

**Arkansas Department of Education
Division of Elementary and Secondary
Education (DESE)
Spending Handbook for ESSA Funds
2023-2024**



Division of Elementary and Secondary Education
Arkansas Department of Education
Division of Public School Accountability
Four Capitol Mall, Box 19
Little Rock, Arkansas 72201
Office: 501-682-2395 Fax: 501-682-7966
<http://dese.ade.arkansas.gov/>

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Introduction to Spending Handbook: Overview

This document provides general guidance on how local educational agencies (LEAs) may spend funds under the Every Student Succeeds Act (ESSA). ESSA is the most recent version of the Elementary and Secondary Education Act (ESEA) of 1965, 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 <http://www2.ed.gov/policy/elsec/leg/essa/index.html>.

This handbook is designed to cover the following five federal fund sources calculated by formula:

- Title I, Part A (Improving Basic Programs);
- Title II, Part A (Supporting Effective Instruction);
- Title II, Part C (Migrant Education);
- Title III, Part A (English Language Acquisition and Language Enhancement);
- Title IV, Part A (Student Support and Academic Enrichment); and
- Title V, Part B (Rural and Low-Income Schools).

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

General Spending Considerations

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

First, all costs charged to U.S. Department of Education (ED) grants must be **necessary, reasonable, and allocable** considering the amount of money being spent and the needs of the program (2 CFR 200.403(a)). 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. 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-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl. Federal guidance and other resources about the UGG are available at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

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

- Lists costs that may never be paid for with federal funds (2 CFR Part 200, Subpart E). For example, federal funds can never pay for alcohol (2 CFR § 200.423) and typically cannot pay for lobbying. (2 CFR § 200.450).
- Lists general criteria all costs supported with federal funds must satisfy (2 CFR § 200.403). For example, federal funds can only pay for costs that are allocable to the relevant grant (2 CFR § 200.403(a)).
- Sets additional requirements for certain costs supported with federal funds (2 CFR §§ 200.420-200.475). 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 (2 CFR § 200.430).
- Sets rules for how LEAs procure goods and services with federal funds (2 CFR §§ 200.317-200.326) how they track items paid for with federal funds (2 CFR §§ 200.313-200.314) and the kinds of records they must keep about their grant spending. (2 CFR § 200.318(h)(i)) for procurement records or (2 CFR § 200.302(b)(3)) for financial records.

Second, activities supported by ED funds must be **consistent with the LEA's application** for funds approved by the SEA (34 CFR § 76.700).

Third, as discussed throughout this document, some ESSA programs require LEAs to spend on activities that are supported by evidence, are demonstrated to be effective, or that are consistent with a formal needs assessment. Even where this is not required, ED grant spending has the most impact when LEAs spend federal funds on effective activities designed to meet program goals. To do this, LEAs are encouraged to:

- Carefully consider the needs of students, educators, and other relevant stakeholders;
- Determine which activities are most likely to effectively address those needs; and
- Prioritize those activities when deciding what costs to support with ESSA funds (unless those activities are being paid for by other funding sources).

For more information about ESSA Federal Programs, please contact:

Jayne Green, Coordinator of Federal Programs

Arkansas Department of Education

Division of Elementary and Secondary Education

Phone: 501-682-2395

Email: Jayne.Green@ade.arkansas.gov

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Spending Title I, Part A Funds to Support Student Achievement

This section provides information about how local educational agencies (LEAs) and schools can spend Title I, Part A funds. Title I, Part A is the U.S. Department of Education's (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 funds to state educational agencies (SEAs), which then subgrant funds to LEAs. LEAs retain some money to carry out certain activities, and then must allocate the rest to eligible schools. This document:

- Provides an overview of the Title I, Part A program;
- Addresses the use of Title I, Part A funds by LEAs;
- Addresses the use of Title I, Part A funds by schools operating "schoolwide programs;"
- Addresses the use of Title I, Part A funds by schools operating "targeted assistance programs;"
- Clarifies the allowable use of funds in low-performing Title I schools that have been identified for comprehensive or targeted support and improvement; and
- Addresses key fiscal tests LEAs must meet as a condition of receiving Title I, Part A funds.

For convenience this section will refer to the program as "Title I." For more information about Title I, please contact:

Elizabeth Gomez, Title I Program Director
Arkansas Department of Education
Division of Elementary and Secondary Education
Phone: 501-682-5295
Email: elizabeth.gomez@ade.arkansas.gov

or

Chante'le' Williams, Public School Program Coordinator
Arkansas Department of Education
Division of Elementary and Secondary Education
Phone: 501-682-1699
Email: Chantele.Williams@ade.arkansas.gov

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Purpose of Title I, Part A

The purpose of Title I, part A also known to as Title I is to provide all children “significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.” (ESSA § 1001) To achieve that, states must develop accountability systems to identify and support schools with academically struggling students, and LEAs and schools must use their Title I funds to improve student outcomes, including academic achievement.

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

- State-adopted challenging academic standards in at least math, reading/language arts, and science (ESSA § 1111(b)(1));
- High-quality academic assessments that measure how well students are mastering state standards in at least math, reading/language arts, and science (ESSA § 1111(b)(2));
- A system that differentiates school performance based on a variety of indicators (ESSA § 1111(c)(4)(B)). The indicators are (1) student achievement on the state academic assessment, (2) for elementary and middle schools, a measure of student growth or another academic indicator that allows for meaningful differentiation of school performance, (3) for high schools, high school graduation rates, (4) progress in achieving English language proficiency, and (5) an indicator of school quality or student success, such as student engagement, educator engagement, access to and completion of advanced coursework, postsecondary readiness, school climate and safety, or another state-selected indicator that meets ESSA requirements (ESSA § 1111(c)(4)(B)(i)-(v));
- A system to identify and support certain low-performing schools (known as “comprehensive support and improvement” (CSI) schools and “targeted support and improvement” (TSI) schools) (ESSA § 1111(d)); and
- Reporting student achievement and other data to ED and the public (ESSA § 111(h)).

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

- Developing and implementing plans to support and improve low-performing schools identified by the state through its accountability system, ESSA, § 1111(d)(1)&(2);
- Reporting student achievement and other data to the SEA and the public (ESSA § 1111(h));
- Notifying parents about issues such as teacher qualifications, assessments, and identification of students as English learners (ESSA § 1112(e));
- Collaborating with child welfare agencies to ensure the educational stability of children in foster care (ESSA § 1112(c)(5)(B));
- Providing services to homeless children (ESSA § 1113(c)(3)(A)(i));

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- Providing services to children in local institutions for neglected children, and if appropriate, to children in local institutions for delinquent children, and neglected or delinquent children in community day programs (ESSA § 1113(c)(3)(A)(ii)&(iii));
- Allocating Title I funds to eligible schools through a poverty-based procedure known as “ranking and serving” (ESSA § 1113(a)(3));
- Developing policies and providing services to engage parents and families (ESSA § 1116);
- Providing services to eligible private school students (ESSA § 1117); and
- Overseeing Title I activities in Title I schools (2 CFR § 200.328(a)).

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

- A **schoolwide model**, available to any school with at least forty percent poverty (or to schools below forty percent poverty with a waiver, which, under ESSA, can be issued by the SEA) (ESSA § 1114(a)(1)).
 - Schools operating a schoolwide model can use Title I funds to upgrade their entire educational program (ESSA § 1114(a)(1)(A);
 - All students are considered “Title I students” (ESSA § 1114(a)(2)); and
 - Schoolwide schools must develop a plan describing the services they will provide based on a comprehensive assessment of the school’s needs (ESSA § 1114(b)). This needs assessment must take into account the academic achievement of all students, particularly the needs of those of students struggling to meet state academic standards, and any other factors as determined by the LEA (ESSA § 1114(b)(6)).
- A **targeted assistance model**, available to any Title I school that does not operate a schoolwide program (ESSA § 1115).
 - Schools operating a targeted assistance model must use Title I funds to help educationally-disadvantaged students meet state standards (ESSA § 1115(b)(2)(A)); and
 - Students are eligible for Title I if they: (1) are failing, or at risk of failing, to meet state standards, (2) participated in certain federally-funded preschool programs, (3) received services under the Migrant Education Program, (4) are in a local institution for neglected or delinquent children or are attending a community day program, or (5) are homeless (ESSA § 1115(c)).

How Title I Funds May Be Used

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

- Providing eligible students with a well-rounded education, Please see ESSA § 8101(52) defining a “well-rounded education” as:

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Courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the SEA or LEA, with the purpose of providing all students access to an enriched curriculum and educational experience.

- Instructional supports;
- Non-instructional supports like behavior and mentoring supports, and social and emotional learning;
- Improving school quality; and
- Support paraprofessionals to become highly qualified through the Praxis Paraprofessional Assessment -only the first time-.

Historically, many LEAs and schools have used Title I funds narrowly for discrete instructional supports primarily focused on reading and math. This happened because the law's complexity has often led to misunderstandings about how Title I funds can be used. In fact, Title I 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. Additional information follows below pertaining to Targeted Assisted and Schoolwide Programs.

I. Using Title I Funds at the LEA Level: Required and Discretionary Reservations

Before allocating Title I funds to schools, LEAs **must** reserve some Title I funds for the following required activities:

- Services for homeless children, which can include funding for the homeless liaison and transportation required under the McKinney Vento Homeless Education Act. *LEAs must reserve "such funds as are necessary," based on an assessment of homeless children's needs (ESSA does not specify an amount.) (ESSA § 1113(c)(3)(C));*
- Services for children in local institutions for neglected children, and if appropriate, services for children in local institutions for delinquent children, and neglected or delinquent children in community day programs. *LEAs must reserve "such funds as are necessary;"(ESSA does not specify an amount.) (ESSA § 1113(c)(3));*
- Parent and family engagement (required if the LEA receives \$500,000 or more of Title I funds). *LEAs must reserve at least one percent (ESSA § 1116(a)(3)(A)). ESSA clarifies LEAs can reserve more than one percent at their discretion) ninety percent of which must be distributed to schools; and*
- 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 (ESSA § 1117(a)(4)).*

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

- Transportation for students in CSI schools if the LEA offers these students the option to transfer to another school. *LEAs may reserve up to five percent* (ESSA § 1111(d)(1)(D)(v));
- Financial incentives and rewards to teachers in CSI or TSI schools for the purpose of attracting and retaining qualified and effective teachers. *LEAs may reserve up to five percent* (ESSA § 1113(c)(4));
- Early childhood education programs for eligible children. *LEAs have discretion over how much, if any, to reserve; ESSA does not specify an amount* (ESSA § 1113(c)(5));
- The additional costs needed to transport children in foster care to their school of origin consistent with Section 1112(c)(5). *LEAs have discretion over how much, if any, to reserve; ESSA does not specify an amount.* 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>;
- Administering the Title I program. *LEAs may reserve a reasonable and necessary amount* (34 CFR § 200.77); and
- District-managed initiatives in Title I schools (34 CFR § 200.77).

A Deeper Look at District-Managed Title I Initiatives

LEAs have the option to reserve Title I funds to implement district-managed Title I initiatives. These initiatives are managed at the central level (rather than the school level), and are designed to improve the achievement of Title I students. District-managed initiatives are sometimes called “district wide” initiatives because they benefit all, or a group, of Title I schools. But these initiatives are not truly districtwide in an LEA with both Title I and non-Title I schools. An LEA cannot, for example, use Title I funds to benefit non-Title I students.

Guidance from ED permits LEAs to use Title I funds for the following types of district-managed initiatives for all, or a subset of, an LEA’s Title I schools:

- Contracting with an outside provider with expertise in school improvement to support low-achieving Title I schools,
- Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework,
- Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English language learners,
- Hiring an outside expert to work with the staff of low-achieving Title I schools to build their capacity to analyze student data and identify promising interventions,
- Piloting a data dashboard to help teachers in Title I schools identify, track, and analyze data to help them better target interventions to low-achieving students,
- Paying for extended time for teachers in Title I schools to review data for at-risk students and identify interventions to better meet the needs of those students, and
- Extending learning time in Title I schools (before- and after-school programs, Saturday school and summer school, extending half-day kindergarten to a full day, extending the school year, extended learning opportunities during the school day, adding time during the day for teachers to plan collaboratively).

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

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

II. Using Title I Funds in Schools that Operate Schoolwide Programs

Schools with at least forty percent poverty, as well as any school with a waiver (which the state can issue), may operate a schoolwide program as long as the school conducts a comprehensive needs assessment and develops a schoolwide plan for meeting its needs (ESSA § 1114(b)). (Under ESSA, SEAs have the discretion to waive the forty percent poverty threshold if the SEA believes it will best serve student needs.) (ESSA § 1114(a)(1)(B))

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

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

A. Spending Options in a Schoolwide Program

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

- High-quality preschool or full-day kindergarten and services to facilitate the transition from early learning to elementary education programs;
- Instructional coaches to provide high-quality, school-based professional development;
- Increased learning time;
- Paraprofessionals note: Districts must ensure that all paraprofessionals working in a schoolwide program or schoolwide building meet highly qualified guidelines provided by DESE <https://dese.ade.arkansas.gov/Offices/public-school-accountability/federal-programs/Title%20i%20Paraprofessionals>;
- 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);
- Counseling, school-based mental health programs, mentoring services, and other strategies to improve students' nonacademic skills;
- School climate interventions (e.g., anti-bullying strategies, positive behavior interventions and supports);
- Equipment, materials, and training needed to compile and analyze student achievement data to monitor progress, alert the school to struggling students, and drive decision making;
- Response-to-intervention strategies intended to allow for early identification of students with learning or behavioral needs and to provide a tiered response based on those needs;
- Activities that have been shown to be effective at increasing family and community engagement in the school, including family literacy programs;

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- Devices and software for students to access digital learning materials and collaborate with peers, and related training for educators (including accessible devices and software needed by students with disabilities); and
- Two-generation approaches that consider the needs of both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.

