

DRAFT Title I, Part A & ESSA: A Fiscal Handbook

2017–18 SCHOOL YEAR

PREPARED BY THE TITLE I, PART A/LAP OFFICE AT OSPI

DRAFT FOR LEA COMMENT

Send comments/questions to jamey.schoeneberg@k12.wa.us by September 1, 2017

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This handbook provides general guidance from OSPI on how local educational agencies (LEAs) may spend Title I, Part A funds under the Every Student Succeeds Act (ESSA). This handbook is being disseminated to LEA Title I, Part A Directors and Business Managers and the Office of the Washington State Auditor (SAO). It should be considered official guidance from OSPI in effect for the 2017–18 school year. It should be read in tandem with other guidance documents from OSPI on the Title I, Part A program and federal funds. When appropriate, those guidance documents are referenced and linked.

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

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

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

This handbook:

- Provides an overview of the Title I, Part A program
- Summarizes general federal education spending provisions that apply to Title I, Part A
- Addresses the use of Title I, Part A funds by LEAs
- Summarizes schoolwide, targeted assistance, and district initiatives
- 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”
- Provides guidance on consolidated Title I, Part A funds with other funds in a schoolwide.
- Addresses key fiscal tests LEAs must meet as a condition of receiving Title I, Part A funds: maintenance of effort, comparability, and Title I, Part A unique supplement-not-supplant provision.
- Addresses conditions LEAs agree to when taking Title I, Part A funds.
- Appendix A is a cross reference to Title I, Part A and other programs.
- Appendix B is FAQ questions about Title I, Part A and use of Funds
- Appendix C a letter from ED when Title I, Part A can provide extended learning time to Title I, Part A and Non-Title I Part A schools.

B. How Title I, Part A Funds May Be Used

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

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

- Providing eligible students with a well-rounded education, which ESSA defines as “[C]ourses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the SEA or LEA, with the purpose of providing all students access to an enriched curriculum and educational experience.”²
- Instructional supports,
- Non-instructional supports like behavior and mentoring supports, and social and emotional learning, and
- Improving school quality.

Historically, many LEAs and schools have used Title I, Part A funds narrowly for discrete instructional supports primarily focused on reading and math. (This happened because the NCLB law’s complexity led to narrower interpretations about the use Title I, Part A funds. It was only later, under the AARA guidance, that ED issued more flexible interpretations of Title I, Part A).

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

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

¹ ESSA, Section 1001.

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

Common Title I, Part A Limitations Not Required by ESSA (or NCLB) ³	
Common Limitation Not Required by Federal Law	Actual Legal Authority
Limiting Title I, Part A spending to reading/language arts and math	<i>Title I, Part A may be used broadly under ESSA for a broad range of subjects (see definition of well-rounded education on prior page).</i> <i>(Under NCLB, it could have been used for subjects like science, social studies, art, and others, though that was not common.)⁴</i>
Limiting Title I, Part A spending only to instruction or materials	<i>ESSA permits Title I, Part A to be used for non-instructional supports, including school climate, attendance improvement, and school counselors.⁵</i> <i>(Guidance under NCLB also provided flexibility that Title I, Part A could be used for non-instructional supports such as school climate, increasing attendance, school counselors, improving health (in some circumstances), etc.⁶</i>
Limiting Title I, Part A spending to remedial programs	<i>ESSA is now more explicit that Title I, Part A may be used for advanced learning opportunities for struggling students.⁷</i> <i>(While NCLB did not impose such a restriction, many schools shifted focus there when the NCLB accountability systems were implemented. ED guidance permitted spending on advanced learning opportunities for struggling students.⁸)</i>
Limiting Title I, Part A spending to specific students in a schoolwide program school	<i>ESSA permits Title I, Part A schoolwide spending on broad improvement strategies based on the school's needs.⁹</i> <i>(NCLB also permitted Title I, Part A spending to upgrade the entire educational program of a schoolwide school.¹⁰)</i>

³ This table is based on CCSSO's *Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment*: <http://www.ccsso.org/Documents/2016/ESSA/MaximizingESSAFormulaFundsforStudentsApril2016.pdf>. Please note that the citations in this chart are to the NCLB law (not ESSA) and relevant NCLB guidance in order to highlight misunderstandings under NCLB.

⁴ See NCLB, Sections 1111 and following, imposing no academic subject matter restrictions on Title I, Part A funding. See also the U.S. Department of Education's (ED) guidance, *Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students* (September 2009) available at <https://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>, particularly Sections C and G. This guidance is referred to as "ED 2009 Title I Reform Guidance" for the rest of this document. Two notes about this guidance: (1) while the guidance was developed to provide information about the additional Title I, Part A money appropriated under the American Recovery and Reinvestment Act (ARRA), the guidance is applicable Title I, Part A funds generally (see page 15), and (2) the guidance was released under NCLB. ED may issue updated Title I, Part A spending guidance under ESSA.

⁵ See, for example, ESSA, Section 1114(b)(7)(A)(iii)(I)&(III), ESSA, Section 1115(b)(2)(B)(ii), and ESSA, Section 1115(e)(2).

⁶ See *ED 2009 Title I Reform Guidance*, particularly Sections C, E, and G.

⁷ See *ED 2009 Title I Reform Guidance*, Section C.

⁸ See, for example, ESSA, Section 1114(b)(7)(A) (II), ESSA, Section 1114(e), and ESSA, Section 1115(f).

⁹ ESSA, Section 1114(a)(1)(A). Also, see ED guidance issued under ESSA, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2016) available at <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>.

