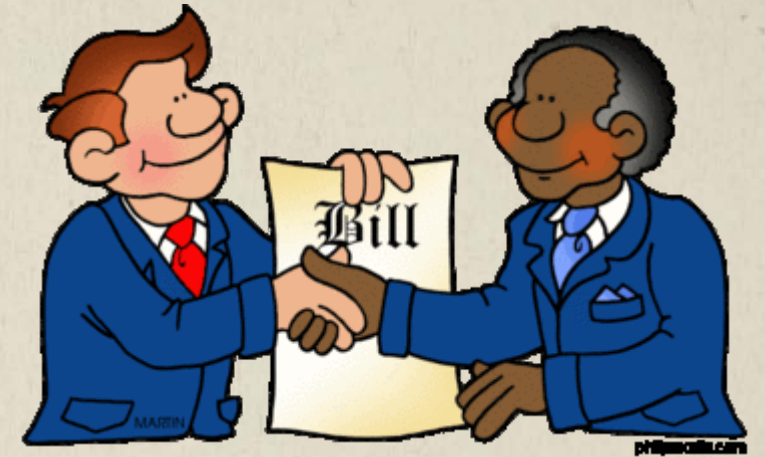


THE FUTURE UNDER ESSA

TIFFANY KESSLAR, ESQ. TKESSLAR@BRUMAN.COM
BRUSTEIN & MANASEVIT, PLLC WWW.BRUMAN.COM
MARCH 2018



Legislative Updates



ESSA Regulations

Final Academic Assessments

Final Innovative Assessment Demonstration Authority

Final Accountability and State Plans

Final Impact Aid

Available at: <http://www.ed.gov/essa>

Appropriations Drama

Continuing Resolutions:

- 1: October 1 through December 8th
- 2: December 9th through December 23rd
- 3: December 24th through January 19th
- 4: January 22nd through February 8th
- 5: February 9th through March 23rd



Appropriations Drama

Key subject-matter hurdles:

- Spending caps for remainder of FY 2018, FY 2019
- Children's Health Insurance Plan (CHIP)
- Immigration Issues

Key political hurdles:

- Change in Senate balance (New Sen. Doug Jones (D-AL) makes balance 51-49)
- White House involvement
 - In earlier rounds of negotiations, President Trump:
 - Asked for \$18 billion for border wall
 - Suggested Congress bring back earmarks
 - Requested bipartisan deal, Got bipartisan deal, Rejected bipartisan deal

**The Zoo is
temporarily
closed.**

All Smithsonian museums
and the National Zoo are
closed today due to the
government shutdown.

Please visit www.si.edu
for updates. We apologize
for the inconvenience.

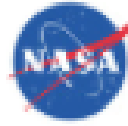


Smithsonian Institution



**ALL DELIVERIES MUST GO TO THE
CONNECTICUT AVE. ENTRANCE.**





NASA 
@NASA

Follow



Sorry, but we won't be tweeting/responding to replies during the government shutdown. Also, all public NASA activities and events are cancelled or postponed until further notice. We'll be back as soon as possible! Sorry for the inconvenience.

12:46 PM - 22 Jan 2018

3,587 Retweets **8,747** Likes



701

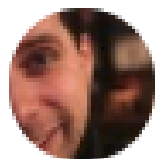


3.6K



8.7K





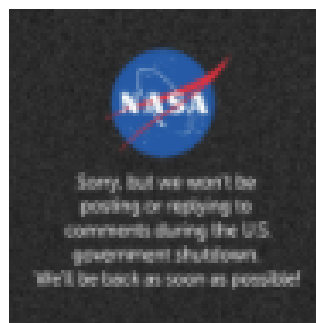
Michael Roston ✓

@michaelroston

Follow



The moon is closed



NASA Moon ✓ @NASAMoon

Sorry, but we won't be tweeting/responding to replies during the government shutdown. Also, all public NASA activities and events are cancelled or postponed until further notice. We'll be back as soon as possible!...

11:48 AM - 22 Jan 2018

24 Retweets 66 Likes



3



24



66



Appropriations Drama Resolution (kind of)

After a 2-day government shutdown, the House and Senate passed legislation to keep the government open through February 8th

- Requires discussion of DACA renewal at a later date
- Accepts extension of CHIP for six more years

Required more negotiations in February

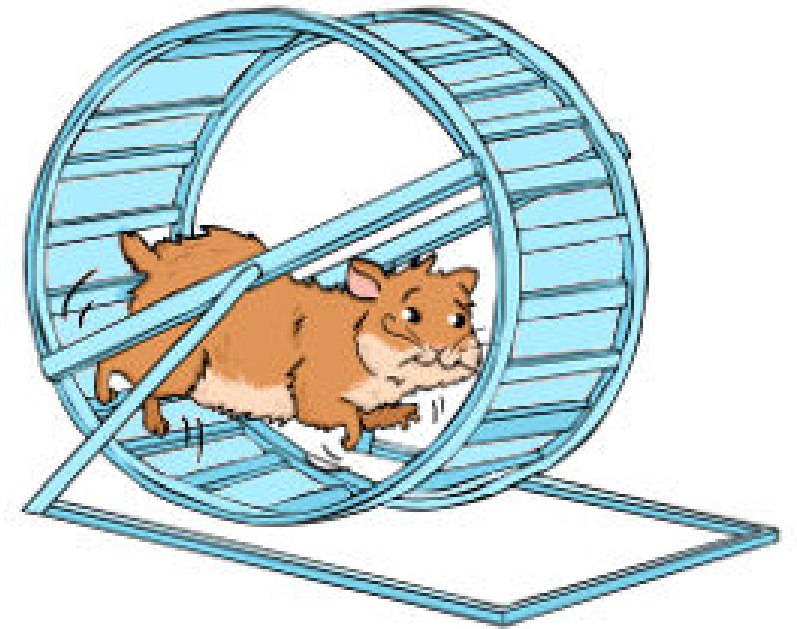
On to Next Fiscal Year!

Congress must come to an agreement on FY 2019:

- ~~Top-line budget caps~~
- **Program-level appropriations**

President's budget proposal sent to Congress February 12th

With budget done, goes to appropriations committees



On to next fiscal year!