The U.S. Department of Education guidance, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, pp. 4-5 (2016), is 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.

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

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

The schoolwide plan is a strategic tool that identifies the school’s needs and explains which improvement strategies it will use to address those needs. In general, the school may then spend Title I funds to support the strategies identified in its plan.

1. **Schoolwide Plan Elements**

A schoolwide plan must be based on a **comprehensive needs assessment** of the entire school that takes into account information on the academic achievement of children, particularly the needs of those children who are failing, or are at-risk of failing, to meet state standards, and any other factors as determined by the LEA (ESSA § 1114(b)(6)).

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

- Provide opportunities for all children, including each subgroup of students, to meet state standards;
- Use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and
- Address the needs of all children in the school, but particularly the needs of those at risk of not meeting state standards, through activities which may include:
 - Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students’ skills outside the academic subject areas;

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- Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools);
- Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act;
- Professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects; and
- Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs (ESSA § 1114(b)(7)(V)).

2. Other Schoolwide Plan Requirements

The schoolwide plan must be developed:

- During a 1-year period, for schools not already operating schoolwide programs, unless the LEA determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program (ESSA § 1114(b)(1));
- With the involvement of key stakeholders (ESSA § 1114(b)(2)). ESSA specifies parents and other members of the community and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals, administrators, the LEA, tribes and tribal organizations (to the extent feasible), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school); and
- In coordination and integration with other federal, state, and local services, resources, and programs, if appropriate, such as programs supported under ESSA, including but not limited to, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities (ESSA § 1114(b)(5)).

ESSA clarifies that schoolwide plans:

- Remain in effect for the duration of the school's participation in Title I, except that schools must regularly monitor and revise their plan and implementation as necessary based on student needs to ensure that all students are provided opportunities to meet state standards (ESSA § 1114(b)(3)); and

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- Must be available to the LEA, parents, and the public, and the information contained in the plan should be understandable to the extent practical (ESSA § 1114(b)(4)).

III. Using Title I Funds in Schools that Operate Targeted Assistance Programs

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

A. Identifying Title I Students

Targeted assistance schools must determine which students they will serve by identifying the students with the greatest need for assistance from among the following eligible groups:

- Students identified as failing, or most at risk of failing, to meet state standards;
- Students who participated in Head Start, or certain ESSA-funded preschool programs or literacy programs for young children, within the past two years (including Title I supported preschool);
- Migrant students;
- Neglected and delinquent students; and
- Homeless children (ESSA § 1115(c)).

Parents/Guardians will be notified if their child is eligible for targeted assistance services.

B. Spending Options in a Targeted Assistance Program

Targeted assistance schools must use Title I funds to help identified students meet state standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education (ESSA § 1115(b)(2)(A)).

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

- Expanding learning time for eligible students, including before- and after school programs, 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 (ESSA § 1115(b)(2)).

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Paraprofessionals note: Districts must ensure that all paraprofessionals meet highly qualified guidelines provided by DESE if they are working in a Targeted Assisted building and paid in part or in full with Title I funds. <https://dese.ade.arkansas.gov/Offices/public-school-accountability/federal-programs/Title%20i%20Paraprofessionals>

Targeted assistance schools can also use Title I funds to provide eligible students with health, nutrition, and other social services 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 (ESSA § 1115(e)(2)).

(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 § 1115(e)(2)(B))

A secondary school operating a targeted assistance program may use Title I funds to provide dual or concurrent enrollment program services to eligible children (ESSA § 1115(f)).

Targeted assistance schools must:

- Help provide an accelerated, high-quality curriculum;
- Minimize the removal of children from the regular classroom during regular school hours for instruction provided by Title I; and
- Review the progress of eligible students on an ongoing basis and revise the targeted assistance program, if necessary, to provide students additional assistance to meet state standards (ESSA § 1115(b)(2)(G)).

C. Coordinating Targeted Services with Other Programs and Supports

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

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

Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate (ESSA § 1115(e)(1)).

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 (ESSA § 1115(b)(2)(F)).

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

- Participate in general professional development and school planning activities; and
- Assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school (ESSA § 1115(d)).

III. Special Considerations for Using Title I Funds in Schools Identified for Support and Improvement

Under ESSA, states must identify two types of low-performing schools:

- *Schools in need of Targeted support and improvement (TSI)*, which are schools with one or more consistently underperforming subgroups (ESSA § 1111(c)(4)(C)(iii) and ESSA § 1111(d)(2)). Arkansas defines consistently underperforming subgroups as a subgroup that scores at or below one percent for three or more years; and
- *Schools in need of Comprehensive support and improvement (CSI)*, which include:
 - The lowest-performing five percent of Title I schools in the state;
 - Any public high school failing to graduate one-third or more of its students; and
 - Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as students in the lowest-performing five percent of Title I schools, and that has failed to improve after the school has implemented a targeted support and improvement plan (ESSA § 1111(c)(4)(D)).

Schools in need of TSI and CSI (ESSA § 1111(d)(1)(B)), must develop plans for improving student outcomes that (among other things):

- Are informed by all the indicators for differentiating schools listed above;
- Include evidence-based interventions (see box below); and
- Are based on an assessment of the school’s needs (ESSA § 1111(d)(1)(B) and Section 1111(d)(2)(B)).

Definition of “Evidence-Based” in ESSA (ESSA § 8101(21)(A))

Evidence-based means an activity, strategy, or intervention that:

- i. demonstrates a **statistically significant effect on improving student outcomes or other relevant outcomes based on—**
 - (I) **strong evidence from at least one well-designed and well-implemented experimental study;**
 - (II) **moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or**

(III) promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or

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

Under ESSA, schools in need of TSI and CSI that receive Title I funds (1003) have the same Title I, Part A spending options as any other Title I school, and can also use their Title I, Part A funds to support the school’s TSI and CSI initiatives. Based on available funding and the number of schools identified for support, the Division of Elementary and Secondary Education will allocate 1003 funds on a formula basis to LEAs in following priority:

1. Districts with both Comprehensive Support and Improvement schools and Additional Targeted Support schools;
2. Districts with Comprehensive Support and Improvement schools;
3. Districts with Additional Targeted Support schools; and
4. Districts with Targeted School Improvement schools.

It is important to note the distinction between how Title I, Part A funds may be used in a TSI or CSI school versus how Section 1003 school improvement funds must be used. Under ESSA, Title I, Part A funds may support any allowable Title I, Part A cost whether it meets ESSA’s definition of evidence-based or not. This is different from how Section 1003 school improvement funds must be used. Section 1003 funds can only be used to support activities that meet ESSA’s top three tiers of evidence (highlighted in bold text above). In other words, Section 1003 funds can only be used to fund activities, strategies, or interventions based on a study that demonstrates the activity, strategy, or intervention has a *statistically significant effect* on improving student outcomes (ESSA § 8101(21)(B)) stating:

(B) DEFINITION FOR SPECIFIC ACTIVITIES FUNDED UNDER THIS ACT.—When used with respect to interventions or improvement activities or strategies funded under section 1003, the term “evidence-based” means a State, local educational agency, or school activity, strategy, or intervention that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i). Therefore, while TSI and CSI schools must implement evidence-based interventions under ESSA’s school improvement requirements, this requirement does not directly affect their use of Title I, Part A funds under ESSA.

IV. Other Spending Rules

A. Maintenance of Effort

LEAs that receive Title I funds must comply with a maintenance of effort requirement (ESSA § 1118(a) and § 8521). In short, maintenance of effort requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year.

B. Supplement not supplant

Title I has a supplement not supplant (SNS) requirement. In general terms, this means that Title I funds should add to (supplement) and not replace (supplant) state and local funds. Prior to ESSA, supplement not supplant was typically tested by analyzing an individual Title I cost's compliance with "three presumptions of supplanting." Under ESSA, compliance with SNS will no longer be tested through individual Title I costs (ESSA § 1118(b)(3)(A)), so these three presumptions no longer apply.

Instead, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program (ESSA § 1118(b)(2)).

This should expand Title I's spending options. (Note that every Title I cost must still be reasonable, necessary, and allocable, and therefore allowable, and must still support eligible students among other requirements.)

C. Comparability

As a condition of receiving Title I, LEAs must ensure that state and local funds are used to provide services that, taken as a whole, are comparable between Title I and non-Title I schools (ESSA § 1118(c)).

Spending Title I, Part C Funds to Support Education of Migratory Students

This section provides information about how local educational agencies (LEAs) can spend Title I, Part C - Migrant Education Program (MEP) funds.

Title I, Part C - Migrant Education Program (MEP) is a U.S. Department of Education (ED) grant program that provides supplemental funding to help support education of Migratory Students. ED awards Title I, Part C - Migrant Education Program funds to state educational agencies (SEAs), which then subgrant funds to LEAs and Local Operation Agencies (LOAs). For convenience, this section will refer to the program as “Title I, Part C - Migrant Education Program (MEP).”

For more information about Title I, Part C - Migrant Education Program funds please contact:

Damaris Tomlison, Program Manager
Arkansas Department of Education
Division of Elementary and Secondary Education
3010 East Hwy 22
Phone: 501-529-3200
Email: Damaris.Tomlison@ade.arkansas.gov

Purpose of the Title I, Part C - Migrant Education Program (MEP)

I. Overview and General Requirements

In general, Title I, Part C - Migrant Education Program funds can be used to support high quality education programs for migratory children and help ensure that migratory children who move among the States are not penalized by disparities among States in curriculum, graduation requirements, and challenging State academic standards. Funds also ensure that migratory children not only are provided with appropriate education services that address their unique needs but also that such children receive full and appropriate opportunities to meet the same challenging State academic standards that all children are expected to meet. For Federal Non-Regulatory Guidance on Title I, Part C - Migrant Education Program Please see Office of Elementary and Secondary Education - Legislation, Regulations, and Guidance, Non-Regulatory Guidance for Title I, Part C, available at [Legislation, Regulations, and Guidance - Office of Elementary and Secondary Education](#)

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How Title I, Part C - Migrant Education Program (MEP) Funds May Be Used

Operating agencies assume responsibility for ensuring that federal program funds have been expended and accounted for consistent with applicable Title 2, *Code of Federal Regulations* (2 CFR), Part 200, (Uniform Guidance) cost principles, agency program regulations, and the terms of sub-grant agreements to determine the reasonableness, necessity, and allowability of costs. 2 CFR, Part 200, Subpart E establishes cost principles and standards for determining allowable costs applicable to grants, contracts, and other agreements with nonfederal entities. Costs are allowable for federal reimbursement only to the extent of benefits received by federal programs, and costs must meet the basic guidelines of allowability, including necessary and reasonable.

All costs must be compared to the purpose of the MEP (ESSA Section 1301), which includes the following:

1. To assist states in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods, that address the unique educational needs of migratory children.
2. To ensure that migratory children who move among the states are not penalized in any manner by disparities among the states in curriculum, graduation requirements, and challenging state academic standards.
3. To ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet.
4. To help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.
5. To help migratory children benefit from state and local systemic reforms.

To ensure that the purposes of the statute are met, each local operating agency must follow the Arkansas Migrant Education Program needs assessment which identifies the special educational needs of migratory children and determine the specific services that will help migratory children achieve the State's measurable outcomes and performance targets. The Arkansas Migrant Education Program Needs Assessment:

1. Determine the needs of migratory students and how those needs relate to the priorities established by the state;

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2. design local services; and
3. select students for the receipt of those services.

All costs must be allowable under the cost principles contained within 2 *CFR*, Part 200, Subpart E.

The Arkansas Department of Education, Division of Elementary and Secondary Education, guidance regarding expenditures that are generally an allowable use of MEP funds is in addition to all other state and federal laws, regulations, and guidance. Expenditures identified as allowable must meet any and all requirements.

II. Allowable Expenses Criteria

Allowable expenditures shall meet the following criteria:

1. Be Necessary and Reasonable for the performance of the MEP grant. Operating agency staff must consider these elements when determining the reasonableness of a cost. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices.
 - A. When determining reasonableness of a cost, consideration must be given to:
 - Whether the cost is a type generally recognized as ordinary and necessary for the proper and efficient performance of the MEP grant.
 - The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state and other laws and regulations; and terms and conditions of the MEP grant award.
 - Market prices for comparable goods or services for the geographic area.
 - Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the operating agency, its employees, its students, the public at large, and the federal government.
 - Whether the operating agency significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the MEP award's cost (2 *CFR*, Section 200.404).[i]
 - B. While 2 *CFR*, Section 200.404 does not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective, as reflected in the approved application. A key aspect in determining whether a cost is necessary is whether the operating agency can demonstrate that the cost addresses an existing need and can prove it. For example, the operating agency may deem transportation to and from an after-school program to be allowable since the school does not provide transportation to students.

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When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the MEP.
- Whether the cost is identified in the approved budget or application.
- Whether there is an educational benefit associated with the cost.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses program goals and objectives and is based on program data.

