

## Questions for LEAs to address in the documentation:

- What was the process used for distributing staff (FTE) for principals, teachers, and paraeducators, etc.?
- Is there an additional weight or consideration for student factors, such as English language learners, special education, and free and reduced-price lunch eligibility?
- What is the process used to allocate funds for consumable materials to schools?
- Document exceptions: if the district centralizes certain programs, or locates certain programs at one building, document this.

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

## Audits

LEAs will be audited under the new ESSA standard for Supplement not Supplant, beginning with the 2018–19 school year.

## Excerpt from U.S. Department of Education, Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program (2015), page 10

Assume:

- 1 teacher per 22 students (\$65,000/teacher)
- 1 principal/school (\$120,000)
- 1 librarian/school (\$65,000)
- 2 guidance counselors/school (\$65,000/guidance counselor)
- \$825/student for instructional materials and supplies (including technology)

In a school of 450 students, the school would be expected to receive \$2,051,250 in non-Federal resources based on the following calculation:

Category	Calculation	Amount
1 principal	1 x \$120,000	\$120,000
1 librarian	1 x \$65,000	\$65,000
2 guidance counselors	2 x \$65,000	\$130,000
21 teachers	21 x \$65,000	\$1,365,000
Materials, supplies	450 x \$825	\$371,250
<b>Total</b>		<b>\$2,051,250</b>

To meet the [NCLB schoolwide program SNS test, known as the] supplemental funds test, an LEA would need to distribute non-Federal resources according to the assumptions above to all of its



schools, regardless of whether a school receives Title I funds and operates a schoolwide program. This example does not, however, suggest that non-Federal funds must be used to support the activities in the table above; rather, Title I funds may be used to support any activity identified by the comprehensive needs assessment and articulated in the comprehensive schoolwide plan.

## **Supplement Not Supplant: Learning Assistance Program (LAP)**

The LAP SNS provision is new in 2017-18, due to the increase in LAP funding for high poverty schools. [Engrossed House Bill 2242](#) Section 403 states “This funding [LAP High Poverty building allocations] must supplement and not supplant the district's expenditures under this chapter [LAP] for those school buildings.” Further, the Legislative Agency Detail note provides additional intent. It states, “The High Poverty-Based Learning Assistance Program funding allocations must be distributed to the school building that generates the funding and may not supplant the broader Learning Assistance Program funding.”

The guiding principle is that the LAP Base Allocations are distributed to schools based on a clear educational purpose and the LAP High Poverty School Allocation provide additional funds to the school. A LAP High Poverty School Allocation should not replace a LAP Base Allocation. The LAP High Poverty School Allocation is intended to be additional.

The rules and tests for supplanting under Title I, Part A under No Child Left Behind or the Every Student Succeeds Act are different than the LAP supplanting tests. The state Legislature wrote a specific supplement not supplant provision that only applies to the LEA's expenditures for LAP Base Allocation and High Poverty School Allocation. Unlike Title I, Part A supplanting, the LAP supplement not supplant provision does not consider services funded with general apportionment or federal programs.

The LEA needs to ensure that the High Poverty School Allocation is *an additional amount* for the school. It *cannot be instead* of a LAP Base Allocation. OSPI is not requiring that the LAP Base amount stay static in school year after year. It also recognizes that some schools receiving the LAP High Poverty School Allocation have not previously received LAP funds.

Table 1 on the next page provides four examples. These examples take into account that not all schools in an LEA previously received a LAP Base Allocation and that an LEA may need to reprogram its LAP Base Allocation.