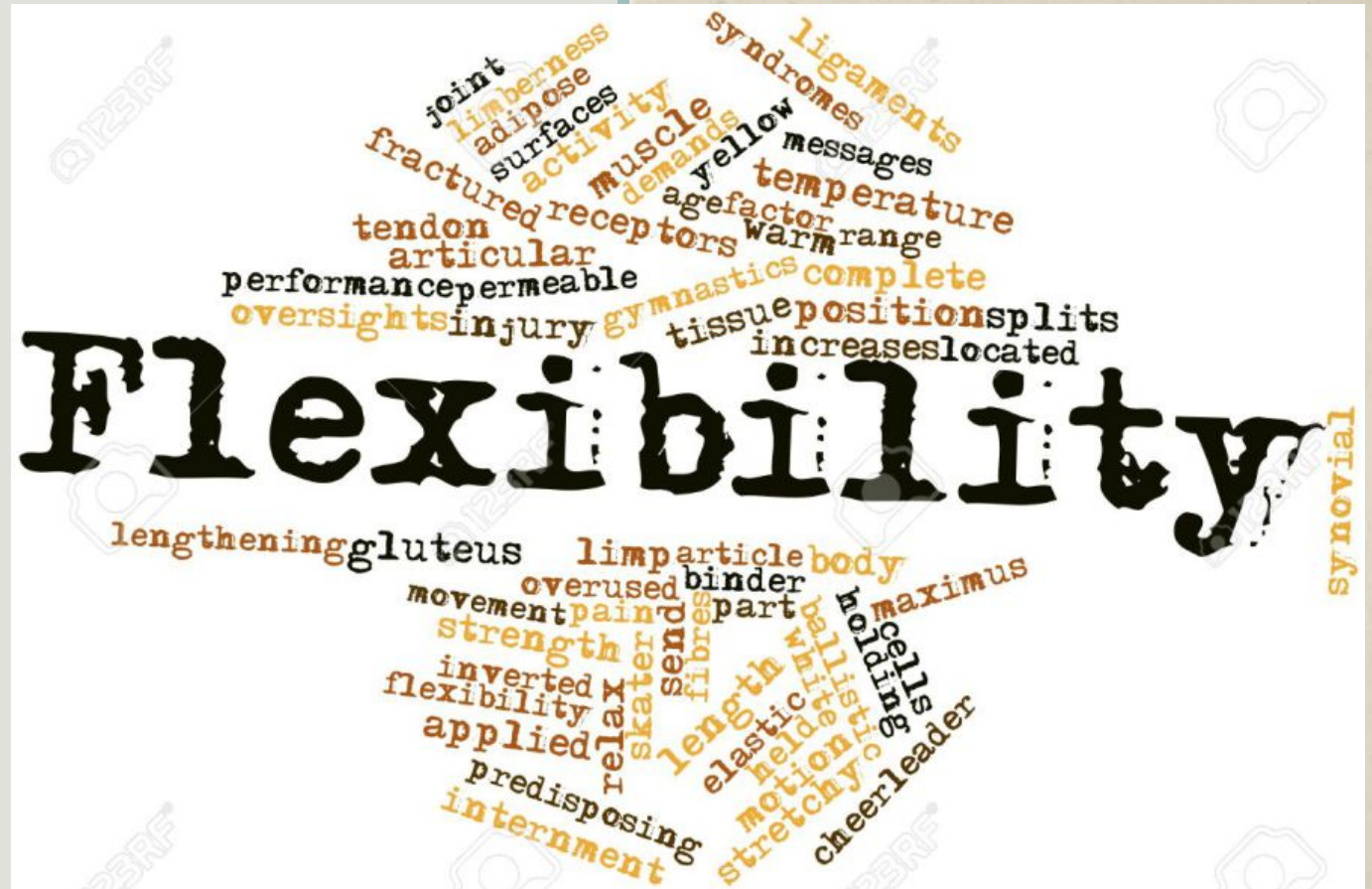
President's budget proposal:

- Eliminates all funding for both ESSA Title II (supporting effective instruction state grants) and Title IVA (21st century)
- School choice funding
 - \$500 million for a new school choice grant program which would include private school vouchers and funding portability
 - \$500 million for public charter schools (an increase of \$158 million) and
 - \$98 million for magnet schools (same as current levels)
- IDEA Part B – \$12.8 billion, an increase of more than \$800 million.
- School Climate Transformation Grants - \$43 million to help school districts implement school-based opioid abuse prevention strategies
- Level-funds CTE programs at \$1.1 billion
 - But \$20 million in new STEM programs

Other Legislative Priorities

- ☒ Tax reform
- ☐ FY 2018 Appropriations
- ☐ FY 2019 Appropriations
- ☐ Entitlement (Social Security, Medicare, Medicaid) reform
- ☐ Healthcare “fix”
- ☐ Career and Technical Education Legislation
- ☐ Higher Education Act Reauthorization

ESSA Funding Pilot Program



ESSA Student-Centered Funding Pilot (Sec. 1501)

- LEA-level pilot program (50 LEAs will be selected)
- Allows consolidation of certain Federal, State, and local funds
- LEAs will develop funding system that assigns weights to student groups based on level of need
- Must allocate more funding to ELs, low-income students, and other economically disadvantaged groups
- Initial flexibility available for 3 years, option for renewal
- No additional funding awarded, only flexibility

Application: <https://www2.ed.gov/policy/elsec/leg/essa/scfp/wsffapplication.docx>

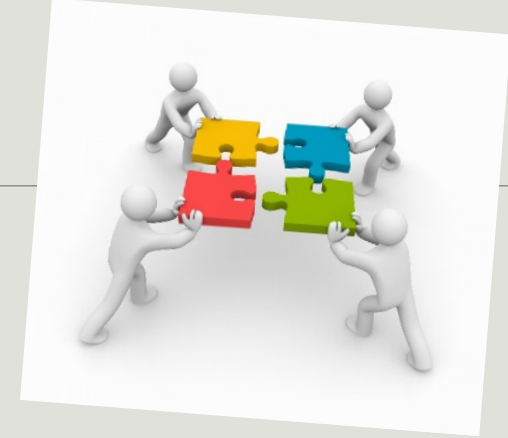
FAQs: <https://www2.ed.gov/policy/elsec/leg/essa/scfp/faqs.pdf>

Consolidating Funds

Federal funds available for consolidation:

- Title I, Part A
- Title I, Part C
- Title I, Part D, Subpart 2
- Title II
- Title III
- Title IV, Part A
- Title V, Part B

****Cannot include IDEA or Perkins funds**



LEA Flexibilities



- For participating LEAs, Secretary will waive all fiscal and program requirements related to using eligible Federal funds at the school level (with some exceptions)
- Do not need to identify individual services as supplementary or maintain separate fiscal accounting records
- May use consolidated funds without regard to meeting the specific requirements of each federal program
 - But must still meet purposes of each program