¹⁰ See NCLB, Section 1114. Also see ED guidance issued under NCLB, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2015) available at <http://www.ed.gov/policy/elsec/guid/eseatitleiswpguidance.pdf> and *Designing Schoolwide Programs* (2006) available at <http://www.ed.gov/policy/elsec/guid/designingswpguid.doc>.

C. Is this allowable? General Federal Spending Provisions that Apply to Title I, Part A

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

1. All costs charged to ED grants must be **necessary, reasonable and allocable** and consider the amount of money being spent and the needs of the program.¹¹ 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.¹²

Please see OSPI's memo on key changes from UGG: [Memorandum No. 007-15](#)

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

- Lists costs that may never be paid for with federal funds.¹³ For example, federal funds can never pay for alcohol¹⁴ and typically cannot pay for lobbying.¹⁵ See the Section B for a list of items that can never be paid with federal funds.
 - Lists general criteria all costs supported with federal funds must satisfy.¹⁶ For example, federal funds can only pay for costs that are allocable to the relevant grant.¹⁷
 - Sets additional requirements for certain costs supported with federal funds.¹⁸ 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.¹⁹
 - Sets rules for how LEAs procure goods and services with federal funds,²⁰ how they track items paid for with federal funds,²¹ and the kinds of records they must keep about their grant spending.²²
2. All employees charged to federal grants must document the time they spend working on the grant's objectives to demonstrate that the amounts charged to federal programs are true and accurate (commonly referred to as Time and Effort).

Please see OSPI's Bulletin on Guidelines for Charging Employee Compensation to Federal Grants and the relevant attachments. [B048-17](#)

¹¹ 2 CFR 200.403(a).

¹² 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-idix?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>.

¹³ See 2 CFR Part 200, Subpart E.

¹⁴ 2 CFR § 200.423.

¹⁵ 2 CFR § 200.450.

¹⁶ See 2 CFR § 200.403.

¹⁷ 2 CFR § 200.403(a).

¹⁸ See 2 CFR §§ 200.420-200.475.

¹⁹ 2 CFR § 200.430.

²⁰ 2 CFR §§ 200.317-200.326.

²¹ 2 CFR §§ 200.313-200.314.

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

- [Attach 1](#)–Semi-Annual Certification–Single Cost Objective
- [Attach 2](#)–Monthly PAR–Multiple Cost Objectives/Reconciliation to Payroll Records
- [Attach 3](#)–Monthly PAR with Multiple Cost Objectives for Employee with Fixed-Schedule (if not using the “Fixed Schedule” system)
- [Attach 4](#)–Employee Certification and Schedule–Employee with Fixed Schedule (if using the “Fixed Schedule” system)

3. Activities supported by ED funds must be **consistent with the LEA’s Title I, Part A annual application for funds approved by the OSPI.**²³ For Title, Part A, this is the Title I, Part A Annual Plan that is submitted in iGrants Form Package (FP) 201. Refer to your LEA’s approved FP 201 or to OSPI’s [LAP/Title I, Part A Handbook](#) for 2017-18 for general information.
4. Some parts of ESSA require LEAs to spend on activities that are supported by evidence, are demonstrated to be effective, or that are consistent with a formal needs assessment. Even where this is not required, ED grant spending has the most impact when LEAs spend federal funds on effective activities designed to meet program goals. To do this, LEAs are encouraged to:
 - Carefully consider the needs of students, educators, and other relevant stakeholders,
 - Determine which activities are most likely to effectively address those needs, and
 - Prioritize those activities when deciding what costs to support with ESSA funds (unless those activities are being paid for by other funding sources).

²³ 34 CFR § 76.700.

D. Costs that will always be unallowable for Title I, Part A

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

The following costs may not be charged to U.S. Department of Education Grants²⁴:

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

²⁴ CFR 200

E. Considerations When Determining if It's An Allowable Title I, Part A Cost

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

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

For example:

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

F. Required Set-Asides-Title I, Part A Funds at the LEA Level

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

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

Please review OSPI’s [LAP/Title I, Part A Handbook](#) and [OSPI ESSA Private School’s page](#) for additional information on calculating and expending the set-aside.

Services for homeless children. This set-aside may pay for the cost of homeless liaison and transportation, and other activities required under the McKinney Vento Homeless Education Act. Students are eligible whether or not they attend, Title I, Part A schools. *LEAs must reserve “such funds as are necessary,” based on an assessment of homeless children’s needs; ESSA does not specify an amount.*²⁸

Each LEA is required to complete [Homeless Student Needs Assessment](#) to determine the Title I, Part A set-aside amount for homeless children and youth.

Note: the Homeless Needs Assessment will also be collected as a part of the Title I, Part A Application (FP 201) and is explained in OSPI’s [LAP/Title I, Part A Handbook](#). The following resources provide ideas for ways you can support your homeless students:

- [Dear Colleague Letter](#)
- [NCHE Homelessness and Title I, Part A Brief](#)

Services for neglected children. An LEA is required to reserve funds necessary to provide services to children in:

- local institutions for neglected children
- local institutions for delinquent children, and;
- community day programs for neglected or delinquent

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

²⁶ ESSA, Section 1117(a)(4).

²⁷ 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.

²⁸ ESSA, Section 1113(c)(3)(C).

LEAs must reserve “such funds as are necessary;” ESSA does not specify an amount.²⁹ For more information, visit [OSPI’s Institutional Education website](#) and review OSPI’s [LAP/Title I, Part A Handbook](#).