### SNS Examples with the LAP High Poverty School Allocation

(A) Example School	(B) 2016–17 LAP Base Allocation	(C) 2017–18 LAP Base Allocation	(D) 2017–18 High Poverty Schools Allocation	(E) 2017–18 Combined LAP at the School  Column (C) + Column (D)	(F) 2017–18 Net NEW LAP at the School  Column (E) - Column	(G) Is the LAP High Poverty School Allocation supplementing or supplanting the LAP Base Allocation?
<b>Example 1: Apple Elementary School</b>	\$100,000	\$100,000	\$100,000	\$200,000	<b>\$100,000</b>	<b>Supplementing</b> The LAP High Poverty School Allocation is in addition to the LAP Base Allocation.
<b>Example 2: Banana Elementary School</b>	\$100,000	\$0	\$100,000	\$100,000	<b>\$0</b>	<b>Supplanting</b> The LAP High Poverty School Allocation replaced LAP Base Allocation. This is not allowed.
<b>Example 3: Cherry Middle School</b>	\$0	\$0	\$100,000	\$100,000	<b>\$100,000</b>	<b>Supplementing.</b> The LAP High Poverty Allocation is in addition to. In this case the LAP Base amount was zero before and continues to be zero for educational reasons because the LEA put LAP Base Allocation only in elementary schools.
<b>Example 4: Date High School</b>	\$100,000	\$75,000	\$100,000	\$175,000	<b>\$75,000</b>	<b>Supplementing.</b> The LAP High Poverty School Allocation is in addition to. In this case, the LAP base amount was reduced because the LEA had a decline in its LAP Base Allocation. It prioritized K-4 over all other programs. It had an educational reason for reducing the LAP Base Allocation.

- Example 1:** Apple Elementary School is an example of the LEA adding more the LAP High Poverty School Allocation on top of the LAP Base Allocation.
- Example 2:** Banana School is an example of the LEA explicit supplanting. The LEA has removed the LAP Base Allocation from the Banana School because it is receiving a LAP High Poverty School Allocation. It is not receiving any additional funds. This is not allowed.
- Example 3:** Cherry Middle School is new to LAP for the 2017–18 school year. The LEA previously dedicated LAP to elementary schools and is going to continue to prioritize LAP in elementary schools. Now Cherry Middle School will receive the LAP High Poverty School Allocation. This is not supplanting because there is a clear educational reason for the way LAP Base is distributed.
- Example 4:** Date High School is more complicated. The LEA reduced the LAP Base Allocation to the school because the LEA experienced a LAP reduction. It opted to prioritize K-4 services and reduced allocations to all other programs by 25 percent. This is an example

where the LEA has a clear educational purpose for how it distributes its LAP Base Allocation and can justify the change.

## Comparability

As a condition of receiving Title I, Part A, LEAs must ensure that state and local funds are used to provide services that taken as a whole, are comparable between Title I, Part A and non-Title I, Part A schools.<sup>76</sup> LEAs use October enrollment data to conduct the annual comparability analysis. LEAs need to make appropriate adjustments to staffing in Title I, Part A and Non-Title I, Part A schools if the analysis demonstrates an issue with comparability.

Note about exclusions: Preschool staffing and students must be excluded from comparability analysis. The LEA may choose to exclude the following: State-funded LAP, state-funded special education and state-funded LEP/bilingual educational staff.

LEAs document in October through FP 361. See OSPI's [LAP/Title I, Part A Handbook](#) and FP 361 for more information.

It is a common misconception that if an LEA is in compliance with comparability, then it is automatically in compliance with SNS. Although both of these tests look at how the LEA distributes state and local funds to schools, they are separate tests that measure different things.<sup>77</sup>

### Example 1 – Comparability compliance but not SNS compliance

- An LEA demonstrates comparability through student/instructional staff ratios, but
- Does not meet SNS because it provides extra state/local money to non-Title I schools for technology purchases, but not to Title I schools because it expects Title I to pay for those technology purchases in those schools.

### Example 2 – SNS compliance but not comparability compliance

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

The approach (though not the mechanics) of SNS is now more like other fiscal tests, such as MOE and comparability because it is based on funding. In other words, how an LEA funds its schools is the inquiry: does the LEA do so in a Title I neutral manner?