LEA Responsibilities

- Meet Title I fiscal requirements:
 - Maintenance of effort
 - Supplement, not supplant
 - Comparability of services
- Provide equitable services to private school students
- Meet LEA report card requirements
- Address disparities in teacher effectiveness and experience
- Ensure that schools identified for targeted or comprehensive support develop and implement support and improvement plans
- Meet requirements of all applicable federal civil rights laws

Application Process

LEAs apply directly to ED

- For implementation in SY 2018-2019: application due March 12th
 - Award notification in Spring 2018
- For SY 2019-2020: application due July 15th
 - Award notification in Fall 2018

District/ School Accountability



ESSA District-level Uses of funds

District-level Administrative Costs

District-wide Initiatives

Homeless Children and Youths (ALL homeless students) (ESSA Section 1113(C))

Neglected and/or delinquent children

Early childhood education programs

1% Parent and Family Engagement (ESSA Section 1116(a)(3))

- 90% of that amount must go to schools

5% Financial Incentives and Rewards (ESSA Section 1113(c)(4))

5% Public School Choice Transportation (ESSA Section 1111(D))

Equitable Services

School Improvement (as applicable (ESSA Section 1003))

ESSA District-level Uses of Funds (cont.)

LEAs must have a State approved plan (ESSA Section 1112) that describes how the LEA will:

Monitor student's progress in meeting challenging State academic standards

- Includes implementing a “well-rounded program of instruction”

Address disparities in teacher distribution

Meet its responsibilities re: comprehensive support and improvement

Provide effective parent and family engagement

Coordinate and integrate services with preschool programs

(NEW) Coordinate academic and CTE content through instructional strategies which may include experiential learning or work-based learning opportunities, etc.

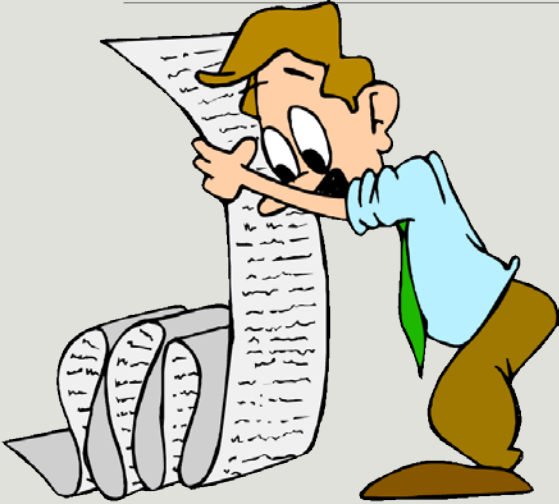
(NEW) Support efforts to reduce the overuse of discipline practices that remove students from the classroom

ESSA District-level Uses of Funds (cont.)

(continued from the prior slide)

- Facilitate transition Middle to High School to postsecondary
 - Coordination with IHEs, dual or concurrent enrollment
- Where LEA uses funds for preschool
 - Ensure services comply with Head Start Act
- For English Learners with Disabilities under IDEA how the program will meet the student's IEP
- Ensure its Title I or III language program (as applicable):
 - Informs parents on reasons for child's selection;
 - Details the program, including right to opt out; and
 - Effectively communicates with EL parents including regular meetings

ESSA School-level uses of Funds



IT IS IN YOUR PLAN!!

Schoolwide/Targeted Assistance Plan

- Educational expenses
- Increase performance
- Well-rounded education
- Serving eligible students, parents and/or teachers

School Improvement (as applicable (ESSA Section 1003))

- Focus/Priority Schools (2017-2018 year only)
- Schools in targeted/comprehensive improvement

Targeted Assistance Schools

Sec. 1115(a)-(b)



For schools ineligible, choose not to operate schoolwide school or do not request a waiver by the State.

- Default rule

Must identify “Title I students”

- Students identified as failing or at risk of failing state standards
 - NOT – based on poverty!

(NEW) In the past services had to be supplemental; however, the supplement not supplant rule has changed. Now, services must benefit eligible students.

- Must ensure Title I funds are used to benefit identified students (allocability and allowability of Title I funds)

Eligible Title I Students

Sec. 1115(b)(4)

Students eligible:

- Multiple;
- Educationally related; and
- Objective criteria developed by LEA.

NEW: If preschool-grade 2, criteria, including objective criteria, established by the LEA and supplemented by the school

Reminder: SWD and EL are eligible for Title I services on the same basis as all other students.

Eligible Title I Students (cont.)

Sec. 1115(b)(4)

Automatically Eligible

- If student in the previous 2 years received services in:
 - The Head Start program;
 - The literacy program (Title II, B subpart 2); and
 - Migrant Children.
- If the student is currently eligible under
 - Neglected or Delinquent; or
 - Homeless.

Targeted Assistance Program

Sec. 1115(b)

1. Determine which students will be served
2. Serve participating students by using resources to provide a “well-rounded education”
3. Use methods and instructional strategies to strengthen the academic program of the school
 - Extended learning time, early intervening services, and schoolwide tiered model of behavioral problems (Response to Intervention)
4. Coordinate with regular ed program (including preschool transition)
5. Professional Development
6. Increase parental involvement
7. Coordinate other federal, state, and local services and programs

Schoolwide Plans

ESSA Section 1114(b) Combines components and elements of prior requirements.

1. Developed during 1 year period (LEA can determine less time is needed);
2. Developed with involvement or parents and other members of the community (teachers, principals, school leaders, paraprofessionals, etc.);
3. **Remains in effect but shall be regularly monitored and revised as necessary based on student needs;**
4. Is available to the public in an understandable format and, to the extent practicable, in a language parents can understand;
5. Is developed in coordination with other Federal, State and local services, resources and programs;

Schoolwide Plans (cont.)

