

# Every Student Succeeds Act

## Topic Discussion Guide

*Under the Every Student Succeeds Act (ESSA), Ohio will create a plan to better align our local, state and federal programs to help all students be successful.*

*The Ohio Department of Education is committed to meaningfully engaging a diverse group of stakeholders through a variety of methods and opportunities to solicit thoughts, opinions and recommendations concerning provisions in Ohio's state plan. Everyone's input is required to create a plan that is deeply rooted in the needs of Ohio's students.*

*Ohio is conducting a series of topic specific webinars. Each topic will have a detailed discussion guide. The ninth topic, "federal funding options and flexibilities," is discussed below.*

## Federal Funding Options and Flexibilities

### OVERVIEW

The Every Student Succeeds Act (ESSA) preserves much of the federal funding formulas of the larger title programs from the *No Child Left Behind Act*. ESSA eliminates or consolidates some smaller grants, but generally allows these funds to be used as part of other federal grant programs. ESSA also provides states and local districts with additional options for allowable uses of these federal funds. This topic discussion guide highlights some of these options.

### State Level Options and Flexibilities

#### TITLE I, PART A: SECTION 1003 (SCHOOL IMPROVEMENT)

The Ohio Department of Education must reserve 7 percent of its Title I award for school improvement activities. 95 percent of the 7 percent must be allocated to districts that have low performing schools (those in comprehensive or targeted support). The state has the option to provide those funds by formula or competition.

#### TITLE I, PART A: SECTION 1003A (DIRECT STUDENT SERVICES)

The Ohio Department of Education may reserve up to an additional 3 percent of the Title I award (in addition to the required 7 percent for school improvement) to provide grants to eligible districts (those that have schools in comprehensive or targeted support) to provide direct student services. Examples of direct student services include academic courses not offered at the student's school, credit recovery, Advanced Placement or college credit earning classes, personalized learning (tutoring) and a portion for public school choice transportation.

#### TITLE I, PART A: SECTION 1008 (SCHOOLWIDE THRESHOLD)

The Ohio Department of Education may waive the 40 percent low-income student threshold for schools that wish to operate schoolwide programming (rather than targeted assistance programming).

## TITLE II, PART A: SECTION 2101 (PRINCIPALS AND OTHER SCHOOL LEADERS)

The Ohio Department of Education must provide 95 percent of its Title IIA award to districts. However, the department may set aside up to an additional 3 percent of its Title IIA award (out of the 95 percent going to the districts) to support professional development activities for principals and other school leaders.

## Key Local Level Options and Flexibilities

### TITLE I

- Additional strategies such as well-rounded education are included where it may be possible to use Title I, Part A funds in both targeted assistance and schoolwide programs. *Sections 1114(b)(7) and 1115(b)(2)*
- For schools receiving funds under Section 1003A (Direct Student Services), allowable expenditures include academic and career-technical education coursework, credit recovery, Advanced Placement, early college high school, tutoring and Advanced Placement/International Baccalaureate test fees.
- Districts offering public school choice for students in schools identified for comprehensive support and improvement may reserve up to 5 percent of Title I, Part A to provide transportation. *Section 1111(d)(1)(D)*
- Prior to allocating Title I funds to schools, districts must reserve funds to provide services to homeless students and neglected students. The amount of this reservation may be based on a needs assessment. Also, districts may spend the reserved funds to employ a homeless liaison and to provide transportation services to homeless students as required under McKinney-Vento. Additional information about new requirements under McKinney-Vento are available in [this ESSA topic discussion guide](#) and on [this homeless education webinar recording](#). *Section 1113(c)(3)*
- Districts may reserve funds to provide early childhood education programs for Title I eligible children. *Section 1113(c)(5)*
- Districts may lower the poverty threshold from 75 percent to 50 percent in order to serve high schools. *Section 1113(a)*
- Schoolwide high schools may use Title I funds for the cost of dual or concurrent enrollment programs including training teachers, tuition, fees, books and materials and transportation. In targeted assistance high schools, the services are limited to eligible students. *Sections 1114(e) and 1115(f)*
- Districts have the option to reserve more than 1 percent for parent and family engagement activities. The law was changed from 95 percent to 90 percent of the reserved funds that must go to Title I schools and where priority is given to high-need schools. *Section 1116*
- Under a new pilot program, local districts and schools may apply directly to the U.S. Department of Education to consolidate certain federal funds (Title I, II, III, IVA, VC) with state and local funds to create a weighted per-pupil funding system. Up to 50 districts and schools nationwide will be selected for this pilot. *Title I, Part E*

## TITLE II, PART A

ESSA made modifications to the Title II, Part A formula that will impact the amount of funds allocated to districts. Specifically, ESSA removed the “hold harmless” provision under NCLB and districts will now receive allocations based on 20 percent enrollment and 80 percent low-income student counts.