2. Allocable to the federal award. A cost is allocable to the federal award if the goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds charged to the program (2 *CFR*, Section 200.405).[ii] For example, if 50 percent of a teacher's salary is paid with MEP grant funds, then that teacher must spend at least 50 percent of his or her time on the MEP grant program.

3. The activities and services operating agencies fund must comport with the results of the comprehensive statewide needs assessment and the requirements of the comprehensive service delivery plan.

4. SEAs must first use MEP funds to meet the identified needs of migratory children that result from their migrant lifestyle, and to permit these children to participate effectively in school.

5. Supplement and not supplant non-federal expenses required to carry out the overall responsibility of state or local governments, including school districts and Educational Services Cooperatives. A cost would be considered supplanting if any of the following conditions are met:

- A. MEP funds are used to provide services that are provided under other federal, state, or local laws.
- B. Non-federal funds were used to cover the cost in the prior year.
- C. MEP funds are used to provide services for participating children and non-federal funds are used for nonparticipating children.

6. Be consistent with policy, regulations, procedures, and not prohibited under federal, state, or local laws and regulations.

7. Be consistent with principles, regulations, and procedures that apply uniformly to federal awards and other activities of the subgrantee.

8. Conform to any limitations or exclusions set forth in these principles, federal laws, the conditions of the MEP award, or other governing limitations as to types or amounts of cost items.

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9. Be accorded consistent treatment. A cost may not be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a federal award as an indirect cost.
10. Be determined in accordance with generally accepted accounting principles.
11. Not be included as a cost or used to meet cost sharing or matching requirements of any other federal activity in either the current or a prior period.
12. Be adequately documented so as to illustrate compliance with all applicable funding rules and restrictions.
13. Be net of applicable credits. "Applicable credits" refers to receipts or reductions of expenditures that offset or reduce the cost to federal awards. Examples include, but are not limited to, purchase discounts or allowances, and adjustments of overpayments or erroneous charges.
14. Expenditures for food, travel, conferences, field trips, music, dance and theater activities must be described in the approved Grant Application, or its revision/amendment as to the need for the expenditure and how it relates to the supplemental academic program for the students. Based on the description provided, the Arkansas Migrant Program will approve expenditures deemed to have sufficient nexus to the academic program (Section 1.3).

III. Examples of allowable activities

- Instructional services (e.g., activities for preschool-age migratory children and instruction in elementary and secondary schools, such as tutoring before and after school);
- Support services (e.g., acting as an advocate of migratory children, providing access to health and social service providers; providing migrant families with necessary supplies), provided these services relate to an identified educational need;
- Professional development (e.g., training programs for Migrant Education Program personnel to enhance their ability to understand and appropriately respond to the needs of migratory children);
- Parent Advisory Councils (PAC) and other parental involvement activities;
- Identification and recruitment;
- Coordination activities with other agencies, both within the state and with other States nationwide, including the transfer of student records;
- Comprehensive needs assessment activities; and
- Evaluation of the MEP.

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[i] §200.404 *Reasonable costs.* A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when the non-Federal entity is predominantly federally-funded. In determining reasonableness of a given cost, consideration must be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award. (b) The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award. (c) Market prices for comparable goods or services for the geographic area. (d) Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-Federal entity, its employees, where applicable its students or membership, the public at large, and the Federal Government. (e) Whether the non-Federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost.

[ii] §200.405 *Allocable costs.* (a) A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received. This standard is met if the cost:(1) Is incurred specifically for the Federal award;

(2) Benefits both the Federal award and other work of the non-Federal entity and can be distributed in proportions that may be approximated using reasonable methods; and (3) Is necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award in accordance with the principles in this subpart.

(b) All activities which benefit from the non-Federal entity's indirect (F&A) cost, including unallowable activities and donated services by the non-Federal entity or third parties, will receive an appropriate allocation of indirect costs.

(c) Any cost allocable to a particular Federal award under the principles provided for in this part may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

(d) *Direct cost allocation principles.* If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then, notwithstanding paragraph (c) of this section, the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized under a Federal award, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required. See also §§200.310 through 200.316 and 200.439.

IV. Unallowable Expenses

The following are examples of unallowable expenses:

1. Salaries, benefits, and expenses incurred by employees of the Coops or district offices not directly related to the MEP.
2. Expenses of county or school district boards and their members
3. Interest on borrowing, cost of financing and refinancing operations.
4. Membership or other professional association fees.
5. Any excess cost incurred under another grant agreement.
6. The development, improvement, maintenance, or repair of any physical facility or property belonging to any Coop, school district, or any other party, not belonging to the MEP

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- The only exception is payment for summer school facility maintenance costs that are incurred as a direct result of the operation of the MEP.
7. Costs related to social activities such as potlucks, dances, holiday and graduation parties, or any other celebrations.
 8. Costs related to entertainment, including amusement, and diversion.
 9. Stipends or compensation for lost wages for participation in PAC activities or any other aspect of the MEP.
 - The only exception is reimbursement of lost wages incurred by parent representatives of the Statewide Parent Advisory Council (SPAC), who are the parent of a migratory child, when attending official meetings convened by the Arkansas Migrant Education Program. This reimbursement is allowable only when adequately documented and approved in accordance with the process put forth by the Arkansas Migrant Education Program. A reasonable upper limit to lost wage amount will be reviewed and set by the Arkansas Migrant Education Program biennially upon request from a subgrantee.
 10. Instruction in English as a Second Language for parents.
 11. Adult education or any for-credit classes for parents.
 12. Healthcare or mental health services for parents.
 13. Instruction in personal finance.
 14. Instruction pertaining to immigration laws, rules or requirements.
 15. Political activities or lobbying.

V. General MEP Guidelines

1. Meetings & Trainings

Allowable expenditures for staff, students or parents related to meetings, workshops, in-service or other trainings shall meet the following criteria:

- A. Be reasonable and necessary for the implementation of the MEP program.
- B. Expenses incurred by staff shall be budgeted in the approved application.
- C. Expenses incurred by staff are limited to staff employed by the MEP.
- D. When feasible, MEP staff shall use other modes of communication to disseminate information, such as telephone, email or videoconference, instead of incurring expenses related to in-person meetings. This requirement does not change the statutory or regulatory obligation to hold regular meetings for migrant parents.

2. Travel

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of a grant recipient.

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Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the recipient's non-federally funded activities and in accordance with the recipient's written travel reimbursement policies (2 *CFR*, Section 200.474[a]).[i]

Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the Office of Migrant Education (OME). In addition, if these costs are charged directly to the federal award, documentation must be maintained that justifies that (1) participation of the individual is necessary to the federal award; and (2) the costs are reasonable and consistent with the operating agency's established policy (2 *CFR*, Section 200.474[b]).[ii]

Per the OME, travel to meetings or conferences for the purpose of "information dissemination" is not an allowable use of MEP funds. Whenever feasible, information should be shared via telephone, email or videoconference. The only allowable travel is for provision of "technical information"[1] or when activities cannot properly be conducted through other means. For example, professional development and technical assistance activities may require group interaction that is not feasible other than in person.

To be allowable, travel costs must be budgeted in the approved Grant Application.

Travel to any out-of-state meeting, event, conference, etc. must receive prior approval from the Arkansas Migrant Education Program using the Out-of-State Approval Request form. This form shall include a justification, name, and titles of individuals attending, and estimated cost. This form is required in addition to the accounting/budgeting of travel in the appropriate funding application.

3. Conference

Allowable conference expenditures shall meet the following criteria:

- A. Per the OME guidance, expenditures for conference attendance cannot be solely for the purpose of "information dissemination."
- B. Be limited to actual and necessary expenses incurred by MEP staff, parents or students.
- C. Be related to the identified and prioritized needs of migratory students.
- D. Be reasonable and necessary for the implementation of the approved Grant Application.

E. Each conference to be attended or conducted, including local, state, and out-of-state conferences, must be listed in the approved Grant Application and in the related budget documents

- i. Subsequent additions or substitutions require an approved budget amendment or revision prior to conference attendance.
- ii. The budget or amendment request must include each of the following:
 - a. Name, purpose, and location of the conference
 - b. List of attendees identified by job title, and name (when available).
 - c. Estimated costs.

Requests to participate as a conference presenter on migrant-related topics at other than MEP-sponsored conferences must be approved by the Arkansas Migrant Education State Director. These requests must also be listed in the approved Grant Application, and in the related budget documents. Requests must be submitted at least 60 days in advance, and shall include the information required for conference attendance, as stated in this Guidebook. Operating agency staff members shall not use MEP funds to cover non-MEP staff conference attendance.

4. Food

In February 2014, the OME issued clarification regarding the use of federal grant funds to pay for food for employees. In it, the OME indicates that:

“Generally, there is a very high burden of proof to show that paying for food and beverages with federal funds is necessary to meet the goals and objectives of a federal grant. When a grantee is hosting a meeting, the grantee should structure the agenda for the meeting so there is time for participants to purchase their own food, beverages, and snacks. In addition, when planning a meeting, grantees may want to consider a location in which participants have easy access to food and beverages. These determinations will be made on a case-by-case basis, and there may be some circumstances where the cost would be permissible. Grantees, therefore, will have to make a compelling case that the unique circumstances they have identified would justify costs as reasonable and necessary.”

The OME developed guidelines to assist grantees and subgrantees in evaluating the appropriateness of using MEP funds for a working lunch:

- Is the portion of the agenda to be carried out during lunch substantive and integral to the overall purpose of the conference or meeting?
- Is there a genuine time constraint that requires the working lunch?
- If a working lunch is necessary, is the cost of the working lunch reasonable?

Staff: Expenditures for food at staff meetings or functions are not an allowable use of MEP funds. Organizers should plan meeting schedules and locations to allow staff time to

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procure their own meals. Per the OME, MEP expenditures on food for staff are unallowable even if the expenditure would be less than the cost of reimbursing staff to purchase food while traveling.

Students/Parents: Expenditures for food for students or parents may be allowable if they are reasonable and necessary to provide a service listed in the approved Grant Application, and in the related budget documents. Federal policy requires that organizers first attempt to plan activities during times and locations that allow students and parents to procure their own meals. Furthermore, non-reasonable expenditures for refreshments or food provided during parent meetings or trainings are allowable, particularly when such meetings extend through mealtime. As long as there is a connection to programmatic purpose and the cost is reasonable

5. Field Trips

Allowable field trips shall meet the following minimum criteria:

1. Must be directly related to the instructional program in use by the students.
2. Must include pre and post assessment and ongoing activities aligned with the Common Core State Standards.
3. Must be supplemental and not supplant activities that are the responsibility of the Coop or school district, or that are provided to non-migratory students of these agencies through other funds.
4. Expenditures related to the participation of staff, parents, and chaperones shall be limited to those that are reasonable and necessary.
5. Must be listed in the approved Grant Application, and in the related budget documents.
 - I. The service agreement or amendment must include:
 1. Name and location of the place to be visited.
 2. Purpose of the trip and description of how it supports and enhances the curriculum being used by the migrant program or the core curriculum in use by the students.
 3. The supplemental nature of the field trip.
 4. Number and grade level of students to attend.
 5. List of staff and parent attendees to attend.
 6. Estimated costs.

6. Transportation

To be allowable, all transportation expenditures must be listed in the approved Grant Application, and in the related budget documents.

Allowable transportation expenditures may include:

A. Regular Year: approved field trips for migratory students and extended day or weekend activities.

B. Summer: transportation to and from migrant-funded summer school

Transportation of students to and from school and core activities is the responsibility of the school district and is generally not an allowable use of MEP funds. An exception may exist if a district does not provide transportation to the core program for any student. Migrant funds may be used to provide such transportation to migratory students if the expenditure does not constitute supplanting and if it can be shown that the expenditure is reasonable and necessary.

Expenditures on transportation of staff must be reasonable and necessary for the implementation of migrant services and must be within state and local guidelines.

Expenditures on transportation of parents to or from regular district or regional MEP activities and meetings are generally not an allowable use of funds. Transportation to or from regional or statewide conferences and of SPAC members to or from official meetings are allowable.

7. Parent Participation

A. Allowable: The following are generally allowable parent participation expenditures:

1. Expenses for parent training related to understanding the educational system are allowable if training will result in a direct educational benefit to migratory students.
2. Fees paid to consultants providing parent training, translation, or interpretation services that are reasonable and market rate.
3. Costs for childcare while parents attend meetings. Stipends may not be issued to parent members. Costs for childcare may only be reimbursed to the operating agency.
4. Training materials and meeting supplies.
5. Reasonable and necessary meeting room rentals when no free space is available.
6. Maintenance service fees for costs that are a direct result of MEP use.
7. Mileage and transportation costs of regional and district PAC officers to official meetings. Expenditures shall not exceed the locally approved per diem and travel rates.
8. Transportation, meals, and admissions to facilities when acting as chaperones for migratory student field trips.

As a reminder, MEP funds should not be utilized to replace or supplant costs (e.g. translation services) that would otherwise be paid through other sources.

Statewide Parent Advisory Council (SPAC) members may be reimbursed for their travel, lodging, and meal expenses by the operating agency if they meet the following criteria:

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- I. The meeting is an official SPAC meeting convened by the Arkansas Migrant Education Program.
- II. Parent participation is requested by the Arkansas Migrant Education Program for activities such as meeting with Arkansas Migrant Education Program staff.
- III. Reimbursement is limited to the locally approved per diem and travel rates.