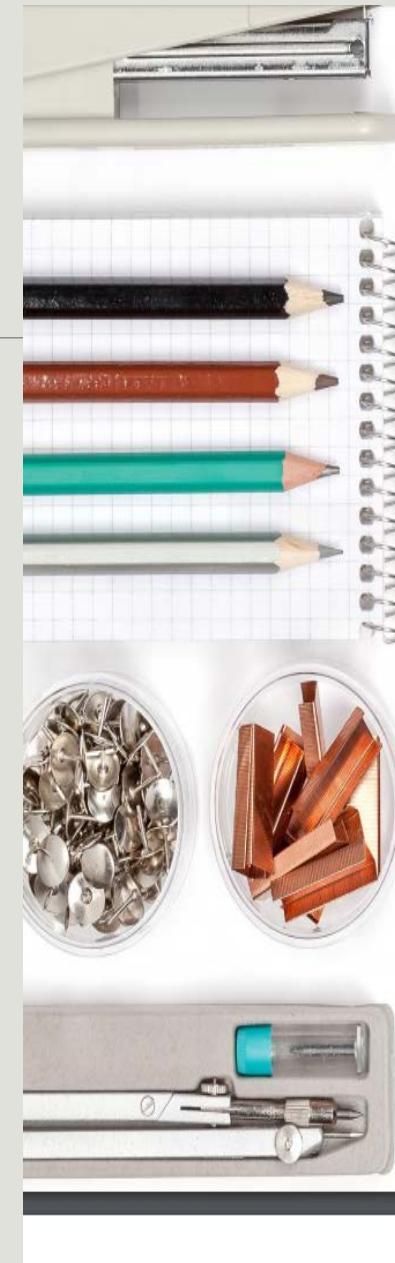
6. Is based on a comprehensive needs assessment; and
7. Includes strategies that the school will be implementing to address school needs:
 - Provide opportunities for all students (including each subgroup)
 - Use methods and instructional strategies to strengthen academic program, increase amount and quality of learning time, to provide well-rounded education
 - Address needs of all children, particularly the needs of at-risk students
 - Counseling, mental health
 - Postsecondary readiness
 - Tiered schoolwide system of support (coordinated with IDEA)
 - Professional development
 - Transition from preschool to elementary programs
 - Consolidated programs

OIG SW Accountability

New Priority Work: State and District Oversight of Schoolwide Programs

“Determine whether selected State and districts provided adequate oversight of schools operating schoolwide programs”

1. Providing guidance on conducting comprehensive needs assessments, developing schoolwide plans, and conducting annual evaluations.
2. Monitoring the implementation of schools' SW plans and adherence to all applicable requirements.



U.S. Department of Education
Office of Inspector General

FY 2018 Annual Plan

December 2017

SW Accountability – New OIG Finding

September 28, 2017 – Idaho Department of Education (Oversight of Online Charter Schools)

SW Component: implementation of additional support activities (intervention services) for students who experience difficulty attaining proficient or advanced levels of academic achievement.

The School's plan identified specific intervention that it would provide to at-risk students to increase academic achievement.

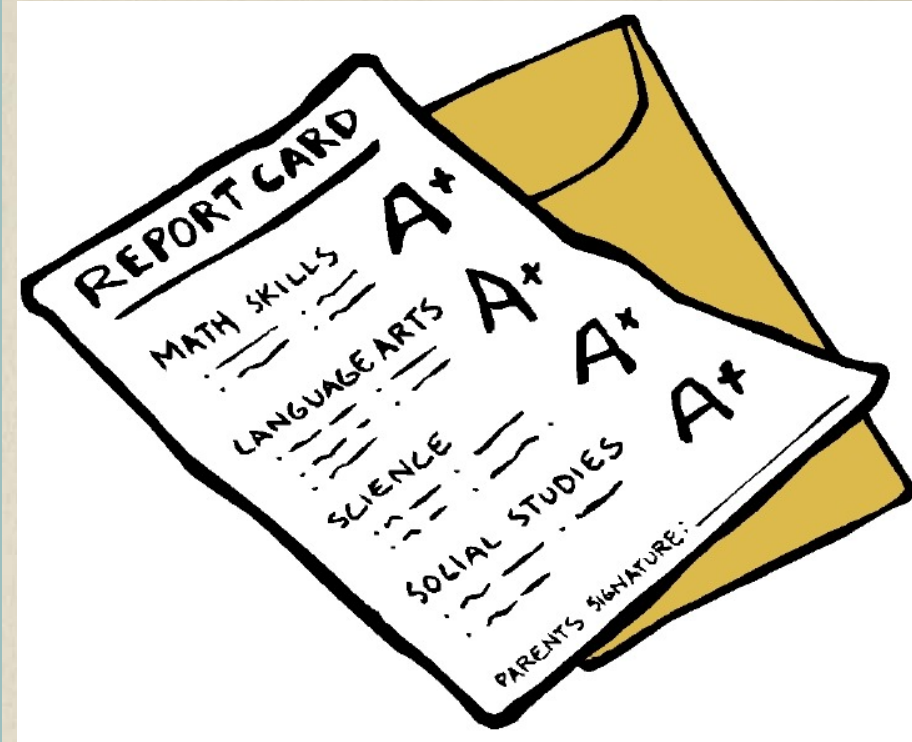
“We did not find sufficient documentation to support that [the school] provided the Title I intervention services required in its SW Plan.”

- Reviewed 32 student files (15 from 2011-2012 and 17 from 2012-2013)

“Could not confirm that any of these students received services”

- School could not provide sufficient docs to support it provided the services.

Report Cards



SEA/LEA Report Cards

Sec. 1111(h)

Must be prepared and disseminated every year at State and local levels

Expanded list includes:

- Academic achievement by subgroup
 - (NEW) Including homeless, foster, children with parents on active duty in the military
- Percentage of students assessed/not assessed
- Descriptions of States' accountability system
- Graduation rates
- Information on indicators of school quality

SEA/LEA Report Cards (cont.)

Sec. 1111(h)

- Professional qualifications of teachers: including distribution in high – low poverty schools
- NAEP results
- **(NEW) Per-pupil expenditures for federal, State, and local funds**
 - Must be actual expenditures
 - Disaggregated by source of funds
 - For each local educational agency and each school for the preceding fiscal year
 - **Due for the 18-19 School Year**
<https://www2.ed.gov/policy/elsec/leg/essa/perpupilreqltr.pdf>

SEA/LEA Report Cards (cont.)

Sec. 1111(h)

Must be:

- Concise;
- Understandable including, to the extent practicable, in a language the parents can understand; and
- Widely disseminated.

Ranking and Serving Flexibility



Ranking and Serving

First: Rank Schools

- First rank schools exceeding 75% poverty
 - Strictly rank these schools by poverty rates without regard to grade span
- **May** then rank high schools w/50% or more poverty (*optional*)
- Then rank all other schools at or below 75% poverty
 - May rank these schools by grade span or by poverty rates

Then: Serve Schools

- **Must** serve (i.e. fund) schools strictly in order of rank!