Parent and Family Engagement (PFE). At least 1% must be set-aside if the LEA district has an allocation of \$500,000 or more.³⁰ Calculate the PFE set-aside by taking 1% of your total allocation. Of that 1%, no less than 90% must go to Title I, Part A buildings. The remaining 10% (or less) may remain at the LEA level. Parent and family engagement (required if the LEA receives \$500,000 or more of Title I, Part A funds).³¹ For more information and resources, please visit [OSPI’s Parent & Family Engagement web page](#) and review OSPI’s [LAP/Title I, Part A Handbook](#).

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

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

- Consumables such as paper, glue, and scissors for make and take projects at home that promote academic learning.
- Instructional kits, workbooks, reading materials.
- Books for loan programs or check out system.
- Transportation and child care costs for Title I, Part A parent engagement
- Meals/refreshments. To encourage attendance when parent and family engagement meetings and trainings conflict with family meals or schedules. You can provide refreshments but only if you can prove that these refreshments increase participation.
Note: Do not pay for snacks or refreshments at any staff meetings with Title I, Part A funds.
- Registration and travel costs for parent representatives/committee members to attend in-state workshops and conferences that support parent education and engagement. The expectation is that parent participants will share new knowledge with other parents.
- Translation and interpretation services translation and interpretation resources to make it possible for parents to attend meetings and training sessions.
- *Note: LEAs and schools must fulfill state and federal civil right laws before using Title I, Part A funds. Click here for [Equity and Civil Right office](#)–translation and interpretation resources.*
- Facility rental and usage–Unavoidable costs related to the facility in which you conduct parent and family engagement activities. For example, holding meetings at different times of the day or at a center location where parents feel familiar with the community. Remember this should be reasonable and necessary.

²⁹ ESSA, Section 1113(c)(3).

³⁰ ESSA, Section 1116(a)(3)(A). ESSA clarifies LEAs can reserve more than one percent at their discretion.

³¹ Please note ninety percent is a change from NCLB, which required LEAs to distribute ninety-five percent of the reserved funds to schools.

G. Optional Set-Asides-Title I, Part A Funds at the LEA Level

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

Administering the Title I, Part A program. LEAs may reserve a reasonable and necessary amount.³²

Early Learning. Use this set-aside for district-wide early learning activities.³³ Whether in the entire LEA or just a portion of the LEA, there are a number of early learning activities that can be funded with Title I, Part A dollars.

- Refer to the OSPI guide Funding Early Learning Activities in [Washington State with Title I, Part A \(Birth–Age 5\)](#). It explains options for the early learning set-aside and the staffing and educational requirements that apply if using Title I, Part A funds for early learning.

Foster Care. Use this set-aside to support foster care students, who are categorically eligible for Title I, Part A under ESSA.³⁴ For more information on Title I, Part A and Foster Care, review the [OSPI Foster Care Frequently Asked Questions](#). There are specific sections on Title I, Part A and Foster Care.

School Improvement. Washington State is in a year of transition from its NCLB accountability system to its ESSA accountability system.

A. Professional Development. Previously, under NCLB, LEAs and schools in a step of improvement were required to set aside 10% of their Title I, Part A allocation for PD. This is no longer required under ESSA, however LEAs may choose to set-aside PD funds for the 2017-18 year as it is a transition year from NCLB to ESSA. This is the final year non-Title I, Part A schools can be supported. Please see [Professional Development Set-Aside for 2017-18](#) for further guidance.

B. Priority/Focus. Additionally, LEAs with identified Priority or Focus schools may (but are not required to) set aside up to 20% of their Title I, Part A funds for Priority and Focus Title I, Part A school buildings to implement strategies that improve student outcomes.

LEA-managed initiatives in Title I, Part A schools. This may be for extended learning time for struggling students at Title I, Part A and Non-Title I, Part A schools under limited conditions. *See next page.*³⁵

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

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

³³ ESSA, Section 1113(c)(5).

³⁴ 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>.

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

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

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

Guidance from ED permits LEAs to use Title I, Part A funds for the following types of district-managed initiatives for all, or a subset of, an LEA’s Title I, Part A schools. The examples illustrate *possible* uses of Title I, Part A funds for a LEA-managed Title I, Part A initiative. Other uses of funds that are consistent with Title I, Part A rules are also permissible.³⁶

- Contracting with an outside provider with expertise in school improvement to support low-achieving Title I, Part A schools,³⁷
- Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework,³⁸
- Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English language learners,³⁹
- Hiring an outside expert to work with the staff of low-achieving Title I, Part A schools to build their capacity to analyze student data and identify promising interventions,⁴⁰
- Paying for extended time for educators in Title I, Part A schools to review data for at-risk students and identify interventions to better meet the needs of those students,⁴¹ and
- Extending learning time (ELT) in Title I, Part A schools (before- and after-school programs, Saturday school and summer school, summer activities, offering early start to the school year for students needing transition support, extending the school year, extended learning opportunities during the school day).⁴²
- There is a narrow exception allowing Title I, Part A funds to support ELT for students not attending a Title I, Part A school (i.e. a LAP school) in a district-wide targeted assistance program. In 2016, ED wrote, “An LEA generally may not use Title I funds to pay for ELT in Title I schools while also using non-Title I funds to support ELT in non-Title I schools. However, an LEA that wants to provide ELT programs *for only low-achieving students* in both its Title I and non-Title schools may be able to do so, consistent with 34 C.F.R. § 200.79.”⁴³ **Consider this a district-wide targeted program and code students accordingly.**

³⁶ ED 2009 Title I Reform Guidance, Q&A B-8.