## CONDITIONS OF RECEIVING TITLE I, PART A

As a condition of receiving Title I, Part A funds, each LEA annually agrees to a set of assurances when it submits its annual application. Some of these requirements extend beyond the Title I, Part A Office. OSPI monitors compliance of these requirements through:

- Applicable iGrants form packages and end-of-year reporting requirements
- Consolidated Program Review
- Annual Fiscal Reporting through School Accounting and Financial Services

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<sup>76</sup> ESSA, Section 1118(c).

<sup>77</sup> ESSA's Title I, Part A Supplement not Supplant Requirement Presentation by CCSSO August 30, 2017

- Student information and assessment requirements

## List of Assurances

The following is the list of assurances LEAs agree to as a condition of receiving Title I, Part A funds. An LEA could put their Title I, Part A funding at risk if they do not meet these assurances or fail to implement actions necessary to come into compliance with these assurances:<sup>78</sup>

1. Ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part.
2. Provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services.
3. Participate, if selected in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Education Progress Authorization Act (20 U.S.C. 9622(b)(3)).
4. Coordinate and integrate services provided under this part with other educational services at the LEA or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instruction program.
5. As required by ESSA, designate a Foster Care Liaison to:
  - Serve as the primary contact person for Children’s Administration (CA) and OSPI staff.
  - Ensure that children in foster care are enrolled in, and regularly attending, school.
  - Facilitate the transfer of records and immediate enrollment.
  - Facilitate data sharing with child welfare agencies, consistent with FERPA and CA protocols.
  - Adopt and implement local transportation procedures consistent with protocols developed collaboratively between CA and OSPI.
  - Manage best-interest determinations based on protocols developed collaboratively between CA and OSPI.
  - Manage disputes as they occur, including transportation cost disputes; and
  - Ensure services are provided during disputes.
6. Ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable state certification and licensure requirements for teachers and federal standards for paraprofessionals, including any requirements for certification obtained through alternative routes to certification.
7. Ensure that if the LEA chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).

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<sup>78</sup> A federal award may be withheld, suspended in whole or in part, or terminated by the pass-through entity if the sub grantee fails to comply with federal requirements, the terms and conditions of the federal award, an assurance in a State plan or application, or any other term of an award. See c C.F.C § 200.338(a)(c)(d)

8. Ensure that schools participate in the statewide accountability system and that such participation will meet at least a 95 percent participation rate in mathematics and English language arts (ELA).
9. Ensure that all required parent and family notification requirements will be in a language that parents can read, a format that parents can access, and delivered by a method that reaches parents.
10. Ensure all required parent and family engagement notifications are communicated, including:
  - Individual student assessment reports
  - Annual local Report Card
  - Complaint procedures
  - Parent's right to ask about a teacher's professional qualifications, including certification level, grade assignment, and endorsement for content area
  - When a child in a Title I, Part A school/program is taught or is planned to be taught for four consecutive weeks, by a teacher with a limited state teacher certification and/or licensure
  - Annual Title I, Part A meeting
  - School parent compact
  - Written parent and family engagement policies
  - Title I, Part A schoolwide plan
11. Ensure that disparities are identified and addressed to prohibit low-income students and minority students are taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers.
12. Provide technical assistance and support to Title I schools as they develop building and program plans and assist as they implement such plans, so each school makes adequate yearly progress toward meeting the state student academic achievement standards.
13. Assure that federal guidance is followed to meet maintenance of effort, comparability and supplement, not supplant requirements.
14. Consistent with ESEA Section 1116(b)(13) under NCLB (Public Law 107-110, No Child Left Behind Act of 2001), permit a student who previously transferred to another public school under NCLB to remain in that school until the child has completed the highest grade in that school.

# APPENDIX A: CROSS-REFERENCE LIST OF TITLE I, PART A AND OTHER PROGRAMS

If you have questions about the following, please refer to the hyperlinked guidance document.