Discretion on amount of Per Pupil Allocation (PPA)

- Provided the same/higher PPAs are in higher schools on ranked list

Ranking Options (Strict Percentage)

STANDARD RANKING BY STRICT PERCENTAGE

School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82
Lincoln Middle School	87%	90
Roosevelt ES	79%	40
Scott ES	74%	56
Washington High School	70%	160
Brown Charter ES	59%	119
Key Middle School	58%	47
Brennan High School	52%	92
Smith High School	49%	15

ESSA RANKING BY STRICT PERCENTAGE

(W/50% HIGH SCHOOL)

School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82
Lincoln Middle School	87%	90
Roosevelt ES	79%	40
Washington High School	70%	160
Brennan High School	52%	92
Scott ES	74%	56
Brown Charter ES	59%	119
Key Middle School	58%	47
Smith High School	49%	15

PPA Examples

Ranked by Grade Span, Only Serving Elementary Schools After 75%, Higher PPA in Higher Ranked Schools.

School	Poverty Rate	# Poverty Students	PPA	Allocation
Albemarle Elementary	92%	82	\$2,000	\$123,000
Lincoln Middle School	87%	90	\$1,500	\$135,000
Roosevelt Elementary	79%	40	\$1,500	\$60,000
Scott Elementary	74%	56	\$850	\$47,500
Brown Charter Elem	59%	119	\$850	\$101,150
Key Middle School	58%	350	n/a	\$0
Washington High School	70%	160	n/a	\$0
Smith High School	52%	100	n/a	\$0
Brennan High School	49%	92	n/a	\$0

PPA Examples

Included High Schools at or above 50% Poverty, Ranked by Grade Span, Only Serving Elementary Schools After 75%, Higher PPA in Higher Ranked Schools.

School	Poverty Rate	# Poverty Students	PPA	Allocation
Albemarle Elementary	92%	82	\$2,000	\$123,000
Lincoln Middle School	87%	90	\$1,500	\$135,000
Roosevelt Elementary	79%	40	\$1,000	\$40,000
Washington High School	70%	160	\$1,000	\$160,000
Smith High School	52%	100	\$900	\$90,000
Scott Elementary	74%	56	\$850	\$47,500
Brown Charter Elementary	59%	119	\$850	\$101,150
Key Middle School	58%	350	n/a	\$0
Brennan High School	49%	92	n/a	\$0

PPA Examples

Ranked by Grade Span, Focusing funds on highest poverty schools.

School	Poverty Rate	# Poverty Students	PPA	Allocation
Albemarle Elementary	92%	82	\$5,000	\$410,000
Lincoln Middle School	87%	90	\$5,000	\$450,000
Roosevelt Elementary	79%	40	\$5,000	\$200,000
Scott Elementary	74%	56	\$5,000	\$280,000
Brown Charter Elementary	59%	119	n/a	\$0
Key Middle School	58%	350	n/a	\$0
Washington High School	70%	160	n/a	\$0
Smith High School	52%	100	n/a	\$0
Brennan High School	49%	92	n/a	\$0

Skipping Schools in Rank and Serve

May Skip any school in the ranked list, but only if:

1. Comparability is met;
2. The skipped school receives supplemental State/local funds used in Title I-like program; and
3. The amount of the supplemental State/local funds meet or exceed amount would be received under Title I.

PPA Options

Ranked by Grade Span, Focusing funds on elementary schools, skipping Lincoln Middle School.

School	Poverty Rate	# Poverty Students	PPA	Allocation
Albemarle Elementary	92%	82	\$5,000	\$410,000
Lincoln Middle School	87%	90	\$5,000	\$450,000
Roosevelt Elementary	79%	40	\$5,000	\$200,000
Scott Elementary	74%	56	\$5,000	\$280,000
Brown Charter Elementary	59%	119	\$5,000	\$595,000
Key Middle School	58%	350	n/a	\$0
Washington High School	70%	160	n/a	\$0
Smith High School	52%	100	n/a	\$0
Brennan High School	49%	92	n/a	\$0

Equitable Services Allocation



Consultation

**Agree ??? or
Disagree ???**



Written affirmation that timely and meaningful consultation occurred. (ESSA Section 1117(b))

LEAs must give option that timely and meaningful consultation did not occur or that the program design is not equitable with respect to eligible private school children.

When Disagreement, the LEA must provide in writing:

- The basis of the disagreement,
- The LEA's decision, and
- The right to complain.

Ombudsman



Each State has an ombudsman to monitor and enforce these equitable services requirements. (ESSA Section 1117(a)(3)(b))

The primary responsibilities:

- To monitor and enforce equitable services requirements in Title I and Title VIII.
- Includes developing monitoring protocols under titles that require equitable services.

Resolve all complaints.

National Network of Ombudsmen

Title I, A Proportionate Share

(NEW) Proportionate Share Formula (ESSA Section 1117(a)(4)):

1. LEA determines the participating public attendance school areas.
2. LEA determines number of children from low-income families residing in each participating area who attend public and private schools.
3. LEA determines proportion of children in private schools.
4. LEA applies the private school proportion to the LEA's total Title I allocation to determine the equitable services proportionate shared.

★ Funds must be expended in the current fiscal year. “Extenuating Circumstances” means carryover is allowable for subsequent year equitable services.