B. Unallowable: The following are unallowable parent participation expenditures:

1. Stipends or compensation for participation in conferences, regional or district advisory council or committee meetings, or any other MEP activity.
2. The only exception is reimbursement of lost wages incurred by parent representatives of the SPAC, who are the parent of a migratory child, when attending official meetings convened by the Arkansas Migrant Education Program. This reimbursement is allowable only when adequately documented in accordance with the process put forth by the Arkansas Migrant Education Program

8. Indirect Costs

What is an indirect cost?

Fiscal accounting procedures classify the costs charged for all program components as either "direct costs" or "indirect costs." These terms have precise meanings in terms of salary, materials and supplies, equipment, utilities, and other kinds of expenses ("cost objectives") for which program funds may be charged.

Section 76.563 of EDGAR provides that local operating agencies (Coops and Districts) must apply a restricted indirect cost rate to their MEP grants. The "restricted" rate is lower than the general "unrestricted" rate because it is based on an exclusion of certain agency-wide costs that, because of the "supplement, not supplant" provision, cannot be charged to MEP funds. Sections 76.564 through 76.569 of EDGAR describe how these restricted rates are calculated.

9. Student Work-Study Program

A region or district may hire a migratory student for work-study if the operating agency retains the following documentation:

1. Name of student.
2. Employer, job description, and location of employment.
3. Explanation of non-monetary benefit to the student.
4. Days, dates, time, and hours worked by a student.
5. Date and signature of the student confirming the above information.
6. Date and signature of worksite supervisor confirming and verifying the accuracy of the timekeeping documents and work performance of the migratory student(s).

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7. Acknowledgement by the student and employer of any other federal, state, and local employment guidelines.

10. Summer School Facility Maintenance Costs

Expenditures for costs that are incurred as a direct result of the operation of the MEP are an allowable use of funds when they are reasonable, necessary, and based on the following methodology for cost determination:

- Total all the general maintenance costs incurred for the year.
- Prorate the allocated maintenance costs by the number of hours or weeks that a migrant summer program is conducted as compared with the total yearly hours or weeks of use for these facilities for all programs.

11. Substitute Staff

Migrant education funds may be used to secure substitutes for (1) non-migrant funded classroom teachers who work with migratory students to enable them to participate in activities sponsored by the MEP; and (2) migrant-funded personnel when the absence will make a significantly adverse impact on the program.

As a reminder, MEP funds should not be utilized to replace or supplant costs that would otherwise be paid through other sources.

12. Time Accounting Requirements

Expenditures for salaries and wages for employees that work on multiple activities or cost objectives are allowable if they meet the following criteria:

- The services are clearly supplemental, and do not constitute supplanting.
- Multi-funded migratory staff is included in applicable MEP training sessions.
- The region or district maintains a list of the names and AR-migrant identification numbers of the migratory students served by the multi-funded staff person.
- The region or district maintains records documenting the time spent with migratory students and paid for by the MEP.
- The region or district retains a Personnel Activity Report (PAR) completed by each employee that works on multiple activities or cost objectives for each pay period, or other documentation meeting the requirements of (2 CFR, Section 200.430[i]).[iii]
 - i. Budget estimates or percentages determined before the services are performed do not qualify as support.

13. Support Services

The need for support services is considered a part of the special educational needs of migratory children. If a state or local operating agency intends to focus on meeting these

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support service needs, it should relate them to the children's educational needs and the measurable outcomes and performance targets established by the state.

The following **Migrant Education Program Allowable Cost Assessment** chart is provided to assist in determining whether a cost is allowable and should be taken into consideration before utilizing MEP funds. Succeeding the chart, are two examples provided to assist in how to properly apply the fields in the chart.

Assessment Question	Yes, allowable	No, not allowable
1. Is the cost identified in the approved budget or application?	Yes	No
2. Does the cost align with the result of the comprehensive statewide needs assessment and the requirements of the comprehensive service delivery plan?	Yes	No
3. Does the cost address the identified needs of migratory children that result from their migrant lifestyle and permit these children to participate effectively in school? If not, have MEP funds been first used for these purposes?	Yes	No
4. Is the cost necessary for the proper and efficient performance of the MEP program?	Yes	No
5. Is the cost allocable to the MEP? Is the cost charged in proportion to the benefit received?	Yes	No
6. Does the cost meet other basic cost principles in the Uniform Guidance (2 CFR Part 200) (e.g. will it be used for a match or cost-sharing purpose)? Is it determined in accordance with GAAP? Is it accorded consistent treatment? Is the cost consistent with the grant award terms and conditions? Is the cost prohibited under state and local law?)	Yes	No
7. Is the cost reasonable ? Is the cost comparable to market prices for the geographic area?	Yes	No

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8. Does the cost supplement, and not supplant, costs provided from non-federal funds (for example, the service happens after the core program)?	Yes	No
9. Does the activity or service meet the needs of migratory children that are not addressed by services available from other federal or nonfederal programs?	Yes	No
10. Is the cost adequately documented to demonstrate compliance with all applicable funding rules and restrictions?	Yes	No
11. Does the cost meet the conditions in the MEP Allowable Cost Guide?	Yes	No

[1] 16 See ED Memoranda and Guidance for Grantees: <http://www2.ed.gov/policy/fund/guid/gposbul/gposbul.html>

[i] **§200.474 Travel costs. (a) General.** Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the non-Federal entity. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-Federal entity's non-federally-funded activities and in accordance with non-Federal entity's written travel reimbursement policies. Notwithstanding the provisions of §200.444 General costs of government, travel costs of officials covered by that section are allowable with the prior written approval of the Federal awarding agency or pass-through entity when they are specifically related to the Federal award.

[ii] **(b) Lodging and subsistence.** Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the non-Federal entity in its regular operations as the result of the non-Federal entity's written travel policy.

[iii] **(i) Standards for Documentation of Personnel Expenses** (1) Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must: (i) Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated; (ii) Be

incorporated into the official records of the non-Federal entity; (iii) Reasonably reflect the total activity for which the employee is compensated by the non-Federal entity, not exceeding 100% of compensated activities (for IHE, this per the IHE's definition of IBS); (iv) Encompass federally-assisted and all other activities compensated by the non-Federal entity on an integrated basis, but may include the use of subsidiary records as defined in the non-Federal entity's written policy; (v) Comply with the established accounting policies and practices of the non-Federal entity (See paragraph (h)(1)(ii) above for treatment of incidental work for IHEs.); and (vi) [Reserved] (vii) Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one Federal award; a Federal award and non-Federal award; an indirect cost activity and a direct cost activity; two or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity. (viii) Budget estimates (i.e., estimates determined before the services are performed) alone do not qualify as support for charges to Federal awards, but may be used for interim accounting purposes, provided that: (A) The system for establishing the estimates produces reasonable approximations of the activity actually performed; (B) Significant changes in the corresponding work activity (as defined by the non-Federal entity's written policies) are identified and entered into the records in a timely manner. Short term (such as one or two months) fluctuation between workload categories need not be considered as long as the distribution of salaries and wages is reasonable over the longer term; and (C) The non-Federal entity's system of internal controls includes processes to review after-the-fact interim charges made to a Federal awards based on budget estimates. All necessary adjustment must be made such that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

Spending Title II, Part A Funds to Support Effective Instruction

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

Title II, Part A is a U.S. Department of Education (ED) grant program that provides supplemental funding to help support effective instruction. ED awards Title II, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs.

For convenience, this section will refer to the program as “Title II.”

For more information about Title II please contact:

Brad Morrison, Public School Program Advisor

Arkansas Department of Education

Division of Elementary and Secondary Education

Phone: 501-683-5424

Email: Brad.Morrison@ade.arkansas.gov

Purpose of the Title II Program

In general, Title II funds can be used to provide supplemental activities that strengthen the quality and effectiveness of teachers, principals, and other school leaders. For federal non-regulatory guidance on the Title II program, please see U.S. Department of Education, *Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Learning* (September 2016), available at

<http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>. This guidance will be referred to as *ED 2016 Title II, Part A Guidance* for the rest of this document.

The purpose of Title II is to:

1. Increase student achievement consistent with state standards;
2. Improve the quality and effectiveness of teachers, principals, and other school leaders;
3. Increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and
4. Provide low-income and minority students greater access to effective teachers, principals, and other school leaders (ESSA § 2001).

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How Title II Funds May Be Used

I. Overview and General Requirements

A. Overview

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

- Be consistent with Title II's purpose (see above); and
- Address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students (ESSA § 2103(b)(1)-(2)).

LEAs must prioritize Title II, Part A funds to schools that:

- Are implementing comprehensive support and improvement activities and targeted support and improvement activities; **and**
- Have the highest percentage of children counted under ESSA § 2102(b)(2)(C) (these are primarily low-income children). ESSA § 1124(c) is located in Title I of ESSA, and describes the children that should be counted.

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

Title II, Part A funds can be transferred to Title I, Part A, Title III, Part A, Title IV, Part A, and Title V, Part B. Transfers of Title II, Part A funds, either partial or in-full, must be indicated on the application by checking the appropriate check box. Once transferred, the funds take on the identity of the fund into which it was transferred and may be used for the purposes of that fund.

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

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

First, ESSA changed the formula ED uses to distribute Title II money to states (ESSA § 2101(b)). As with prior law, there are two parts to the federal-to-state Title II formula: (1) a "hold harmless" allocation that guarantees states at least as much money as they received in 2001 under two (no longer authorized) programs related to Title II, and (2) an allocation based partly on a state's number of 5-17 year olds (population levels) and partly on a state's number of low-income 5-17 year olds (poverty levels). ESSA gradually reduces the "hold harmless" amount between 2017 and 2022 until it is eventually eliminated. ESSA also changes the amounts generated by population versus poverty. Now, states generate thirty-five percent based on population and sixty-five percent based on poverty. The percentages shift between

2018 and 2020 until it is twenty percent based on population and eighty percent based on poverty.

This change will be phased in over time between 2017 and 2023. In some cases this will result in states getting more money, meaning there will be more to pass on to LEAs. In other cases this will result in states getting less money, meaning there will be less to pass on to LEAs.

Second, ESSA changed the formula SEAs use to distribute Title II money to LEAs. Under prior law, LEAs were (with some caveats) guaranteed to receive a minimum amount of money regardless of how their student population changed over time. *NCLB, Section 2121(a)(2)*. This was known as a hold harmless.

ESSA eliminated the hold harmless, and LEAs will now generate money based only on their number of 5-17 year olds (twenty percent of the allocation), and their number of low-income 5-17 year olds (eighty percent of the allocation) (ESSA § 2102(a)).

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

Title II requires LEAs to consult meaningfully with a wide array of stakeholders on the LEA's plan for carrying out Title II activities (ESSA § 2102(b)(3)). Stakeholders include teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a LEA that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet Title II purposes (ESSA § 2102(b)(3)(A)).

LEAs must also conduct ongoing consultation with those stakeholders to update and improve activities supported with Title II funds (ESSA § 2102(b)(2)(D)).

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

- Conduct outreach to, and solicit input from relevant stakeholders during the design and development of plans for Title II funds ensuring there is a diverse representation of educators from across LEA, especially those who work in high-need schools and in early education.
- Be flexible when consulting with stakeholders, especially educators, by holding meetings or conferences outside the hours of the school day or by using a variety of communications tools, such as electronic surveys.
- Seek out diverse perspectives within stakeholder groups, when possible, and ensure that consultation is representative of the LEA as much as possible.
- Make stakeholders aware of past and current uses of Title II funds, and research or analysis of the effectiveness of those uses, if available, as well as research or analysis of proposed new uses of funds, in order to consider the best uses for schools and districts to support teacher and school leader development.
- Consider the concerns identified during consultation, and revise uses of Title II funds when appropriate. (*ED 2016 Title II, Part A Guidance, p. 28*)

II. Allowable Uses of Local Title II Funds

What follows is an overview of all LEA spending options under the Title II law. LEAs are encouraged to prioritize activities that will have the highest impact on teaching and learning. When determining which of the many allowable Title II strategies and activities will have the highest impact, ED guidance suggests LEAs undertake a five-step framework:

1. Choose interventions aligned with identified local needs, (LEAs were required to conduct a formal needs assessment under No Child Left Behind (NCLB). ESSA eliminated that requirement.)
2. Consider the evidence base and the local capacity when selecting a strategy;
3. Develop a robust implementation plan;
4. Provide adequate resources so the implementation is well-supported; and
5. Gather information regularly to examine the strategy and to reflect on and inform next steps. *ED 2016 Title II, Part A Guidance*, p. 30. Pages 30-34 of ED's guidance contain more information about these five steps.

LEAs must use data and ongoing stakeholder consultation to continually update and improve Title II-supported activities (ESSA § 2102(b)(2)(D)).

A. Evaluation and Support Systems

LEAs may use Title II funds to develop or improve evaluation and support systems for teachers, principals, or other school leaders that are (1) based in part on student achievement, (2) include multiple measures of performance, and (3) provide clear, timely, and useful feedback (ESSA § 2103(b)(3)(A)).

B. Recruiting, Hiring, and Retaining Effective Teachers: Implementing Supports for Principals and Other School Leaders

LEAs may use Title II funds to develop and implement initiatives to recruit, hire, and retain effective teachers to improve the equitable distribution of teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet state standards (ESSA § 2103(b)(3)(B)). LEAs may also use Title II funds to implement supports for principals and other school leaders.