## Coordinating LAP and Title I, Part A funds

[LAP Q&A](#)

## Coordinating Federal and State Funds

[Unlocking State and Federal Funds to Support Student Success](#)

## General LAP/Title I Procedures

OSPI's [LAP/Title I, Part A Handbook](#)

## Early Learning and Title I, Part A (including staff requirements for those paid with Title I, Part A)

[Washington State with Title I, Part A \(Birth–Age 5\)](#)

ED's Early Learning [Non-Regulatory Guidance](#)

## Homeless and Title I, Part A

Homeless Student Needs Assessment on the OSPI [Homeless Education](#) webpage

## Foster Care and Title I, Part A

[OSPI Foster Care Frequently Asked Questions](#)

## Paraeducators and Title I, Part A

[Title I, Part A Paraeducator Guidelines](#)

## Time and Effort

The following forms are available on OSPI's [School Apportionment](#) webpage.

- Semi-Annual Certification–Single Cost Objective
- Monthly PAR–Multiple Cost Objectives/Reconciliation to Payroll Records
- Monthly PAR with Multiple Cost Objectives for Employee with Fixed-Schedule (if not using the "Fixed Schedule" system)
- Employee Certification and Schedule–Employee with Fixed Schedule (if using the "Fixed Schedule" system)

# APPENDIX B: LETTER FROM ANN WHALEN ON EXTENDED LEARNING TIME

February 26, 2016

Dear Chief State School Officer:

I would like to take this opportunity to applaud the hard work that has taken place in States, local educational agencies (LEAs), and schools across the nation this year. You have each done a tremendous amount of work to address your State's most pressing education challenges and to enhance the support to educators and students. As summer nears, I know that many of you are thinking about how to leverage existing resources to ensure meaningful summer learning opportunities for students.

As you know, summer can be a stressful time as families seek to ensure that students stay actively engaged in learning outside of the traditional school year. With this in mind, I am writing to remind you that Federal funds may be used to support robust summer learning in a number of programs under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA). In addition, programs supported by other Federal legislation, including the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), the Workforce Innovation and Opportunity Act (WIOA), and the Individuals with Disabilities Education Act (IDEA), may support summer learning opportunities. I encourage you to continue working to ensure that LEAs and schools in your State understand that they may use remaining fiscal year 2015<sup>1</sup> Federal funds under these programs for summer learning, and to work in a timely manner with LEAs and schools interested in updating their budgets and plans to use funds for this purpose.

Among the ESEA programs under which opportunities for summer learning are allowable, there are two in which summer learning is a particularly good fit. Title I, Part A (Title I) funds may be used to support a variety of extended learning time (ELT) opportunities for students consistent with applicable statutory and regulatory requirements. These opportunities include summer school for eligible students. In particular, Title I funds may be used to support ELT opportunities for all students in Title I schools operating schoolwide programs and for those students identified as most at risk of failing to meet the State's academic achievement standards in Title I schools operating targeted assistance programs. An LEA generally may not use Title I funds to pay for ELT in Title I schools while also using non-Title I funds to support ELT in non-Title I schools. However, an LEA that wants to provide ELT programs *for only low-achieving students* in both its Title I and non-Title I schools may be able to do so, consistent with 34 C.F.R. § 200.79. If an LEA or school wants to provide ELT services that include both academic and non-academic enrichment activities, it might consider using Title I, Part A funds, as appropriate, for the academic component and partnering with community organizations to provide the non-academic activities. Title I funds may also be used for summer activities designed to help prepare eligible students for the upcoming school year. For example, funds might be used for a summer academy to help eligible 8<sup>th</sup> grade student's transition to high school. Similarly, funds might be used for a summer program to prepare eligible students to succeed in higher-level courses.

Title IV, Part B of the ESEA authorizes the 21<sup>st</sup> Century Community Learning Centers (CCLC) program, which supports the creation and expansion of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. The program helps students meet state and local academic achievement standards in core academic subjects, such as reading and math; offers students a broad array of academic enrichment activities that can complement their regular academic programs; and offers literacy and other educational services to the families of participating children.