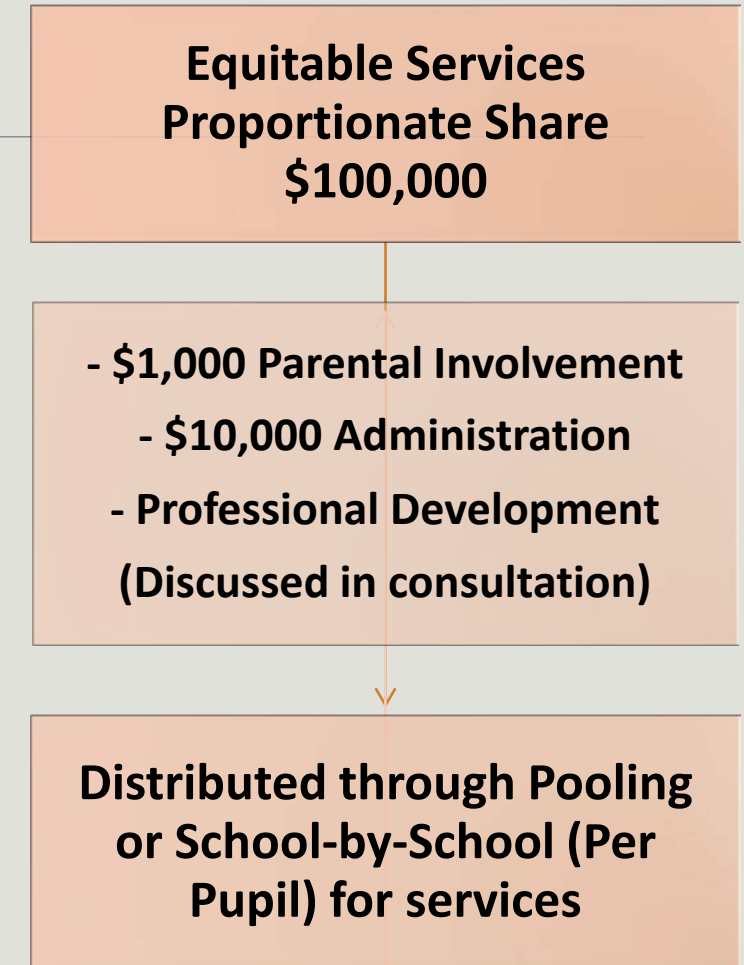
Title I, A Proportionate Share Example

Proportionate Share Formula (assuming LEA received \$1M Title I Funds):

Public School Attendance Area	Public School Low-Income Children	Private School Low Income Children	Total Low Income Children
A	500	120	620
B	300	9	309
C	200	6	206
D	350	15	365
Total	1,350	150	1,500
Proportion of Population	90%	10%	
Proportionate Share	\$900,000	\$100,000	

Title I, A Proportionate Share Costs

- Administrative costs for equitable services (reasonable and necessary out of this set-aside)
- Parental Involvement (Proportionate amount of 1% Total Title I allocation)
 - Using previous example (1% of \$1M allocation = \$1,000)
- Professional Development
 - Optional, determined through consultation.
- All other activities for eligible private school students



How get data on low-income Students attending private schools?

What if non-public schools do not want to participate and refuse to give the LEA data?

What if the non-public schools want to participate, but do not want to share data?

Serving Eligible private school students

Requirements:

- Low income family residing in a participating Title I attendance area; and
- Attend private school; and
- Have educational need (serving lowest achieving out of the group).

The residing district **MUST** serve eligible students living in their district (even if student attends non-public school in another district or state!)

Some states allow residing district and district where non-public school is located to draft a MOU/MOA to serve the student.

- Funds would follow the student.

School Improvement Funds



Types of School Improvement Funding

ESSA 1003(a) School Improvement

- Mandatory (7%)

ESSA 1003A (Direct Student Services)

- Optional (3%)

School Improvement Grant (SIG) Funds (NCLB 1003(g))

- Carryover from NCLB

School Improvement Funds (SIG FUNDS)

NCLB 1003(g)

A State may, at its discretion, use any remaining SIG funds either:

1. Consistent with the SIG final requirements; or
2. Consistent with the requirements of section 1003 of the ESEA, as amended by the ESSA.

A State that decides to use some/all its SIG funds consistent with ESSA 1003 may permit an LEA that is currently implementing SIG to transition to the requirements of section 1003 with its remaining SIG funds.

- ED Letter, dated Jan 9, 2018

Identification of Schools

Sec. 1111(c)(4)(D)

Two levels of improvement

1. Targeted Support and Improvement
2. Comprehensive Support and Improvement

Targeted Support and Improvement Sec. 1111(d)(2)

Each SEA must:

- Notify each LEA of **any school** in which any subgroup of students is consistently underperforming; and
- Ensure the LEA provide notification to the school re: subgroup(s) identification.

Applies to all public schools, not only Title I schools

Targeted Support and Improvement Plan

Sec. 1111(d)(2)(B)

Upon notice that a school has been identified, the school must (in partnership with stakeholders) develop and implement a targeted support and improvement plan for each identified school.

The plan must:

- Include information on student performance against all indicators;
- Include evidence based interventions;
- Be approved by the LEA prior to implementation; and
- Identify resource inequities to be addressed through implementation if a subgroup, on its own, would lead to identification.

The LEA must monitor and implement additional action if there is unsuccessful implementation

Comprehensive Support and Improvement 1111(c)(4)(D)

States must establish a methodology for identifying schools for comprehensive support that must include:

1. At least the lowest performing 5% Title I schools;
2. All public high schools in the State failing to graduate 1/3 or more of their students; and
 - At SEA discretion this may include an extended year adjusted graduation rate
 - One or more additional years after 4;
 - Summer sessions; or
 - 1% receiving alternate diplomas.
3. Title I schools in which any subgroup, on its own, would be identified as lowest-performing 5% and has not improved (as defined by the State), no more than 3 years (per draft regulations).

Comprehensive Support and Improvement Plan

Sec. 1111(d)

Upon notice that a school has been identified, the LEA must (in partnership with stakeholders) develop and implement a comprehensive support and improvement plan for each identified school.

The plan must:

- Include information on student performance against all indicators;
- Include evidence based interventions;
- Be based on school-level needs assessment;
- Identify resource inequities to be addressed through implementation; and
- Be approved by the school, LEA and SEA.

Continued Support and Improvement Sec. 1111(d)(3)

The State must:

- Establish statewide exit criteria;
- For schools identified for comprehensive support:
 - If exit criteria is not satisfied after a number of years (not to exceed 4 years) the State must apply more rigorous interventions;
 - *such as the implementation of interventions (which may include addressing school-level operations);*

Continued Support and Improvement Sec. 1111(d)(3)

The State must (cont.):

- Establish statewide exit criteria;
 - For schools identified for targeted support:
 - Title I schools: If the exit criteria is not satisfied after a number of years (determined by the State) shall result in the identification of the school for comprehensive support.
 - Non-Title I schools: ??
 - State discretion
- The State must also periodically review resource allocation and provide technical assistance to LEAs serving significant identified schools

District Improvement?

Sec. 1111(d)(3)(B)

Maybe.

The State may take action to initiate improvement in any LEA with a significant number of schools:

- that are consistently identified for comprehensive support that do not meet the exit criteria; or
- identified for targeted support and improvement.

What could this include?

- Up to the SEA!

Parent and Family Engagement



Parent and Family Engagement Set-aside

Sec. 1116(a)(3)

The LEA shall reserve at least 1%

- To assist schools carry out activities
- For smaller LEAs, set-aside not required if 1% is less than \$5,000 (i.e. allocation is less than \$500,000)
- May reserve more

90% must go to schools, with priority to high-need schools

Parent and Family Engagement

Sec. 1116(a)(3)(D)

Change in language to add “family” after “parent”

Use of Funds: Must perform at least one:

- Professional development re: parent and family engagement strategies;
- Reaching parents and family at home, in the community and at school;
- Disseminating info on best practices;
- Collaborating (or providing subgrants to schools to collaborate) with others who have a record of success in improving and increasing involvement; and
- Activities consistent with LEA plan.