This can include:

- Expert help in screening candidates and enabling early hiring (ESSA § 2103(b)(3)(B)(i));
- Differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems (ESSA § 2103(b)(3)(B)(ii));
- Teacher, paraprofessional, principal, or other school leader advancement and professional growth (ESSA § 2103(b)(3)(B)(iii), which, according to ED guidance can include creating hybrid roles that allow teachers to provide instructional coaching to colleagues while remaining in the classroom, as well as other responsibilities such as collaborating with administrators to develop and implement distributive leadership models and leading decision-making groups (*ED 2016 Title II, Part A Guidance*, p. 14);

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- New teacher, principal, or other school leader induction and mentoring programs (ESSA § 2103(b)(3)(B)(iv));
- Development and provision of training for school leaders, coaches, mentors, and evaluators on how to accurately to differentiate performance, provide useful feedback, and use evaluation results to inform decision-making about professional development, improvement strategies, and personnel decisions (ESSA § 2103(b)(3)(B)(v)); and
- A system for auditing the quality of evaluation and support systems (ESSA § 2103(b)(3)(B)(vi)).

Example: Teacher Residency Program

According to ED guidance, *ED 2016 Title II, Part A Guidance*, p. 8. LEAs may use Title II funds to establish, improve, or support school-based residency programs for teachers in which prospective teachers, for at least one academic year:

- Teach alongside an effective teacher who is the teacher of record for the classroom, and
- Receive concurrent instruction – from either the LEA or the teacher preparation program – in the teaching of the content area in which the teacher will become certified or licensed, and
- Acquire effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the state (ESSA § 2002(4)).

Example: Supporting Educator Diversity

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

- Providing financial support to educator recruitment programs within the community to improve hiring and retention of a diverse workforce,
- Offering career advancement opportunities for current staff members, such as paraprofessionals, who have worked in the community for an extended period of time, to support their efforts to gain the requisite credentials to become classroom instructors,
- Partnering with preparation providers including local community colleges, Institutions of Higher Education (IHEs), Minority Serving Institutions, and alternative route providers, to build a pipeline of diverse candidates,
- Providing ongoing professional development aimed at cultural competency and responsiveness and equity coaching, designed to improve conditions for all educators and students, including educators and students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientations,
- Providing time and space for differentiated support for all teachers, including affinity group support,
- Supporting leadership and advancement programs aimed to improve career and retention outcomes for all educators, including educators from underrepresented minority groups, and
- Developing and implementing other innovative strategies and systemic interventions designed to better attract, place, support, and retain culturally competent and culturally responsive effective educators, especially educators from underrepresented minority groups, such as having personnel or staff-time dedicated to recruiting diverse candidates of high-quality who can best teach to the diversity of the student population (*ED 2016 Title II, Part A Guidance*, p. 19).

C. Recruiting from Other Fields

LEAs may use Title II funds to recruit qualified individuals from other fields to become teachers, principals, or other school leaders. Qualified individuals from other fields include mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers, principals or other school leaders (ESSA § 2103(b)(3)(C)).

D. Class Size Reduction

LEAs may use Title II funds to reduce class size to a level that is evidence-based, to the extent the SEA (in consultation with LEAs) determines such evidence is reasonably available (ESSA

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§ 2103(b)(3)(D)). According to ED guidance, LEAs may consider reducing class size to a level that is evidence-based, as one strategy to attract and retain effective educators in high-need schools (*ED 2016 Title II, Part A Guidance*, p. 24).

E. Personalized Professional Development

LEAs may use Title II funds to provide high-quality, personalized professional development, ED's guidance describes ESSA's definition of "professional development" in the following way: Section 8101(42) defines "professional development," specifically noting that the professional development activities are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, for teachers, instructional leadership teams, principals, or other school leaders (ESSA § 2103(b)(3)(E)). The professional development must be evidence-based, to the extent the SEA (in consultation with LEAs) determines such evidence is reasonably available. The professional development must also focus on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders to:

- Effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);
- Use data to improve student achievement and understand how to ensure individual student privacy is protected;
- Effectively engage parents, families, and community partners, and coordinate services between school and community;
- Help all students develop the skills essential for learning readiness and academic success;
- Develop policy with school, LEA, community, or state leaders; and
- Participate in opportunities for experiential learning through observation (ESSA § 2103(b)(3)(E)(i)-(vi)).

Personalized Professional Development Examples

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

- Peer-led, evidence-based professional development in LEAs and schools, *ED 2016 Title II, Part A Guidance*, p. 14.
- Community of learning opportunities and other professional development opportunities with diverse stakeholder groups such as parents, civil rights groups, and administrators, to positively impact student outcomes; for example, through a forum to discuss the implications of a policy or practice on a school community, or organizing a community-wide service learning project, where teachers work together afterwards to incorporate lessons learned into their teaching, *ED 2016 Title II, Part A Guidance*, p. 14.
- Community of learning opportunities where principals and other school leaders engage with their school teams to fully develop broad curriculum models, *ED 2016 Title II, Part A Guidance*, p. 15.
- Opportunities for principals and other school leaders to collaborate, problem-solve, and share best practices *ED 2016 Title II, Part A Guidance*, p. 15,
- “Teacher time banks” to allow effective teachers and school leaders in high-need schools to work together to identify and implement meaningful activities to support teaching and learning (for example, when implementing teacher time banks, Title II funds may be used to pay the costs of additional responsibilities for teacher leaders, use of common planning time, use of teacher-led developmental experiences for other educators based on educators’ assessment of the highest leverage activities, and other professional learning opportunities), *ED 2016 Title II, Part A Guidance*, p. 24, and
- Ongoing cultural proficiency training to support stronger school climate for educators and students. *ED 2016 Title II, Part A Guidance*, p. 24.

F. Increasing Teacher Effectiveness for Students with Disabilities and English Learners

LEAs may use Title II to develop programs and activities that increase teachers’ ability to effectively teach children with disabilities and English learners, which may include the use of multi-tiered systems of support and positive behavioral intervention and supports (ESSA § 2103(b)(3)(F)).

G. Supporting Early Education

LEAs may use Title II funds to provide programs and activities to increase the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing (ESSA § 2103(b)(3)(G)(i)). LEAs may also use Title II funds to provide programs and activities to increase the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age eight, which

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may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school (ESSA § 2013(b)(3)(G)(ii)).

H. Supporting Effective Use of Assessments

LEAs may use Title II funds to provide training, technical assistance, and capacity-building to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate (ESSA § 2103(b)(3)(H)).

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

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

- The techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness;
- The use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate;
- Forming partnerships between school-based mental health programs and public or private mental health organizations; and
- Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism (ESSA § 2103(b)(3)(I)).

J. Supporting Gifted and Talented Students

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

- Early entrance to kindergarten;
- Enrichment, acceleration, and curriculum compacting activities (techniques relating to differentiated instruction); and
- Dual or concurrent enrollment programs in secondary school and postsecondary education (ESSA § 2103(b)(3)(J)).

K. School Library Programs

LEAs may use Title II funds to support the instructional services provided by effective school library programs (ESSA § 2103(b)(3)(K)).

L. Preventing and Recognizing Child Sexual Abuse

LEAs may use Title II funds to provide training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse (ESSA § 2103(b)(3)(L). Activities such as these, if provided by Title II, Part A funds, must be in addition to the state required child maltreatment training. (See supplement, not supplant definitions [here](#).) See the [DESE Professional Development webpage](#) for more information about Arkansas professional development requirements.

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

LEAs may use Title II funds to develop and provide professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science (ESSA § 2103(b)(3)(M)).

N. Feedback Mechanisms to Improve School Working Conditions

LEAs may use Title II funds to develop feedback mechanisms to improve school working conditions. This can include periodically and publicly reporting feedback on educator support and working conditions (ESSA § 2103(b)(3)(N)).

O. Supporting Postsecondary and Workforce Readiness

LEAs may spend Title II funds to provide high-quality professional development for teachers, principals, or other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning (if appropriate), which may include providing common planning time, to help prepare students for postsecondary education and the workforce (ESSA § 2103(b)(3)(O)).

P. Other Activities

LEAs may also spend Title II funds on other activities that meet Title II purposes (see “Purpose of the Title II Program” above) and are evidence-based to the extent the SEA (in consultation with LEAs) determines that such evidence is reasonably available (ESSA § 2103(b)(3)(P)).

III. **Other Spending Rules**

A. LEA-Level Administrative Costs

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

B. Maintenance of Effort

LEAs that receive Title II funds must comply with a maintenance of effort requirement (ESSA § 8521). In short, maintenance of effort requires LEAs to maintain a consistent floor of state and local funding for free public education from year-to-year.

C. Supplement not Supplant

LEAs that receive Title II funds must comply with a supplement not supplant requirement (ESSA § 2301). In general terms, this means that Title II funds should add to (supplement) and not replace (supplant) state and local funds.

Please note ESSA made a change to the way supplement not supplant is tested in Title I. This change **does not** affect how supplement not supplant is tested in Title II.

In Title II supplanting is presumed when:

- An LEA uses Title II funds to pay for an activity that is required by federal, state or local law;
- An LEA uses Title II funds to pay for an activity it supported with state or local funds the prior year; or
- An LEA uses Title II funds to provide services to impact migrant or at-risk students, if the same services would be provided for other students from other funding sources.

Spending Title III, Part A Funds to Support English Learners

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

Title III, Part A is a U.S. Department of Education (ED) grant program that provides supplemental funding to help support English learners (ELs) and immigrant students. ED awards Title III, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs.

For convenience this section will refer to the program as “Title III.”

For more information about Title III please contact:

Tricia Kerr, English for Speakers of Other Languages (ESOL) Program Director/Title III Co-Coordinator

Arkansas Department of Education
Division of Elementary and Secondary Education
NWAESC

4 North Double Springs Road
Farmington, AR 72730

Office: 479-267-7450 ext. 334

Fax: 479-267-7456

Tricia.Kerr@ade.arkansas.gov

or

Dr. Alan Lytle, English Language Learner Assessment Specialist/Title III Co-Coordinator

Arkansas Department of Education
Division of Elementary and Secondary Education

Four Capitol Mall, Room 301-B
Little Rock, AR 72201

Phone: 501-682-4468

Alan.Lytle@ade.arkansas.gov

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Purpose of Title III Subgrants to LEAs

I. In General

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

1. Developing and implementing new language instruction educational programs and academic content instructional programs for English learners (ELs) and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.
2. Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for ELs and immigrant children and youth.
3. Implementing schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.
4. Implementing LEA-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth (ESSA § 3115(a)). For federal non-regulatory guidance on the Title III program, please see U.S. Department of Education, *English Learners and Title III of the Elementary and Secondary Education Act (ESEA)*, as amended by the Every Student Succeeds Act (ESSA) (September 2016) available at <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiiienglishlearners92016.pdf>. This guidance will be referred to as [ED 2016 Title III, Part A Guidance](#) for the rest of this document.

II. Definition of English Learner and Immigrant Children and Youth under ESSA

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

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose native language is a language other than English;
 - (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

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- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
 - (i) the ability to meet the challenging State academic standards;
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society (ESSA § 8101(20). Also, [ED 2016 Title III, Part A Guidance](#), p. 43).

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

- (A) are aged 3 through 21;
- (B) were not born in any State; and
- (C) have not been attending one or more schools in any one or more States for more than 3 full academic years (ESSA § 3201(5)). Also, [ED 2016 Title III, Part A Guidance](#), p. 43.

Title III and the Supplement not Supplant Requirement

Title III is subject to a strict “supplement not supplant” (SNS) requirement that affects how Title III funds are spent (ESSA § 3115(g)). Because SNS works differently in Title III than other federal programs this section addresses SNS before addressing other Title III spending issues. At its most basic, SNS requires Title III funds to add to (supplement) and not replace (supplant) other federal, state, and local funds. Whether a cost complies with SNS is situation specific, but in general there are three issues to consider:

1. Compliance with SNS is tested using two “presumptions;”
2. An LEA may not use Title III funds to meet its civil rights obligations to EL students; and
3. In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I, Part A.

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

The federal government presumes Title III supplanting in the following two situations:

1. An LEA uses Title III funds to provide services the LEA is required to make available under other laws; or
2. An LEA uses Title III funds to provide services the LEA paid for with state or local funds the prior year. [ED 2016 Title III, Part A Guidance](#), Question A-2.

These presumptions can be “rebutted” (disputed with evidence) and possibly overcome if the LEA can show it could not have provided the services in question with state or local funds. [ED 2016 Title III, Part A Guidance](#), Question A-2.

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Example: Presumed Supplanting Violation

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

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

Issue 2: An LEA may not use Title III funds to meet its civil rights obligations to EL students
Under the first presumption of supplanting an LEA may not use Title III funds to meet the requirements of federal, state, or local law. Under federal law, specifically Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA), LEAs have legal obligations to ensure that ELs can meaningfully and equally participate in educational programs and services. [ED 2016 Title III, Part A Guidance](#), Question A-2 and A-3. ED guidance explains that to meet these civil rights obligations to EL students LEAs must:

- Identify and assess all potential EL students in a timely, valid, and reliable manner;
- Provide EL students with a language assistance program that is educationally sound and proven successful, consistent with *Castañeda v. Pickard* and the U.S. Supreme Court decision in *Lau v. Nichols*;
- Provide sufficiently well prepared and trained staff and support the language assistance programs for EL students;
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
- Avoid unnecessary segregation of EL students;
- Ensure that EL students who have or are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are identified, located, and evaluated in a timely manner and that the language needs of students who need special education and disability related services because of their disability are considered in evaluations and delivery of services;
- Meet the needs of EL students who opt out of language assistance programs;
- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;
- Evaluate the effectiveness of a school district's language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program is reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time; and
- Ensure meaningful communication with limited English proficient (LEP) parents. [ED 2016 Title III, Part A Guidance](#), Question A-3. Additional information about the civil

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rights obligations to EL students is available in a joint U.S. Department of Education and U.S. Department of Justice Dear Colleague Letter (2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

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

Example: Impermissible Title III Spending on Civil Rights Obligations

An LEA may not use Title III funds to identify EL students because identifying EL students is a civil rights obligation under Title VI and the EEOA. [ED 2016 Title III, Part A Guidance](#), Question A-8.