³⁷ ED 2009 Title I Reform Guidance, Q&A B-8.

³⁸ ED 2009 Title I Reform Guidance, Q&A C-1.

³⁹ ED 2009 Title I Reform Guidance, Q&A C-8.

⁴⁰ ED 2009 Title I Reform Guidance, Q&A D-1.

⁴¹ ED 2009 Title I Reform Guidance, Q&A D-4.

⁴² ED 2009 Title I Reform Guidance, Q&A G-5.

⁴³ See Appendix A in this Guide. Letter from Ann Whalen to Chief State School Officers dated Feb 26, 2016.

H. Title I, Part A: Ranking and Allocation

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

In order to determine which schools will receive Title I, Part A funds, each LEA with **1,000 or more** enrolled students must put its schools in **rank order** from highest to lowest concentrations of poverty. For these LEA, any building **must** be served if poverty is **greater** than 75%. See ESEA Section 1113.

Skipping a School from Ranking and Allocation. OSPI will allow a LEA to “skip” a school in the Ranking and Allocation process if it is actually a “program” and not a brick and mortar school. However, if an LEA accepts the LAP High Poverty School allocation for a “program” school, it cannot treat that school as a “program” when doing ranking and allocation for Title I, Part A. OSPI previously allowed an LEA to “skip” a school if there was LAP funds in the school. This will not be allowed due to HB 2242 (passed 2017).

For detailed instructions and options for Ranking and Allocating, please see OSPI’s [LAP/Title I, Part A Handbook](#) and the iGrants 201.

I. Targeted Assistance Program and Use of Title I, Part A Funds

A **targeted assistance program** is available to any Title I, Part A school that does not operate a schoolwide program.⁴⁴

- Schools operating a targeted assistance program must use Title I, Part A funds to help educationally-disadvantaged students meet state standards, and⁴⁵
- Students are eligible for Title I, Part A 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 or in foster care.⁴⁶

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

Spending Options in a Targeted Assistance Program

Targeted assistance schools must use Title I, Part A funds to help identified students meet state standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education.⁴⁷

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

- Expanding learning time for eligible students, including before- and afterschool programs, and summer programs and opportunities,
- a schoolwide tiered model to prevent and address behavior problems,
- Providing early intervening services to eligible students, including services coordinated with similar activities and services carried out under IDEA,
- 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.⁴⁸

⁴⁴ ESSA, Section 1115.

⁴⁵ ESSA, Section 1115(b)(2)(A).

⁴⁶ ESSA, Section 1115(c).

⁴⁷ ESSA, Section 1115(b)(2)(A).

⁴⁸ ESSA, Section 1115(b)(2).

Targeted assistance schools can also use Title I, Part A funds to provide eligible students with health, nutrition, and other social services⁴⁹ 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.⁵⁰

A secondary school operating a targeted assistance program may use Title I, Part A funds to provide dual or concurrent enrollment program services to eligible children.⁵¹

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, Part A, and
- Review the progress of eligible students on an ongoing basis and revise the targeted assistance program, if necessary, to provide students additional assistance to meet state standards.⁵²

Coordinating Targeted Assistance Programs with Other Programs and Supports

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

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

*Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.*⁵³

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.⁵⁴

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

- Participate in general professional development and school planning activities, and

⁴⁹ Examples of such services include basic medical equipment such as eyeglasses and hearing aids, compensation of a coordinator, family support and engagement services, integrated student supports, and professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children. ESSA, Section 1115(e)(2)(B).

⁵⁰ ESSA, Section 1115(e)(2).

⁵¹ ESSA, Section 1115(f).

⁵² ESSA, Section 1115(b)(2)(G).

⁵³ ESSA, Section 1115(e)(1).

⁵⁴ ESSA, Section 1115(b)(2)(F).

- 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.⁵⁵

Staffing Requirements in Targeted Assistance Programs

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

Paraeducators and substitute paraeducators assigned to a Title I, Part A targeted assistance programs must continue to meet federal standards used under NCLB as explained in the [Title I, Part A Guide to Paraeducator Requirements](#).

Teachers assigned to Title I, Part A targeted assistance programs must meet applicable state certification and licensure requirements. A teacher assigned to Title I, Part A targeted assistance may be out-of-field or out-of-endorsement as long as they hold an eligible certificate type and the school board approved the placement (per WAC 181-82-110 or WAC 392-172A-02090). School board approval must be in place prior to the date the teacher was assigned to Title I, Part A targeted assistance program.

⁵⁵ ESSA, Section 1115(d).

J. Title I, Part A Schoolwide Program: Requirements and Use of Funds

The **schoolwide program** offers high poverty schools the flexibility to implement comprehensive school improvement strategies, and not be limited only to narrow services limited to certain students.

A schoolwide program is available to any school with at least forty percent poverty. Under ESSA it is also an option for schools below forty percent poverty if granted a waiver by OSPI. The waiver application process for the 2017–18 is addressed in Bulletin [B058-16](#).⁵⁶

- Buildings operating a schoolwide program can use Title I, Part A funds to upgrade their entire educational program,⁵⁷
- All students are considered “Title I, Part A students,”⁵⁸ and
- Schoolwide buildings must develop a plan describing the services they will provide based on a comprehensive needs assessment of the school’s needs.⁵⁹

Schoolwide Plan: Four Components under ESSA

The schoolwide plan is a strategic tool to identify the school’s needs and explains which improvement strategies it will use to address those needs.⁶⁰ Schoolwide buildings must conduct a comprehensive needs assessment that takes 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.⁶¹ The schoolwide plan must address the identified needs.⁶²

All schoolwide buildings will need to update schoolwide plans to meet ESSA requirements during the 2017–18 school year.⁶³ There are four components of the Title I, Part A schoolwide plan under ESSA.