There must be annual evaluations of content and effectiveness of the policy involving parents and family members

Parent and Family Engagement (cont.)

Sec. 1116(a),(b) and (f)

Accessibility – to the extent practicable – and opportunities for parents and family members, including:

- parents and family members who have limited English proficiency,
- parents and family members with disabilities, and
- parents and family members of migratory children.

Parent Notices

Sec. 1112

“Right to Know”

- LEA must inform parents of Title I schools that they can request information regarding the professional qualifications of their child’s classroom teachers.

Not Qualified Teacher

- Title I schools must provide parents information related to their child’s academic achievement if the student has been assigned a teacher who does not meet applicable State certification or licensure requirements for more than 4 weeks.

LEA must notify all parents of State or local policy regarding student participation in statewide assessments and post information on each assessment required.

- This must include the right to opt-out, where applicable (i.e. per state/local laws).

Parent and Family Engagement Policy

Sec. 1116(a) and (b)

LEA-level policy and school-level policy still required!

Describes how the LEA or school will meet the requirements of this part.

They are similar to prior Parent Involvement Policy only now much broader to include family.

School-Parent Compact still required.

Title II, A

Preparing, Training, and
Recruiting High-Quality
Teachers, Principals, or other
School Leaders

Definition of School Leader

Sec. 8002(44)

Who is a school leader?

- Principal, assistant principal or other individuals who is:
 - An employee or officer of an elementary school or secondary school, LEA, or other entity operating an elementary or secondary school; and
 - Responsible for the daily instructional leadership and managerial operations in the elementary or secondary school building.

Title II, A Formula Sec. 2101(c)



Makes adjustments to formula to focus more heavily on poverty

- On both State and LEA-level allocations
- Transitions to 20% population, 80% poverty by 2020

Phases out hold-harmless by 2023

Title IV – Title VIII

Hot Topics



Student Support and Academic Enrichment Grants Title IV, A



New block grant-type program

Formula granted to States based on share of Title IA

- State may reserve up to 1% for administration, 4% for State activities

Subgranted to LEAs based on share of Title IA

- LEA may spend up to 2% on administration
- LEAs must spend:
 - At least 20% of funds on at least one “well-rounded educational opportunities” activity
 - At least 20% on at least on “safe and healthy students” activity
 - Some portion funds to support effective use of technology (no more than 15% on technology infrastructure)

Student Support and Academic Enrichment Grants (cont.)

“Well-rounded educational opportunities” activities include (Sec. 4107):

- Career and college counseling/guidance
- Arts and music programs that promote problem solving and conflict resolution
- STEM programming and activities
- Accelerated learning
- History, civics, economics, geography, foreign language, and environmental education
- Community involvement

Student Support and Academic Enrichment Grants (cont.)

“Safe and Healthy Students” activities include (Sec. 4108):

- Drug and violence prevention
- School-based mental health services
- Health and safety practices in school/athletics
- Physical/nutrition education
- Bullying and harassment prevention
- Relationship-building schools
- Dropout prevention and re-entry
- Training for school personnel in drug, violence, trafficking, and trauma

Student Support and Academic Enrichment Grants (cont.)

“Effective use of technology” may include (Sec. 4109):

- Professional learning tools, technology, devices, and content for adaptive learning programs
- Building technological capacity
- Developing strategies for use of digital learning technologies
- Blended learning projects
- Professional development
- Remote access for students in rural/remote/ underserved areas

Supplement Not Supplant Sec. 4110

Funds made available under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.



Title V – Transferability

Sec. 5103



Now allows SEAs or LEAs to transfer all of their funds under:

- Title II, Part A (Professional Development),
- Title IV, Part A (Student Support), or
- Sec. 4204(c)(3) (Awards for Youth Development Programs – State only),

Between those provisions, and into (but not out of):

- Title I Part A (Academic Disadvantaged),
- Title, I, Part C (Migrant),
- Title I, Part D (Neglected and Delinquent),
- Title III, Part A (English Learners), or
- Title V, Part B (Rural Education).

Transferability Requirements

Before a transfer funds District must engage in timely and meaningful consultation with appropriate private school officials.

If you transfer into Title I, Part A, do you include the transferred amounts in the equitable services calculation?

- Conflicting guidance on this issue: Sec. 1117(a)(4) says equitable services calculated before any transfers. Sec. 5013 says follows rules under which program is transferred to. USDE Guidance says to include transferred amounts.
- **USDE SAYS YES!**

Title VIII

Consolidated Administration



The SEA/LEA may consolidate any amounts specifically made available to it for SEA/LEA administration under one or more of the ESSA programs. (ESSA Sections 8201 and 8203)

Uses of Funds: The SEA shall use funds for the administration of the programs included in the consolidation in addition to statutory allowable uses. Funds may also be used for (ESSA Section 8201(b)).

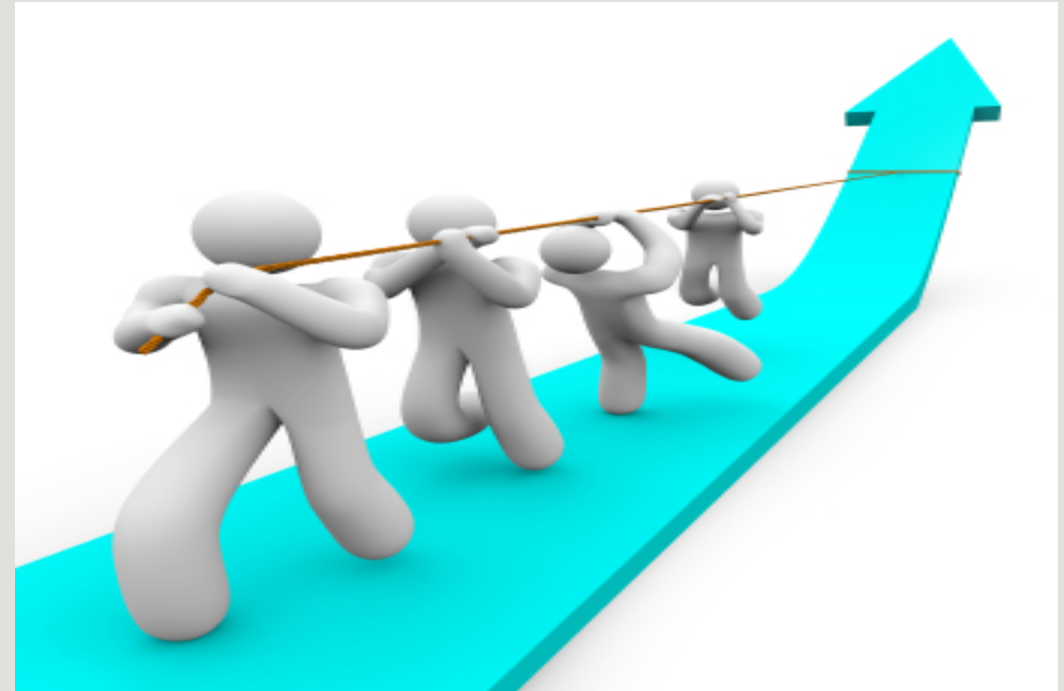
Maintenance of Effort (MOE) Sec. 1118(a) and 8521