Example: Permissible Title III Supplemental Spending

An LEA that meets its civil rights obligations on staffing may use Title III funds to hire extra staff. For example, ED guidance states that an LEA may use Title III funds to hire a specialist on EL students with interrupted formal education or English learners with disabilities to provide *supplemental* support to these unique populations; an LEA could also use Title III funds to hire staff that would provide *supplemental* LEA-wide instructional support to teachers of ELs. ED guidance also notes that determinations about the supplement not supplant requirement in Title III are always fact-specific. [ED 2016 Title III, Part A Guidance](#), Question D-7.

Issue 3: In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I

Under the first presumption of supplanting, an LEA may not use Title III funds to meet the requirements of federal, state, or local law. Under No Child Left Behind (NCLB), this meant LEAs could not use Title III funds to pay for Title I, Part A's EL-related requirements. Under ESSA, however, certain requirements that were previously part of the Title III program have moved to Title I, Part A. Because of this, ED guidance permits LEAs to use Title III funds to pay for activities that were in Title III under NCLB, but are now part of Title I, Part A in ESSA such as:

- EL parental notification regarding language instruction educational programs (LIEPs) and related information (ESEA Section 1112(e)(3));
- Parental participation (e.g., regular EL parent meetings) (ESEA Section 1116(f)); and

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- Reporting to the State on the number and percentage of ELs achieving English language proficiency (ESEA Section 1111(h)(2)). [ED 2016 Title III, Part A Guidance](#), Question A-4.

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

1. The activity being supported is consistent with the purposes of Title III and meets federal guidelines for “reasonable and necessary costs,” The concept of “reasonable and necessary” costs comes from federal regulations known as the Uniform Grant Guidance (UGG). See, for example, the discussion in *Basic Considerations* of the UGG, available at https://www.ecfr.gov/cgi-bin/text-idx?SID=1ab34260fd33363573a554baedb4aa24&mc=true&node=pt2.1.200&rgn=div5#sg2.1.200_1401.sg12;
2. The activity being supported is supplemental to the LEA’s civil rights obligations to ELs under Title VI of the Civil Rights Act and the EEOA; and
3. The LEA can demonstrate it is also using Title III funds to conduct activities required under Title III. [ED 2016 Title III, Part A Guidance](#), Question A-4. (See below for more information about required Title III EL activities).

Please note LEAs may not use Title III funds for Title I, Part A activities that are *also* used to meet civil rights obligations. For example, under Title VI of the Civil Rights Act of 1964 and the EEOA, LEAs must track EL student progress in achieving English language proficiency. LEAs often use the annual English language proficiency (ELP) assessment, which is now required under Title I (ESSA § 1111(b)(2)(G)), to meet this civil rights obligation. If an LEA uses the annual ELP assessment to meet its civil rights obligations, Title III funds could not be used to pay for costs related to administering the ELP assessment. ([ED 2016 Title III, Part A Guidance](#), Question A-7)

How Title III Funds May Be Used

Title III includes two types of subgrants to LEAs. First, are “formula” subgrants available to LEAs (or a consortium of LEAs) that generate at least \$10,000 under a formula established in the Title III law. These subgrants must be used to support ELs in learning English and meeting state academic standards. (See Section I below – these funds will be referred to as “Title III EL funds.”) Second, are “targeted” subgrants SEAs might award to LEAs that experience a significant increase in immigrant children and youth and should provide immigrant children with enhanced instructional opportunities. (See Section II below – these funds will be referred to as “Title III Immigrant funds.”)

III. Title III EL Funds

LEAs must use Title III EL funds to assist ELs in learning English and meeting state academic standards (ESSA § 3115(a)).

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

LEAs must use Title III EL funds for three activities:

1. Providing **effective language instruction educational programs (LIEPs)** to meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement (ESSA § 3115(c)(1)). For federal guidance about LIEPs, please see [ED 2016 Title III, Part A Guidance](#), Section C.
2. Providing **effective professional development** to classroom teachers (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:
 - Designed to improve the instruction and assessment of ELs;
 - Designed to enhance the ability to understand and implement curricula; assessment practices and measures, and instructional strategies for ELs,
 - Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
 - Of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom (ESSA § 3115(c)(2)). For federal guidance on educators of English Learners, including professional development, please see [ED 2016 Title III, Part A Guidance](#), Section D.
3. Providing and implementing other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which must include **parent, family, and community engagement activities**, and may include strategies that serve to coordinate and align related programs (ESSA § 3115(c)(3)). For federal guidance on parent, family, and community engagement, please see [ED 2016 Title III, Part A Guidance](#), Section E.

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

B. Authorized Uses of Title III Funds at the LEA-Level

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

- Upgrading program objectives and effective instructional strategies (ESSA § 3115(d)(1));
- Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures (ESSA § 3115(d)(2));

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- Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators (ESSA § 3115(d)(3));
- Developing and implementing effective preschool, for more information on Title III and Early Learning, please see [ED 2016 Title III, Part A Guidance](#), Section F, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services (ESSA § 3115(d)(4));
- Improving the English language proficiency and academic achievement of ELs (ESSA § 3115(d)(5));
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children (ESSA § 3115(d)(6));
- Improving the instruction of ELs, which may include ELs with a disability, by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs (ESSA § 3115(d)(7));
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education (ESSA § 3115(d)(8)); and
- Carrying out other activities that are consistent with the purposes of Title III subgrants (ESSA § 3115(d)(9)).

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

IV. Title III Immigrant Funds

LEAs that have experienced a significant increase in immigrant children and youth might receive an “immigrant subgrant” from their SEA. These Title III immigrant funds must be used to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, and may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;
- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program;

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- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education; and
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services (ESSA § 3115(e)). See also [ED 2016 Title III, Part A Guidance](#), Question G-4.

V. Other Spending Considerations and Rules

A. LEA-Level Administrative Costs

LEAs may use up to two percent of their Title III funds for direct administrative costs (ESSA § 3115(b)). Indirect costs are not part of the two percent cap. [ED 2016 Title III, Part A Guidance](#), Question A-10.

B. Maintenance of Effort

LEAs that receive Title III funds must comply with a maintenance of effort requirement (ESSA § 8521). In short, maintenance of effort ensures districts maintain a consistent floor of state and local funding for free public education from year-to-year. ([ED 2016 Title III, Part A Guidance](#), Question A-17)

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

This section provides information about how local educational agencies (LEAs) can spend funds under the Student Support and Academic Enrichment (SSAE) grant program under Title IV, Part A, Subpart 1. Title IV of ESSA is divided into different “parts” and “subparts,” each of which contains one or more grant programs. Title IV, Part A, Subpart 1, which is the focus of this handbook, is known as Student Support and Academic Enrichment (SSAE) Grants. SSAE is a U.S. Department of Education (ED) grant program that provides supplemental funding to help provide students with a well-rounded education, improve school conditions, and improve the use of technology. ED awards Title IV, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs.

For more information about SSAE, please contact:

Whitney Bordelon, Public School Program Advisor
Arkansas Department of Education
Division of Elementary and Secondary Education
Phone: 501-371-3471
Email: Whitney.Bordelon@ade.arkansas.gov

Purpose of the SSAE Program

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

1. Provide all students with access to a well-rounded education;
2. Improve school conditions for student learning; and
3. Improve the use of technology in order to improve the academic achievement and digital literacy of all students (ESSA § 4101).

For federal non-regulatory guidance on the SSAE program, please see U.S. Department of Education, *Non-Regulatory Guidance: Student Support and Academic Enrichment Grants* (October 2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>. This guidance will be referred to as *ED 2016 SSAE Guidance* for the rest of this document. The U.S. Department of Education does not mandate or prescribe practices, models, or other activities in this non-regulatory guidance document. This guidance contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. Further, the inclusion of links to items and examples do not reflect their importance, nor are they intended to represent or be an endorsement by the U.S. Department of Education of any views expressed, or materials provided.

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How SSAE Funds May Be Used

I. Use of Funds Overview

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

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

LEA spending options are listed in the section below, but there are several things to consider when deciding which activities to support including:

- LEA needs,
- School needs,
- The LEA's objectives and intended outcomes,
- Stakeholder input, and
- Funding floors and ceilings on certain activities.

A. Local Needs Assessment

LEAs that receive \$30,000 or more in SSAE funds must, at least once every three years (ESSA § 4106(d)(3)), conduct a comprehensive needs assessment of the following:

- Access to and opportunities for, a well-rounded education for all students;
- School conditions for student learning to create a healthy and safe school environment;
- Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology (ESSA § 4106(d)).

LEAs that receive less than \$30,000 in SSAE funds do not have to conduct a formal needs assessment (ESSA § 4106(d)(2)), but are encouraged to consider the needs above when deciding how to spend SSAE funds (*ED 2016 SSAE Guidance*).

B. Prioritizing High-Need Schools

LEAs must prioritize SSAE funds to schools that:

- Have the greatest needs as determined by the LEA;
- Have the highest percentages or numbers of low-income children;
- Are identified for comprehensive support and improvement under Title I;
- Are implementing targeted support and improvement plans under Title I, or
- Are identified as a persistently dangerous school under Section 8532 (ESSA § 4106(e)(2)(A)). ESSA requires LEAs to prioritize the distribution of funds to high-need schools. ED's SSAE guidance clarifies that an LEA can provide district-wide services with SSAE funds, but must prioritize activities for high-need schools.

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C. Objectives and Outcomes

LEAs must develop objectives for their SSAE programs and intended outcomes for SSAE-funded activities (ESSA § 4106(e)(1)(E)). LEAs must use these objectives and outcomes to periodically evaluate the effectiveness of SSAE-funded activities (ESSA § 4106(e)(1)(E)). LEAs must also provide SEAs with information about their progress towards their objectives and outcomes so SEAs can satisfy their reporting requirements (ESSA § 4104(a)(2); see also ESSA § 4106(e)(2)(F)).

D. Stakeholder Engagement

LEAs must meaningfully consult with a wide array of stakeholders when designing their SSAE programs. Stakeholders include parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet SSAE purposes. Section 4106(c)(1). They must also engage in continuing consultation with stakeholders to improve SSAE activities and to coordinate SSAE activities with other activities conducted in the community (ESSA § 4106(c)(2)).

E. Funding Floors and Ceilings

1. ***Required activities***

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

- At least twenty percent on activities to support a well-rounded education;
- At least twenty percent to activities to support safe and healthy students; and
- At least some funds for activities to support the effective use of technology (ESSA § 4106(e)(2)(C)-(E)). (Please note the cap on technology infrastructure below.)

Please note that a single activity can satisfy more than one category of required costs. *ED 2016 SSAE Guidance*.

LEAs that receive *less* than \$30,000 in SSAE funds must meet at least one of the above requirements (that is, spend at least twenty percent on activities to support a well-rounded education or at least twenty percent on activities to support safe and healthy students or at least some funds for activities to support the effective use of technology) (ESSA § 4106(f)).

2. **Cap on Technology Infrastructure**

Of the SSAE funds designated for technology, LEAs may not spend more than fifteen percent of the total amount budgeted for technology for technology infrastructure (ESSA § 4109(b)). Specifically, this means that LEAs may not spend more than fifteen percent of its SSAE technology funds on devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases. ([ED 2016 SSAE Guidance](#))

3. **Cap on Administrative Costs**

LEAs may not spend more than two percent of their SSAE funds on direct administrative costs (ESSA § 4105(c)).

II. Local SSAE Spending Options

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

Activities to Support a Well-Rounded Education

LEAs that receive \$30,000 or more in SSAE funds must spend at least twenty percent of funds on activities to support a well-rounded education. Section 4106(e)(2)(C)) spend SSAE funds to develop and implement programs and activities that support access to a well-rounded education (ESSA § 4107(a)). Activities should be coordinated with other schools and community-based services and programs (ESSA § 4107(a)(1)). They can also be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success (ESSA § 4107(a)(2)).

Allowable activities are listed below. For additional resources and tools to support LEAs in implementing these activities, see [ED 2016 SSAE Guidance](#).

College and Career Guidance

LEAs may use SSAE funds for college and career guidance and counseling programs like postsecondary education and career awareness and exploration activities, training counselors to effectively use labor market information in assisting students with postsecondary education and career planning, and financial literacy and Federal financial aid awareness activities (ESSA § 4107(a)(3)(A)).

A. Music and Arts to Support Student Success

LEAs may use SSAE funds for programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution (ESSA § 4107(a)(3)(B)).