- Needs Assessment
- School Reform Strategies
- Activities to Ensure Mastery
- Coordination and Integration of Funds.

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

Developing a Schoolwide Plan

The schoolwide plan must be developed:

⁵⁶ ESSA, Section 1114(a)(1).

⁵⁷ ESSA, Section 1114(a)(1)(A).

⁵⁸ ESSA, Section 1114(a)(2).

⁵⁹ ESSA, Section 1114(b).

⁶⁰ ESSA, Section 1114(b)(7)(B). See also *ED 2016 Schoolwide Guidance*, pp. 9-10, for more information about consolidation.

⁶¹ ESSA, Section 1114(b)(6).

⁶² ESSA, Section 1114(b).

⁶³ ESSA, Section 1114(b)(1).

- During a one 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.⁶⁴
- Key stakeholders must be involved,⁶⁵ and
- In coordination and integration with other federal, state, and local services, resources, and programs, if appropriate, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities.⁶⁶

Length of a Schoolwide Plan & Parental and Public Access

The schoolwide plan remains in effect for the duration of the school’s participation in Title I, Part A 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.⁶⁷

The schoolwide plan must be available to the LEA, parents, and the public, and the information contained in the plan should be understandable to the extent practical.⁶⁸

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

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

Spending Options in a Schoolwide Program

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

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

- High-quality preschool and services to facilitate the transition from early learning to elementary education programs.
- Recruitment and retention of effective educators, particularly in high-need subjects.
- Instructional coaches to provide high-quality, school-based professional development.
- Increased learning time.
- Evidence-based strategies to accelerate the acquisition of content knowledge for English learners.

⁶⁴ ESSA, Section 1114(b)(1)

⁶⁵ ESSA, Section 1114(b)(2) ESSA specifies parents and other members of the community and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals, administrators, the LEA, tribes and tribal organizations (to the extent feasible), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school.

⁶⁶ ESSA, Section 1114(b)(5)

⁶⁷ ESSA, Section 1114(b)(3)

⁶⁸ ESSA, Section 1114(b)(4)

- Activities designed to increase access and prepare students for success in high-quality advanced coursework to earn postsecondary credit while in high school (e.g., Advanced Placement, International Baccalaureate, early college high schools, and dual or concurrent enrollment programs).
- Career and technical education programs to prepare students for postsecondary education and the workforce.
- Counseling, school-based mental health programs, behavior services, mentoring services, and other strategies to improve students' nonacademic skills.
- School climate interventions (e.g., anti-bullying strategies, positive behavior interventions and supports).
- Equipment, materials, and training needed to compile and analyze student achievement data to monitor progress, alert the school to struggling students, and drive decision making.
- Response-to-intervention strategies intended to allow for early identification of students with learning or behavioral needs and to provide a tiered response based on those needs.
- Activities that have been shown to be effective at increasing family and community engagement in the school, including family literacy programs.
- Devices and software for students to access digital learning materials and collaborate with peers, and related training for educators (including accessible devices and software needed by students with disabilities).
- Two-generation approaches that consider the needs of both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.⁶⁹

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

Staffing Requirements in Schoolwide Programs

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

All Paraeducators and substitute paraeducators assigned to Title I, Part A schoolwide buildings must continue to meet federal standards used under NCLB as explained in the [Title I, Part A Guide to Paraeducator Requirements](#).

Teachers assigned to Title I, Part A schoolwide buildings must meet applicable state certification and licensure requirements. A teacher assigned to a Title I, Part A schoolwide building may be out-of-field or out-of-endorsement as long as they hold an eligible certificate type and the school board approved the placement (per WAC 181-82-110 or WAC 392-172A-02090). School board approval must be in place prior to the date the teacher was assigned to a Title I, Part A schoolwide program.

⁶⁹ U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, pp. 4-5 (2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>. This guidance will be referred to as "ED 2016 Schoolwide Guidance" for the rest of this document.

K. Consolidating Funds in Title I, Part A Schoolwide

Once this document is finalized, the guidance provided in this section will supersede Bulletin B-054-12-Combining Funds in a Schoolwide, issued 9.19.2012.

Consolidating Funds in a Title I, Part A Schoolwide Program

A school operating a schoolwide program may consolidate federal, state, and local education funds to better address the needs of students in the school.⁷⁰ If a schoolwide school consolidates Title I, Part A with other funds, the Title I, Part A schoolwide plan must list the specific federal, state, and local resources that will be consolidated in the schoolwide program.⁷¹ This Section outlines which federal, state, and local funds may be consolidated into a schoolwide and the specific requirements that apply.

It is important to note that Title I, Part A funds can be used to support comprehensive initiatives in a schoolwide school *even if Title I, Part A funds are not consolidated with other program funds.*⁷²

A school that chooses to consolidate funds within its Title I, Part A schoolwide program is not exempt from the following federal requirements⁷³:

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

1. Federal Funds for Consolidation

In general, ED guidance allows for a schoolwide building to consolidate federal funds it receives from discretionary (competitive) and formula grants, except where ED has expressed limitations. A schoolwide program that includes other federal education programs does not have to conform to the specific statutory or regulatory requirements for each separate program so long as the intent and purposes of those programs are met in the schoolwide plan.⁷⁴

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

2. Federal Funds with Limits or Conditions for Consolidation

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

⁷⁰ ESEA section 1114(a)(1), (3)

⁷¹ ESEA section 1114(a)(1)

⁷² See *ED 2016 Schoolwide Guidance*, p.9, stating:

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

⁷³ Federal Register, Vol. 69, No. 127, 7/2/2004.