Under the 21<sup>st</sup> CCLC program, an eligible entity that presently has a sub grant from the State may be eligible to receive additional funds under the program to carry out activities in the summer that advance student academic achievement. As we approach the summer months, a State that has funds remaining from its grant competition(s) may use those remaining funds to expand or enhance current activities in the summer, or to expand programs in non-participating schools within an LEA that has a 21<sup>st</sup> CCLC sub grant. When considering adding additional funds, States should use program performance data and other evidence-based practices to develop summer learning programs that would yield measurable results.

To support implementation of the 21<sup>st</sup> CLCC program, the U.S. Department of Education (ED) facilitates an on-line community focused on identifying, highlighting, sharing, and scaling best practices related to high-quality summer programs that result in reduction of the learning lag. The portal provides resources and tools to help design and implement effective summer learning programs, and includes creative ideas, such as aligning summer programming with resources and activities from the National Park Service to learn about the great outdoors, creating summer reading programs, visiting museums, and participating in summer community events. This online community is available at <https://y4y.ed.gov/summerlearning>. In addition, ED is working in coordination with the U.S. Department of Labor (DOL) to strengthen, improve, and support the public workforce system through implementation of WIOA. WIOA requires an integrated approach to planning, implementation, and administration of six core programs designed to prepare youth and adults for successful workforce participation and continued educational achievement. The core programs include the ED-administered Adult Education and Family Literacy Act (AEFLA) program, for which out-of-school youth who are at least 16 years of age are eligible. Under AEFLA, 82.5 percent of a State's funds must be awarded to local eligible providers who offer a range of adult education and literacy services, including instruction and services below the postsecondary level that increase an individual's ability to attain a secondary school diploma or recognized equivalent, transition to postsecondary education and training, and obtain employment. Another WIOA core program, the DOL-administered Title I youth formula program, requires that 75 percent of funds be used on services for out-of-school youth which will, in turn, help young adults obtain high school diplomas, prepare for and successfully complete postsecondary education and training, and achieve high levels of career readiness. Local areas must spend at least 20 percent of youth formula funds on work experience activities such as summer jobs, pre-apprenticeship, on-the-job training, and internships so that youth can be prepared for employment.

If you have any additional questions regarding Title I of the ESEA or the 21<sup>st</sup> CCLC program, please do not hesitate to contact one of the program officers for your State in the Office of State Support or the Office of Academic Improvement. If you have questions regarding Perkins IV, please contact Edward Smith in the Office of Career, Technical and Adult Education (OCTAE) at



[edward.smith@ed.gov](mailto:edward.smith@ed.gov). Questions regarding adult education programs under WIOA may be addressed to Christopher Coro in OCTAE at [christopher.coro@ed.gov](mailto:christopher.coro@ed.gov). Questions regarding IDEA may be addressed to Matthew Schneer in the Office of Special Education Programs at [matthew.schneer@ed.gov](mailto:matthew.schneer@ed.gov).

Thank you again for your commitment to improving educational outcomes for all students. We look forward to our continued partnership in this critical work.

Sincerely,

Ann Whalen

Senior Advisor to the Secretary Delegated the Duties of Assistant Secretary for Elementary and Secondary Education

cc: State Title I Directors  
State 21st CCLC Directors  
State Career and Technical Education Directors  
State Special Education Directors  
Council of Chief State School Officers

<sup>1</sup> Please see the January 28, 2016, Dear Colleague Letter for information on formula funds for school years 2015-2016 and 2016-2017, as it relates to orderly transition to the Every Student Succeeds Act. It is available at <http://www2.ed.gov/policy/elsec/leg/essa/index.html>

**Source:** Comprehensive Education Data and Research System, October 1, 2019.

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*Download this material in PDF at the [Title I, Part A fiscal webpage](http://www.k12.wa.us/) (<http://www.k12.wa.us/>). This material is available in alternative format upon request.*



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