B. Science, Technology, Engineering, and Mathematics (STEM)

LEAs may use SSAE funds for programs and activities to improve instruction and student engagement in STEM, including computer science (ESSA § 4107(a)(3)(C)). Examples include:

- Increasing access to high-quality courses for underrepresented student groups such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students;
- Supporting low-income students to participate in nonprofit competitions related to STEM subjects;
- Providing hands-on learning and exposure to STEM and supporting the use of field-based or service learning to enhance student understanding;
- Supporting the creation and enhancement of STEM-focused specialty school;
- Facilitating collaboration among school, after school program, and informal program personnel to improve the integration of programming and instruction; and
- Integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education (ESSA § 4107(a)(3)(C)(i)-(vi)).

C. Accelerated Learning

LEAs may use SSAE funds to raise student academic achievement through accelerated learning programs that provide courses or instruction accepted for credit at institutions of higher education (like dual or concurrent enrollment courses, early college high school courses, AP and IB) (ESSA § 4107(a)(3)(D); see also ESSA § 4104(b)(3)(A)(i)(IV)).

This can include reimbursing low-income students for part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning exams (ESSA § 4107(a)(3)(D)(i)). (Please note LEAs may use SSAE funds to cover fees for exams taken in the 2016-2017 school year.) (ESSA § 4107(b))

It can also include increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses (ESSA § 4107(a)(3)(D)(ii)).

D. Other Instructional Opportunities

LEAs may use SSAE funds for:

- Activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education (ESSA § 4107(a)(3)(E));

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- Foreign language instruction (ESSA § 4107(a)(3)(F)); and
- Environmental education (ESSA § 4107(a)(3)(G)).

E. Volunteerism and Community Involvement

LEAs may use SSAE funds for programs and activities that promote volunteerism and community involvement (ESSA § 4107(a)(3)(H)).

F. Integrating Multiple Disciplines

LEAs may use SSAE funds to support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics (ESSA § 4107(a)(3)(I)).

G. Other Activities

LEAs may use SSAE for other activities and programs to support student access to, and success in, a variety of well-rounded education experiences (ESSA § 4107(a)(3)(J)).

Activities to Support Safe and Healthy Students
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LEAs may (and in some cases must) (LEAs that receive \$30,000 or more in SSAE funds must spend at least twenty percent of funds on activities to support safe and healthy students. Section 4106(e)(2)(D)) use SSAE funds to develop, implement and evaluate comprehensive programs and activities that:

- Are coordinated with other schools and community based services and programs;
- Foster safe, healthy, supportive, and drug-free environments that support academic achievement; and
- Promote parent involvement in activities or programs (ESSA § 4108(1)-(3)).

LEAs may conduct activities in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success (ESSA § 4108(4)).

Allowable activities are listed below. For additional resources and tools to support LEAs in implementing these activities, see [ED 2016 SSAE Guidance](#).

A. Evidence-Based Drug and Violence Prevention

LEAs may spend SSAE funds on drug and violence prevention activities and programs that are evidence-based, to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available (ESSA § 4108(5)(A)).

This can include:

- Programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes; and
- Professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention (ESSA § 4108(5)(A)(i)-(ii)).

B. School-Based Mental Health Services

LEAs may use SSAE funds for school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers (ESSA § 4108(5)(A)(B)(i)).

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

- Based on trauma-informed practices that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available);
- Coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (IDEA); and
- Provided by qualified mental and behavioral health professionals who are certified or licensed by the state and practicing within their area of expertise (ESSA § 4108(5)(A)(B)(ii)).

LEAs must obtain prior written consent from the parent of each child under the age of 18 to participate in any mental-health assessment or service funded with SSAE and conducted in connection with school (ESSA § 4001(a)(1)(A)). Please note informed written consent is not required in an emergency where it is necessary to protect the immediate health and safety of the child, other children, or LEA personnel. Informed written consent is also not required when the LEA actively seeks parental consent but cannot reasonably obtain it, including when a parent does respond to notice from the LEA, or the child is at least 14 years old and is considered an “unaccompanied youth” under Section 725 of the McKinney-Vento Homeless Education Act. Section 4001(a)(2). Before obtaining consent, the LEA must provide the parent with written notice describing in detail:

- The mental health assessment or service;
- The purpose for the assessment or service;
- The provider of such assessment or service;
- When the assessment or service will begin; and
- How long such assessment or service may last (ESSA § 4001(a)(1)(B)).

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Providing this consent does not waive any rights or protections under Family Educational Rights and Privacy Act (FERPA) (ESSA § 4001(a)(1)(C)).

C. Health and Safety Activities or Programs

LEAs may use SSAE funds for programs or activities that:

- Integrate health and safety practices into school or athletic programs;
- Support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students;
- Help prevent bullying and harassment;
- Improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment;
- Provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse;
- Establish or improve school dropout and reentry programs; or
- Establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports (ESSA § 4108(5)(C)).

D. Addressing Trauma and Violence

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

- Suicide prevention;
- Effective and trauma-informed practices in classroom management;
- Crisis management and conflict resolution techniques;
- Human trafficking, Defined as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) available at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section7102&num=0&edition=prelim>;
- School-based violence prevention strategies;
- Drug abuse prevention, including educating children facing substance abuse at home; and
- Bullying and harassment prevention (ESSA § 4108(5)(D)).

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E. Addressing Sexual Abuse

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

- Age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and
- Information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child (ESSA § 4108(5)(E)).

F. Reducing Exclusionary Discipline Practices

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

- Is consistent with best practices;
- Includes strategies that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available); and
- Is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services (ESSA § 4108(5)(F)).

G. Positive Behavioral Interventions and Supports (PBIS)

LEAs may use SSAE funds to implement school wide Positive Behavioral Interventions and Supports (PBIS) (ESSA § 4108(5)(G)). This can include coordinating with similar IDEA activities to improve academic outcomes and school conditions for student learning.

H. Resource Coordinator

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

- Establishing partnerships within the community to provide resources and support for schools;
- Ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and
- Strengthening relationships between schools and communities (ESSA § 4108(5)(H)).

I. Pay for Success

LEAs may use pay for success initiatives aligned with the goal of supporting safe and healthy students (ESSA § 4108(5)(I)).

A pay for success initiative is a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector (ESSA § 8101(40)). More information about pay for success initiatives is available from ED at <http://www2.ed.gov/about/inits/ed/pay-for-success/index.html>.

Activities to Support the Effective Use of Technology

LEAs may (and in some cases must) (LEAs that receive \$30,000 or more in SSAE funds must spend some SSAE funds on activities that support the effective use of technology. Section 4106(e)(2)(E)) use SSAE funds to improve the use of technology to improve the academic achievement, academic growth and digital literacy of all students (ESSA § 4109(a)). Of the amount an LEA chooses to spend on technology, only fifteen percent may be used for technology infrastructure. Please see section above “Funding Floors and Ceilings” for more information about this fifteen percent cap.

Allowable activities are listed below. For additional resources and tools to support LEAs in implementing these activities, see [ED 2016 SSAE Guidance](#).

A. Professional Learning

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

- Personalize learning to improve student academic achievement;
- Discover, adapt, and share relevant high-quality educational resources;
- Use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and
- Implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning (ESSA § 4109(a)(1)).

B. Technological Capacity and Infrastructure

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

- Procuring content and ensuring content quality; and
- Purchasing devices, equipment, and software applications in order to address readiness shortfalls (ESSA § 4109(a)(2)).

LEAs may not spend more than fifteen percent of the SSAE funds used for technology on technology infrastructure (ESSA § 4109(b)).

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NOTE: Technology infrastructure is defined as the hardware, software, network resources and services required for the existence, operation, and management of an information technology system [E.g., wiring, servers, hubs, routers, switches, web servers, network administration software, firewall and security software]. For cloud-based IT environments, IaaS and PaaS elements are considered part of the infrastructure. Productivity software, instructional software, etc. is not part of infrastructure. In cloud-based environments, SaaS components would not be considered part of the infrastructure.

C. Delivering Courses through Technology

LEAs may use SSAE funds to develop or use effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology (ESSA § 4109(a)(3)).

D. Blended Learning

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

- Planning activities like developing new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases (that do not include significant construction or renovation of facilities) (please note all technology infrastructure costs count towards the fifteen percent cap noted above); or
- Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project (ESSA § 4109(a)(4)).

NOTE: Significant construction is not authorized under Title IV, Part A. Therefore, construction-related activities must fall into the definition of “minor remodeling” to be allowable. See 34 CFR 77.1(b):

"Minor remodeling means minor alterations in a previously completed building. The term also includes the extension of utility lines, such as water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of the previously completed building. The term does not include building construction, structural alterations to buildings, building maintenance, or repairs."

E. Professional Development on Use of Technology in STEM Areas

LEAs may use SSAE funds to provide professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers

and instructional leaders to increase student achievement in STEM areas (ESSA § 4109(a)(5)).

F. Access to Digital Learning Experiences

LEAs may use SSAE funds to provide students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators (ESSA § 4109(a)(6)).

III. Other Spending Rules

A. Maintenance of Effort

LEAs that receive SSAE funds must comply with a maintenance of effort requirement (ESSA § 8521). In short, maintenance of effort requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year.

B. Supplement not Supplant

LEAs that receive SSAE funds must comply with a supplement not supplant requirement (ESSA § 4110). In general terms, this means that SSAE funds should add to (supplement) and not replace (supplant) state and local funds.

For the SSAE program (Section 4110), supplanting is presumed when:

- An LEA uses SSAE funds to pay for an activity that is required by federal, state or local law; or
- An LEA uses SSAE funds to pay for an activity it supported with state or local funds the prior year (*ED 2016 SSAE Guidance*, p. 14).

An LEA may overcome a presumption of supplanting if it has written documentation (e.g., State or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the SSAE program funds. *ED 2016 SSAE Guidance*.

Spending Title V, Part B Funds for Rural and Low-Income Schools

This section provides Information about how local educational agencies (LEAs) can spend Title V, Part B Funds. Title V, Part B, also known as Rural and Low-Income Schools (RLIS) provides supplemental funding to help rural and low-income schools improve student achievement. For convenience this section will refer to the program as “RLIS.”

For more information about RLIS please contact:

Brad Morrison, Public School Program Advisor

Arkansas Department of Education

Division of Elementary and Secondary Education

Phone: 501-683-5424

Email: Brad.Morrison@ade.arkansas.gov

Purpose of the Title V (RLIS) Program

The purpose of the Rural and Low-Income School (RLIS) grant program is to provide rural districts with financial assistance for initiatives aimed at improving student achievement. The grant is non-competitive, and eligibility is determined by statute.

Awards are issued annually to state education agencies (SEAs), which make sub-grants to local education agencies (LEAs) that meet the applicable requirements. Awards are made to all SEAs that apply and meet the applicable requirements of the act. To view an LEAs eligibility status visit the REAP Eligibility Website and

How Title V (RLIS) Funds May Be Used

I. Overview and General Requirements

A. Overview

Title V has two main parts: Rural and Low-Income Schools (RLIS) and Small, Rural School Achievement (SRSA). Some schools may be eligible for only one or the other, but some schools are eligible for both. We will refer to these schools as “dual eligible.”

LEAs that receive RLIS grants may use the funds to carry out the following types of activities:

- Parental involvement activities;
- Title I-A (Improving Basic Programs Operated by local education agencies)
Example: A school district develops an entrepreneurial education program to supplement its civics curriculum;
- Title II-A (Supporting Effective Instruction)

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Example: A school district pays the stipend for a prospective teacher to work alongside an effective teacher, who is the teacher of record, for a full academic year;

- Title III (Language Instruction for English Learners and Immigrant Students)
Example: A school district offers an afterschool enrichment program for English learners;
- Title IV-A (Student Support and Academic Enrichment)
Example: A school district purchases bully prevention materials for all schools.

For more examples of uses of RLIS funds, visit the OESE website dedicated to the [Rural and Low-Income School Program](#).

LEAs that utilize SRSA funds work directly with OESE for funding and reimbursement. More information about SRSA funds can be found on the [Small, Rural School Achievement Program](#) website.

B. RLIS V. SRSA

Dual-eligible LEAs that need help determining whether to utilize RLIS or SRSA funds should consider the following table (see the following three pages). Note that the last row of the table provides comparison of the use of funds for each program:

II. RLIS and SRSA Considerations for Dual Eligible LEAs

[Source: [Considerations for Dual-Eligible LEAs - Office of Elementary and Secondary Education](#)]

TOPIC	RLIS	SRSA
Alternative use of funds authority[1]	Dual-eligible LEAs may participate. [However, RLIS recipients can transfer Title II and IV funds to RLIS, allowing for comparable flexibility.]	All <u>eligible</u> LEAs may participate
Applying for the grant	LEAs apply for RLIS funds according to their SEA's application procedures	LEAs apply for SRSA funds according to ED's application procedures.
Obligation period	27-months (e.g., for FY 2017 awards, the obligation period will be July 1, 2017 through September 30, 2019)	15-months (e.g., for FY 2017 awards, the obligation period will be July 1, 2017 through September 30, 2018)

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Impact of other Federal funds on grant awards[2]	LEA grant awards are based on the SEA's procedures for awarding RLIS funds; therefore, grants awarded under other Title programs may or may not impact the amount of an LEA's RLIS grant award.	LEA grant awards are reduced by the amount of Title II-A and Title IV-A funds the LEA received in the preceding fiscal year.
Funding limits	Federal statute does not set a limit on the amount of funds an LEA may receive each grant period.	The maximum amount of funds an LEA may receive, by statute, is \$60,000.
Uses of funds	Grant funds may be used to support any of the following: 1. Title I, Part A (Improving Basic Programs Operated by Local Education Agencies) activities; 2. Title II, Part A (Supporting Effective Instruction) activities; 3. Title III (Language Instruction for English Learners and Immigrant Students) activities; 4. Title IV, Part A (Student Support and Academic Enrichment Grants) activities; and 5. Parental involvement activities.	Grant funds may be used to support any of the following: 1. Title I, Part A (Improving Basic Programs Operated by Local Education Agencies); 2. Title II, Part A (Supporting Effective Instruction) activities; 3. Title III (Language Instruction for English Learners and Immigrant Students) activities; 4. Title IV, Part A (Student Support and Academic Enrichment Grants) activities; and 5. Title IV, Part B (21 st Century Community Learning Centers)

[1] The alternative use of funds authority provides flexibility to SRSA-eligible LEAs to use Title II, Part A and Title IV, Part A formula funds to support local activities under an array of Federal programs in order to assist them in addressing local academic needs more effectively. (See Section 5211(a) of the ESEA, as amended, for more information.) An SRSA-eligible LEA does not have to apply for SRSA funds in order to exercise the alternative use of funds authority. An LEA that is eligible for both SRSA and RLIS may exercise this authority even if the LEA chooses to participate in RLIS instead of SRSA. Regardless of which program the LEA chooses, the LEA must notify its SEA on an annual basis on or before the notification deadline established by the SEA of its intent to exercise the authority. LEAs should reach out to their SEA contact for more information about the SEA's reporting requirements deadline.