⁷⁴ Federal Register, Vol. 69, No. 127, 7/2/2004.

- **Individuals with Disabilities Education Act (IDEA), Part B** (formula or discretionary grant programs under IDEA and funds provided for eligible children with disabilities under Section 8003(d) of the ESEA) may be included in a schoolwide; the amount of federal special education funds consolidated cannot exceed the per-child allocation for each of the children with disabilities participating in the schoolwide program. See OSPI Bulletin No. [018-15](#) Use of Funds: Individuals with Disabilities Education Act (IDEA 2004), Part B.
- **Title I, Part C**—Education of Migratory Children (funds provided under ESEA, Title I, Part C to state agencies for services to migratory children). Title I, Part C, Migrant Education funds may be combined in a schoolwide program only after the LEA consults with parents and documents that it has met all identified student needs that result from a migratory lifestyle. In addition, any inclusion of Title I, Part C funding is contingent upon approval by the Office of Superintendent of Public Instruction’s (OSPI’s) Migrant Education office.
- **Title VI, Part A**—Indian, Native Hawaiian, and Alaska Native (funds provided under ESEA, Title VI, Part A to local school districts for Indian Education services). Title VI, Part A, Indian Education funds may be combined in a schoolwide program as long as they are used to assist Indian students in meeting state academic standards and are approved by an appropriately constituted committee.
- **Perkins Vocational and Technical Education.** Perkins funds may be consolidated as long as the school is providing services from state and local funds that are at least comparable to the services being provided in other secondary schools or sites within the district that are not being served with Perkins funds.⁷⁵

3. Federal Funds Excluded from Consolidation

The following federal funds are excluded from consolidation:

- Federal programs that are not awarded by ED, such as the **National School Lunch Program** and **Head Start**.
- Funds provided under the **School Facilities Infrastructure Improvement Act** to ensure the health and safety of students through the repair, renovation, alteration, and construction of school facilities.
- Programs under the **Adult Education Act of ESEA, Title IX, Part A, Subpart 3 (Adult Indians)**⁷⁶ unless adult literacy services are integrated within a schoolwide program plan. Adult education funds could be included, for example, if they provide adult literacy as part of a family literacy activity under a schoolwide program plan.
- The ED funds awarded to **institutions of higher education**, unless those funds support elementary or secondary schools (e.g., the School, College, and University Partnerships Program).

4. State Funds Allowed for Consolidation

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

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

5. State Funds Excluded From Consolidation

All other state funds not listed above are excluded from consolidation, either because of program consideration or because they are entitlement funding. OSPI is frequently asked about the following funds, which are not

⁷⁵ Let’s Talk Title I: Everything You Need to Know and Do as an Administrator. LRP Publications

⁷⁶ This reference needs to be updated.

allowed: Transitional Bilingual Instructional Program funds, State Special Education Funds, state Highly Capable Funds, Early Childhood Education and Assistance Program (ECEAP) funds.

6. Local Funds & Consolidation

Local levy revenue may be consolidated in schoolwide programs.

For a template on schoolwide consolidation, go to OSPI's Title I, Part A schoolwide [website](#). See an example on the following page.

Sample Plan Illustrating How to Consolidate Funds in Schoolwide Plan

These are the programs commonly consolidated in a Schoolwide Plan.

This is not the only set of program funds that may be consolidated.

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

Budgeting and Accounting for Funds Consolidated in a Schoolwide Program.

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

For allowable charges to Title I, Part A schoolwide, please review Sections C, D, E, and J carefully, in addition to this Section, K if consolidating funds. The auditors will be looking at your schoolwide plan, particularly the comprehensive needs assessment, to ensure costs charged to Title I, Part A align to the plan. If they do not, they run the risk of being disallowed.

For consolidation, the Title I, Part A schoolwide plan must list the specific federal state, and local funds that will be consolidated in the schoolwide program.⁷⁷ A schoolwide building is not required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds.⁷⁸ For federal funds, ED requires that records must be maintained that demonstrate the schoolwide program address the intent and purposes of each federal program whose funds were consolidated into the schoolwide plan.⁷⁹

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

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

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

⁷⁷ ESEA section 1114(a)(1)

⁷⁸ Federal Register, Vol. 69, No. 127, 7/2/2004.

⁷⁹ Federal Register, Vol. 69, No. 127, 7/2/2004.

Example: Distribution of Expenditures Based on Revenues

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

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

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

S-275 Personnel Reporting

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

L. LEA Maintenance of Effort

LEAs receiving Title I, Part A funds must comply with annual Maintenance of Effort (MOE) requirement.⁸⁰ In short, MOE requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year.

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

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

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

M. Title I, Part A Supplement Not Supplant Under ESSA

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

ESSA Ends NCLB's "Three Presumptions of Supplanting" for Title I, Part A Only

Prior to ESSA, SNS was typically tested by analyzing an individual Title I, Part A cost's compliance with "three presumptions of supplanting."⁸¹ Under ESSA, compliance with SNS will no longer be tested through individual Title I, Part A costs.⁸² Note: Schoolwide programs under NCLB had this flexibility. ESSA extends this flexibility all of Title I, Part A.⁸³

Transition Year for 2017-18: NCLB or ESSA for Title I, Part A Supplement not Supplant.