The combined fiscal effort per student or the aggregate expenditures of the LEA

from state and local funds

from preceding year must not be less than 90% of the second preceding year.



MOE Consequences (cont.)

Sec. 8521(b)

(NEW) LEA is not subject to sanctions for failing to maintain 90% effort for one year (either combined fiscal per student or aggregate State and agency expenditures) provided it has not failed to meet MOE for one or more of five immediately preceding fiscal years.

MOE Waiver Sec. 8521(c)

Secretary of Education may waive MOE if “equitable”:

- Exceptional or uncontrollable circumstances, such as a natural disaster; or
- (NEW) a change in the organizational structure of the LEA; or
- A precipitous decline in the financial resources of the LEA.

Title I, A SNS Sec. 1118(b)(1)-(2)



Federal funds must be used to supplement and in no case supplant state, and local resources

To demonstrate compliance, the LEA shall demonstrate that the methodology used to allocate State and local funds to Title I schools ensures that the school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds.

Methodology Must Be In Writing!

What about Title I, A Districtwide Expenditures?

USDE applying the original presumptions of supplanting!!

- Examples at NASTID that apply a specific cost test for district level expenditures.
 - For state-mandated requirements, and
 - For same services to Title I students/schools and Non-Title I students/schools.
- ED is using the methodology test to apply this specific cost test!

Title I SNS Exceptions

Exclusion of Funds:

- SEA or LEA may exclude supplemental state or local funds used for program that meets intents and purposes of Title I Part A
 - EX: Exclude State Comp Ed funds
-
- Excluded from SNS Methodology Test:
 - Single School LEAs
 - LEAs with only 1 school per grade span (per withdrawn SNS regulations)

Title I, A SNS (cont.)

Sec. 1118(b)(5)

Timeline - Updated

Shall meet the compliance requirement no later than 2 years after enactment of ESSA;
and

- Enactment was December 10, 2015; so 2 years is December 10, 2017

May demonstrate compliance before the end of the 2 year period using prior SNS test

Update: Methodology must be in effect by the start of the 2018-2019 school year!

- December 6, 2017 USDE Letter: Update on Transition for ESSA Title I Supplement, Not Supplant Requirements

ESSA Titles II-VIII (as applicable)

Auditor's SNS Test: The Presumptions of Supplanting

“What would have happened in the absence of the federal funds??”

3 Presumptions of Supplanting

1. Required to be made available under other federal, state, or local laws
2. Provided with non-federal funds in prior year
3. Provided services to Title I students and the same services were provided to non-Title I students using non-federal funds.



2 CFR 200, Subpart F Compliance Supplement



SNS Pop Quiz Question 1

An LEA started a reading initiative in its 5 elementary schools. The LEA put a reading coach in each school and pays for 2 of the schools with local funds. Since it doesn't have enough local funds to pay for all the coaches, it pays for the remaining 3 with Title I funds.

Is this supplanting?

Is this allowable?

SNS Pop Quiz Question 2

A schoolwide school paid for a math enrichment software program last year using State funds. This year the school wants to use its Title I funds to pay for the program.

Is this supplanting?

Is this allowable?

SNS Pop Quiz Question 3

Waterside Elementary, a targeted assistance school, purchases language arts workbooks to help improve its assessment scores for all students so it uses Title I funds since its for help with assessments.

Is this supplanting?

Is this allowable?

SNS Pop Quiz Question 4

Gerald Middle School has been paying for a digital learning program with its local funds but it now wants to use those funds on other initiatives so the school decides to pay for it next school year with Title IV, A funds.

Is this supplanting?

Is this allowable?

Guidance



ESSA Guidance

SIG letter (January 2018): <https://www2.ed.gov/policy/elsec/leg/essa/sigflexibilitiesdci.pdf>

Update on transition for ESSA Title I SNS (December 2017):
<https://www2.ed.gov/policy/elsec/leg/essa/snstransition126.pdf>

Dear Colleague Letter re: Report Card Per Pupil Expenditures (6/29/17)

Dear Colleague Letter re: Stakeholder Engagement (6/23/16)

Foster Care Guidance (6/23/16)

Consolidated State Plan FAQs (June 2017)

DCL on School Support and Improvement Activities and Consultation (April 2017; follows up on the 1/13/17 letter on transition)

ESSA Guidance (cont.)



State Plan Peer Review Criteria (3/30/17)

Consolidated State Plan Guidance - Updated (3/13/17)

21st CCLC FAQs (March 2017)

Homeless and Youth Programs (7/27/16)– *Updated March 2017*

ESSA Dear Colleague letter on 2017-18 Transition (1/13/17)

Resource Guide: Accountability for ELs (1/18/17)

Accountability FAQs (1/18/17)

ESSA Early Learning Guidance (1/17/17)

State and Local Report Cards (01/10/17)

High School Graduation Rate (01/10/17)

ESSA Guidance (cont.)



DCL on Implementation on Educational Stability Requirements (December 2016)

Fiscal Changes (including Equitable Services and SNS (11/21/16)

Title IV, A Student Support and Academic Enrichment (10/21/16)

Early Learning Guidance (10/20/16)

Schoolwide Programs and Funding (9/29/16)

Title II, A Teachers and School Leaders (9/27/16)

Dear Colleague Letter re: Tribal Consultation (9/26/16)

Title III, A English Learners (9/23/16)

Using Evidence to Strengthen Education Investments (9/16/16)

ESSA Guidance (cont.)



USDE says working on Guidance:

- Supplement Not Supplant
- Equitable Services



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