[2] SRSA grant amounts are based on a statutory formula that takes into account several factors, including the amount of funds an LEA received during the preceding fiscal year under the Title II, Part A program and the newly authorized Title IV, Part A (Student Support and Academic Enrichment program). The first awards for Title IV, Part A will be made with FY 2017 funds. Therefore, for purposes of calculating SRSA grant awards, the Department will not take into consideration Title IV, Part A funds until the FY 2018 grant cycle.

III. Transferability of REAP Funds

A. RLIS funds may **not** be transferred out.

However, Title II, Part A and Title IV, Part A funds can be transferred into Title V, Part B if the LEA has been awarded RLIS funds. They then take on the identity of RLIS funds and can be spent according to the rules for Title V, Part B.

B. Funds awarded or transferred to RLIS must follow the rules regarding “supplement, not supplant.”

C. Dual-Eligible and SRSA Eligible Schools

Schools that are allocated SRSA funds may not transfer Title II and IV funds to Title V, Part B. However, they may exercise **Alternative Use of Funds Authority (AFUA)**. Under AFUA, LEAs are able to use their Title II, Part A and Title IV, Part A funds to pay for activities under any of the allowable uses for SRSA grant funds. (See Section 5211(a) of the ESEA, as amended, for more information.)

- An SRSA-eligible LEA does not have to apply for SRSA funds in order to exercise AFUA.
- An LEA that is eligible for both SRSA and RLIS funds may exercise AFUA even if the LEA chooses to participate in RLIS instead of SRSA.
- **Before exercising AFUA, an eligible LEA must notify its SEA of its intent to do so by the deadline established by the SEA. Eligible LEAs should reach out to their REAP State Coordinator contact for more information about the SEA’s reporting requirements deadline.**

[Source: [OESE: Small, Rural School Achievement Program](#)]

IV. Title V Resources

[REAP Resources - Office of Elementary and Secondary Education](#)

[Resources -- Small, Rural School Achievement Program \(ed.gov\)](#)

[Rural and Low-Income School Program \(ed.gov\)](#)

[Considerations for Dual Eligible LEAs - Office of Elementary and Secondary Education](#)

Video from REAP Team: [NAESPA Presentation](#)

Spending Equitable Services Funds

This section provides information about equitable services under all ESSA Federal Programs. The Elementary and Secondary Education Act (ESEA) requires a participating Local Educational Agency (LEA) to provide eligible children attending private elementary and secondary schools, their teachers, and their families.

For more information about Equitable Services, please contact:

April Jarvis, Public School Program Advisor

Arkansas Department of Education

Division of Elementary and Secondary Education

Phone: 501-682-4373

Email: April.Jarvis@ade.arkansas.gov

Equitable Services

I. Overview

A. Title I Requirements

Title I funds are subject to an equitable services requirement (ESSA § 1117). In short, this means LEAs must reserve funds to provide Title I services to eligible private school students, teachers and other educational personnel, and families, regardless of district boundaries. ESSA makes important changes and clarifications to the way LEAs must reserve Title I funds for equitable services. ESSA requires an LEA to determine the amount of funds available for providing equitable services under Title I *prior* to any expenditures or transfers of funds (ESSA § 1117(a)(4)). This includes all reservations previously taken “off the top” of an LEA’s Title I allocation, including reservations for administration, parental involvement, and district-wide initiatives. 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>. This guidance will be referred to as “*ED 2016 Fiscal Changes Guidance*” for the rest of this document.

Services provided should be developed based on the required consultation process. (ESSA § 1112(c)(2)). Note that private schools operate like targeted assistance programs and the LEA maintains control of the funds, while providing services to the eligible students and families in non-public schools.

B. Title II Requirements

Title II funds are subject to an equitable services requirement (ESSA § 8501(b)(1)(B)). In short, this means LEAs must reserve funds to provide Title II services to eligible private/non-public school teachers and other educational personnel. Please note that Title

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II equitable services are provided to private schools within the LEAs attendance area who wish to participate, which is different from Title I equitable services requirements. LEAs must consult with non-public schools to determine the professional development needs and work with the non-public school to meet those needs to the extent allowable by Title II, Part A.

Please note ESSA changes the way LEAs must reserve Title II funds for equitable services for private schools. Under NCLB, an LEA only had to reserve a share of the Title II, Part A money it spent on professional development. Under ESSA, the reservation is now based on an LEA's entire Title II allocation (ESSA § 8501(b)). See also *ED 2016 Fiscal Changes Guidance*, Q&A P-1 & P-2 (pages 34-35).

C. Title III Requirements

Title III funds are subject to an equitable services requirement (ESSA § 8501(b)(1)(C)). In short, this means that the LEA must ensure that eligible private school students, their teachers, and other educational personnel are served by Title III. ([ED 2016 Title III, Part A Guidance](#), Question C-6. See also [ED 2016 Fiscal Changes Guidance](#), Section P.)

D. Title IV Requirements

SSAE funds are subject to an equitable services requirement (ESSA § 4106(e)(2)(b); ESSA § 8501(b)(1)(D)). In short, this means LEAs must reserve funds to provide SSAE services to eligible private school children, teachers, and other educational personnel in private schools that exist within the LEAs boundaries ([ED 2016 SSAE Guidance](#); see also [ED 2016 Fiscal Changes Guidance](#), Section P). Please note that Title IV Equitable services are provided to private schools within the LEAs attendance area who wish to participate, which is different from Title I equitable services requirements. LEAs must consult with non-public schools to determine needs and work with the non-public school to meet those needs to the extent allowable by Title IV, Part A.

Federal Grants Management System

Arkansas Department of Education uses Federal Grant Management System, also known as FGM, to support LEAs while spending their ESSA funds. [District User Guide for the Federal Grants Management System](https://dese.ade.arkansas.gov/Offices/public-school-accountability/federal-programs) at <https://dese.ade.arkansas.gov/Offices/public-school-accountability/federal-programs>

For more information about FGM, please contact:

Annette Pearson, FGM Grant Analyst

Arkansas Department of Education

Division of Elementary and Secondary Education

Phone: 501-683-1243

Email: Annette.Carlton-Pearson@ade.arkansas.gov

or

Lindsey Stroud, FGM Public School Program Advisor

Arkansas Department of Education

Division of Elementary and Secondary Education

Phone: 501-682-5761

Email: Lindsey.Stroud@ade.arkansas.gov

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Summary of Rules Regarding the Transferability of ESSA Funds

To provide flexibility in using funds, certain funds can be transferred to other fund sources. Please view the following graphics to understand the transferability of ESSA funds:

Funds Transfers: From and To	
Programs FROM which and LEA may Transfer Funds	Programs TO which an LEA May Transfer Funds
<ul style="list-style-type: none"> ● Title II, Part A SOF 6756 – Supporting effective instruction state grants 	<ul style="list-style-type: none"> ● Title I, Part A SOF 6501 – Improving basic programs operated by LEAs
<ul style="list-style-type: none"> ● Title IV, Part A SOF 6786 – Student support and academic grants 	<ul style="list-style-type: none"> ● Title I, Part C SOF 6502 – Education of migratory children
	<ul style="list-style-type: none"> ● Title I, Part D SOF 6510 – Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk
	<ul style="list-style-type: none"> ● Title II, Part A SOF 6756– Supporting effective instruction state grants
	<ul style="list-style-type: none"> ● Title III, Part A SOF 6761 – State grants for English language acquisition and language enhancement
	<ul style="list-style-type: none"> ● Title IV, Part A SOF 6786 – Student support and academic enrichment grants
	<ul style="list-style-type: none"> ● Title V, Part B SOF 6784 – Rural Education
<i>ESEA Section 5103(b)(2)</i>	<i>ESEA Section 5103(b)</i>

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Transfers Title I Title II Title III Title IV Title V History

Transferred Amounts

Funding Source	Title I SOF 6501	Title I-C SOF 6502	Title I-D SOF 6510	Title II-A SOF 6756	Title III-A SOF 6761	Title IV-A SOF 6786	Title V-B SOF 6784	Totals
Title II-A - SOF 6756	\$0.00				\$0.00	\$0.00	\$0.00	\$0.00
Title IV-A - SOF 6786	\$0.00			\$0.00	\$0.00		\$0.00	\$0.00
Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

- Per ESSA section 5103(e)(2), before a LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with appropriate private school officials. With respect to the transferred funds, the LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer.
- The officials of this School District understand that any request to transfer funds must be submitted to the Arkansas Department of Education (ADE) thirty (30) days prior to funds being transferred, that funds transferred between programs must be used according to the rules and regulations of the program to which transferred, and that funds will be accounted for as directed by the ADE.

FGM will provide direction to LEAs regarding transfers of funds. A dark blue box will indicate to an LEA that they are not eligible to transfer funds into that respective account.

Finance: Controls and Compliance

Internal Controls Defined According to EDGAR 2 C.F.R 200.61

Internal Controls means a process, implemented by a District, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

- a. Effectiveness and efficiency of operations;
- b. Reliability of reporting for internal and external use; and
- c. Compliance with applicable laws and regulation.

Compliance requirements for Federal awards EDGAR 2 C.F.R. 200.62

District policy and processes must be in place to ensure that the following objectives are met for Federal awards and to ensure that transactions are properly accounted for.

1. To permit the preparation of reliable financial statements and Federal reports;
2. To maintain accountability over assets;
3. To demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;

4. To ensure that transactions are executed in compliance with:
 - a. Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal program; **and**
 - b. Any other Federal statutes and regulations that are identified in the Compliance Supplement; **and**
 - c. Funds, property and other assets are safeguarded against loss from unauthorized use or disposition.

Time and Effort

Time and Effort Standards

All employees who are paid in full or in part with federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. (2 C.F.R. Part 200.430(i)(1)). In addition, employees who are paid from state and local funds, but whose salaries are used for cost sharing or matching, must also keep time and effort documentation. (§ 200.430(i)(4)) Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. In accordance with § 200.430(i)(1), these records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- Be incorporated into official records;
- Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
- Encompass both federally-assisted and all other activities compensated by the agency on an integrated basis;
- Comply with the established accounting policies and practices of the agency; and
- Support the distribution of the employee's salary or wages among specific activities or cost objectives.

Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to federal awards, but may be used for interim accounting purposes provided that the system for establishing the estimates produces reasonable approximations of the activity actually performed. (§ 200.430(i)(1)(viii))

Time and Effort Procedures

To meet the above requirements, all employees who must complete time and effort forms must submit either a semi-annual certification or a personnel activity report (PAR) as required below. The type of form depends on the number of cost objectives that an employee works on. A cost objective is a program, function, activity, award, organizational subdivision, contract, or work unit of which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. (2 C.F.R. Part 200.28)

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All employees whose work is funded fully (100%) by a single cost objective or grant award must complete a semi-annual certification. The semi-annual certification must be:

1. Completed at least every six (6) months (twice a year);
2. Be signed by the employee or the supervisor with direct knowledge of the work being performed;
3. Reflect an after-the-fact distribution of the actual activity; and
4. Account for the total activity for which each employee is compensated.

A Performance and Accountability Report (PAR) must be completed if an employee is funded partially on one (1) or more grant cost objective(s). It provides a written record of an employee's work activities used to document that employee's time to grants or projects. It must be completed monthly and supported by a daily calendar of activities. All employees who work on multiple cost objectives must complete PARs that support the distribution of their salaries /wages that meet the following standards:

1. Reflect an after-the-fact distribution of the actual activity, not a budget estimate;
2. Account for the total work activity for which each employee is compensated;
3. Be prepared at least monthly (a separate PAR for each month) and coincide with one (1) or more pay periods; and
4. Be signed by the employee.

All employees who are paid in full or in part with federal funds must keep specific documents to support the amount of time they spent on grant activities as reflected in each PAR. This includes an employee whose salary is paid with state or local funds but is used to meet a required "match" in a federal program. These time and effort records should be maintained in order to charge the costs of personnel compensation to federal grants. Examples of records used to support the time entered in a PAR include desk calendars or written records of activity for each day/week, etc.

[Sample Time & Effort Forms](#)