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

⁸⁰ ESSA, Sections 1118(a) and 8521.

⁸¹ Under NCLB and previous versions of ESEA, a Title I, Part A supplanting violation was presumed if Title I, Part A paid for:

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

⁸² ESSA, Section 1118(b)(3)(A).

⁸³ ESSA, Section 1118(b)(3) "No local educational agency shall be required to—(A) identify that an individual cost or service supported under this part is supplemental; or (B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1)."

in the Title I, Part A program.⁸⁴ Under ESSA, LEAs have until December, 2017 to comply or use the NCLB presumptions of supplanting. Given the mid-year effective date, OSPI is allowing for ESSA Supplement not Supplant to be implemented, but NCLB tests to be applied only if LEA lacks a documented methodology.

Audits

LEAs will be audited under the new ESSA standard for Supplement not Supplant in 2017-18, unless they do not have a documented methodology. Those that do not will be tested under NCLB three presumptions of supplanting, explained in footnote 81. Going forward, for 2018-19 and beyond, LEAs must have a documented methodology in place.

LEA Responsibilities

LEAs are responsible for documenting that it had a methodology to distribute funding and staffing to schools without taking Title I, Part A funds into account. This must be done by the 2018-19 school year. LEAs will not be submitting their methodology to OSPI for approval. They should have the methodology available for auditing purposes. It should be able to show that it has a method for distributing state and local resources to schools prior to allocating federal Title I, Part A funds. Clear documentation will be important subsequent audits and program reviews. *This will be reviewed as part of CPR starting in 2018-19. CPR may ask this as a technical assistance question in 2017-18.*

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

OSPI Framework for LEAs to Document Methodology for Distributing State and Local Resources

OSPI is issuing a framework for LEAs to use to document its methodology for distribution state and federal resources. *Please note that ED has not issued non-regulatory guidance or adopted rules for Supplement not Supplant under ESSA. It rescinded the draft rules provided under the Notice of Proposed Rulemaking. OSPI sought public input from LEAs on the methodology and wrote a letter expressing its strong concerns for the ED draft rules. Access the OSPI letter and the LEA comments [here](#). OSPI relied on the LEA comments provided in 2016 to create a draft framework for LEAs use when documenting its resource allocation methodology.*

OSPI is allowing that for the methodology:

1. LEAs can use the allocation of staffing units, rather than funds, for allocation of all employee related costs. This means it can exclude compensation from its methodology and instead use staff units (FTE).
2. The LEA methodology for distributing state and local resources only applies to charges allowed under Title I, Part A as listed in the OSPI [SAFS](#) accounting manual. Consistent with the accounting manual and the Uniform Grants Guidance, the Title I, Part A costs must be necessary, reasonable and allocable. As such, the methodology for distribution of state and local resources only applies to equivalent Title I, Part A charges. The methodology should address any of the following if allocated at the building level:
 - Teaching
 - Learning Resources
 - Guidance and Counseling

⁸⁴ ESSA, Section 1118(b)(2). “a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.”

- Supervision (administrative)
- Health Related Services
- Instructional Professional Development
- Instructional Technology
- Curriculum
- Communications (such as translation for parent/family engagement)

3. Exclusions from the methodology:

- Any centrally administered resources: employee-related compensation, curriculum purchases, etc.
- Costs that are Title I, Part A allowable only in limited circumstances:
 - Maintenance & Utilities
 - Student transportation
 - Costs that are never allowed under Title I, Part A, either through ESSA or the Uniform Grants Guidance: debt service, capital expenditures, building repair costs, bus depreciation, food service, and child nutrition. It will also exclude already obligated for specific building repairs through locally approved capital levies and bonds.

LEA's documentation should explain how it:

1. Distributed state and local staff units and funds to schools for each school year using a methodology that did not take into account a school's Title I, Part A status.

Questions for LEAs to address in the documentation:

- What was the process used for distributing staff (FTE) for principals, teachers, and paraeducators, etc.?
- Is there an additional weight or consideration for student factors, such as English language learners, special education, and free and reduced price lunch eligibility?
- If applicable, was the school allocated its High Poverty LAP allocation the LEA claimed on the iGrant 218 prior to deciding if it would receive Title I, Part A funds?
- What is the process used to allocate funds for consumable materials to schools?
- Document exceptions: if the district centralizes certain programs, or locates certain programs at one building, document this.

2. Demonstrate that they followed their published methodology.

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

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

OPSI will be working on a template LEAs may use. If you have suggestions or examples, please send to Jamey.Schoeneberg@k12.wa.us.

N. Title I, Part A Comparability

As a condition of receiving Title I, Part A, LEAs must ensure that state and local funds are used to provide services that taken as a whole, are comparable between Title I, Part A and non-Title I, Part A schools.⁸⁵ LEAs use October enrollment data to conduct the annual comparability analysis. LEAs need to make appropriate adjustments to staffing in Title I, Part A and Non-Title I, Part A schools if the analysis demonstrates an issue with comparability.

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

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

⁸⁵ ESSA, Section 1118(c).

O. Conditions of Receiving Title I, Part A

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

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

The following is the list of assurances LEAs agree to as a condition of receiving Title I, Part A funds for the 2017–18 school year. An LEA could put their Title I, Part A funding at risk if they do not meet these assurances or fail to implement actions necessary to come into compliance with these assurances.⁸⁶

1. Ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this party.
2. Provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services.
3. Participate, if selected in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National assessment of Education Progress Authorization Act (20 U.S.C. 9622(b)(3)).
4. Coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instruction program.
5. As required by the Every Student Succeeds Act, designate a Foster Care Liaison to:
 - Serve as the primary contact person for Children’s Administration (CA) and OSPI staff.
 - Ensure that children in foster care are enrolled in, and regularly attending, school.
 - Facilitate the transfer of records and immediate enrollment.
 - Facilitate data sharing with child welfare agencies, consistent with FERPA and CA protocols.
 - Adopt and implement local transportation procedures consistent with protocols developed collaboratively between CA and OSPI.
 - Manage best-interest determinations based on protocols developed collaboratively between CA and OSPI.
 - Mange disputes as they occur, including transportation cost disputes; and

⁸⁶ A federal award may be withheld, suspended in whole or in part, or terminated by the pass-through entity if the sub grantee fails to comply with federal requirements, the terms and conditions of the federal award, an assurance in a State plan or application, or any other term of an award. See c C.F.C § 200.338(a)(c)(d)

- Ensure services are provided during disputes.
6. Ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable state certification and licensure requirements for teachers and federal standards for paraprofessionals, including any requirements for certification obtained through alternative routes to certification.
 7. Ensure that if the local educational agency chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).
 8. Ensure that schools participate in the statewide accountability system and that such participation will meet at least a 95 percent participation rate in mathematics and English language arts (ELA).
 9. Ensure that all required parent and family notification requirements will be in a language that parents can read, a format that parents can access and delivered by a method that reaches parents.
 10. Ensure all required parent and family engagement notifications are communicated, including:
 - Individual student assessment reports.
 - Annual Local Report Card.
 - Complaint procedures.
 - Parent’s right to ask about a teacher’s professional qualifications, including certification level, grade assignment, and endorsement for content area.
 - Child in a Title I, Part A school/program is taught or is planned to be taught for 4 consecutive weeks, by a teacher with a limited state teacher certification and/or licensure.
 - Annual Title I, Part A meeting.
 - School parent compact.
 - Written parent and family engagement policies.
 - Title I, Part A schoolwide plan.
 11. Ensure that disparities are identified and addressed to prohibit low-income students and minority students are taught at higher rates than other students by ineffective, inexperienced or out-of-field teachers.
 12. Provide technical assistance and support to Title I schools as they develop building and program plans and assist as they implement such plans so each school makes adequate yearly progress toward meeting the state student academic achievement standards.
 13. Assure that federal guidance is followed to meet maintenance of effort, comparability and supplement, not supplant requirements.
 14. Consistent with ESEA Section 1116(b)(13) under NCLB (Public Law 107-110, No Child Left Behind Act of 2001), permit a student who previously transferred to another public school under NCLB to remain in that school until the child has completed the highest grade in that school.

Appendix A: Cross-Reference List of Title I, Part A and Other Programs

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

Coordinating LAP & Title I, Part A funds:

[LAP Q&A](#)

General LAP/Title I Procedures:

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

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

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

Homeless & Title I, Part A:

[Homeless Student Needs Assessment](#)

Foster Care & Title I, Part A:

[OSPI Foster Care Frequently Asked Questions](#)

Paraeducators & Title I, Part A:

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

Professional Development for 2017-18

[Professional Development Set-Aside for 2017-18.](#)

Time and Effort: OSPI's Bulletin on Guidelines for Charging Employee Compensation to Federal Grants and the relevant attachments. [B048-17](#)

- [Attach 1](#)–Semi-Annual Certification–Single Cost Objective
- [Attach 2](#)–Monthly PAR–Multiple Cost Objectives/Reconciliation to Payroll Records
- [Attach 3](#)–Monthly PAR with Multiple Cost Objectives for Employee with Fixed-Schedule (if not using the “Fixed Schedule” system)
- [Attach 4](#)–Employee Certification and Schedule–Employee with Fixed Schedule (if using the “Fixed Schedule” system)

Appendix B: Letter from Ann Whalen on Extended Learning Time

February 26, 2016

Dear Chief State School Officer:

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

As you know, summer can be a stressful time as families seek to ensure that students stay actively engaged in learning outside of the traditional school year. With this in mind, I am writing to remind you that Federal funds may be used to support robust summer learning in a number of programs under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA). In addition, programs supported by other Federal legislation, including the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), the Workforce Innovation and Opportunity Act (WIOA), and the Individuals with Disabilities Education Act (IDEA), may support summer learning opportunities. I encourage you to continue working to ensure that LEAs and schools in your State understand that they may use remaining fiscal year 2015¹ Federal funds under these programs for summer learning, and to work in a timely manner with LEAs and schools interested in updating their budgets and plans to use funds for this purpose.

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

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

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

To support implementation of the 21st CLCC program, the U.S. Department of Education (ED) facilitates an on-line community focused on identifying, highlighting, sharing, and scaling best practices related to high-quality summer programs that result in reduction of the learning lag. The portal provides resources and tools to help design and implement effective summer learning programs, and includes creative ideas, such as aligning summer programming with resources and activities

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

If you have any additional questions regarding Title I of the ESEA or the 21st CCLC program, please do not hesitate to contact one of the program officers for your State in the Office of State Support or the Office of Academic Improvement. If you have questions regarding Perkins IV, please contact Edward Smith in the Office of Career, Technical and Adult Education (OCTAE) at edward.smith@ed.gov. Questions regarding adult education programs under WIOA may be addressed to Christopher Coro in OCTAE at christopher.coro@ed.gov. Questions regarding IDEA may be addressed to Matthew Schneer in the Office of Special Education Programs at matthew.schneer@ed.gov.

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

Sincerely,

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

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

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