## TITLE II, PART A FLEXIBILITIES AND OPTIONS

ESSA expanded the strategies and activities where districts may use Title IIA funds. Title IIA funds can be used for class size reduction, hiring, retention, support, technical assistance, training on behavior, evaluations and support systems, incentive pay and others. *Section 2103*

There are new “evidence-based” requirements on the uses of Title IIA funds. For instance, districts may only spend Title II funds on class size reduction to a level that is “evidence-based.” Also, personalized professional development (not all professional development) must be high quality and “evidence based.”

Those activities may be carried out through a grant or contract with a for-profit or nonprofit entity, or in partnership with a college or university.

## TITLE II, PART B (NATIONAL ACTIVITIES, NEW COMPETITIVE PROGRAMS)

There are several new competitive programs under Title IIB that may be available for states, districts and other organizations. Examples include:

- Title IIB-1: Teacher and School Leader Incentive Program  
Competitive grant to states, districts or partnerships to implement and study performance-based incentive compensation programs to address student performance gaps and raise achievement. There is a 50 percent match requirement.
- Title IIB-2: Literacy Education for All, Results for the Nation
  1. Comprehensive Literacy State Development Grants  
Competitive grant to states. Requires a needs assessment and a comprehensive state literacy plan. 5 percent allowed for state activities. Remaining funds divided by grade spans (15 percent pre-K; 40 percent K-5; 40 percent 6-12).
  2. Innovative Approaches to Literacy  
Competitive grants to eligible districts, consortium or nonprofits to promote literacy programs that support the development of literacy skills in low-income communities (i.e. school libraries, early literacy services, providing high quality books).
- Title IIB-3: American History and Civics Education
  1. Presidential and Congressional Academies for American History and Civics  
26 percent of funding to offer professional development and seminars. There is a 100 percent match requirement.
  2. National Activities  
74 percent of funding to support national activities to promote history, civics, government and geography instruction.
- Title IIB-4: Programs of National Significance

1. **Supporting Effective Educator Development**  
Competitive grants to non-profits or colleges/universities or consortia for activities related to preparation and professional development of teachers. Priority is given to evidence-based activities and there is a 25 percent match requirement.
2. **School Leader Recruitment and Support**  
Competitive grants to districts serving high-need schools, state departments of education or consortia for activities related to recruitment, preparation, placement, support and retention of effective principals or other school leaders in high-needs schools. There is a 25 percent match requirement.
3. **Technical Assistance and National Evaluation**  
Funding for a Comprehensive center to 1) identify or develop free or low-cost evidence-based assessment tools to identify at-risk students not attaining literacy skills; 2) identify evidence-based literacy instruction and strategies.
4. **STEM Master Teacher Corps**  
Competitive grants to state departments of education or departments partnering with universities or other organizations to support development of master teacher corps or expand effective STEM professional development programs.

### **TITLE III, PART A**

The ESSA required and allowable uses of Title III, Part A funds at the district level are similar to NCLB, but funds may be used for preschool language instructional programs and for dual enrollment postsecondary programs.

### **TITLE IV, PART A**

Title IVA (Student and Academic Enrichment Grants) is a flexible program designed to meet the unique needs of districts and schools. Districts receive funds in the portion of their Title IA allocation. Districts apply for funds and those receiving more than \$30,000 annually must conduct a comprehensive needs assessment every three years.

Districts receiving over \$30,000 must spend a part of their Title IVA funds on required activities, including:

- **At least 20 percent on well-rounded educational opportunities**  
Example activities include: College and career guidance and counseling programs; music and arts programs; STEM subjects; accelerated learning; history; foreign language; environmental education; and promoting volunteerism.
- **At least 20 percent on Safe and Healthy Students**  
Example activities include: Drug and violence prevention; school-based mental health services; supporting a healthy and active lifestyle; preventing bullying and harassment; mentoring and school counseling; school dropout and reentry programs; and schoolwide positive behavior interventions and supports.
- **Effective Use of Technology**  
Spending on technology infrastructure is limited to 15 percent  
Example activities include: Providing school personnel with professional learning tools, building technological capacity and infrastructure, innovative strategies for delivering specialized or rigorous academic courses through the use of technology, blended learning projects,

professional development in the use of technology in STEM subjects, and providing students in rural, remote, and underserved areas with resources to take advantage of high-quality digital learning experiences.

#### **TITLE IV, PART B**

Title IVB (21<sup>st</sup> Century Community Learning Centers) is a competitive program administered by the department. Eligible entities are school districts and community-based organizations that partner with schools to provide quality out of school programming and expanded learning opportunities. ESSA included additional uses of funds such as STEM, computer science, financial literacy, environmental literacy, and in-demand fields of workforce and building career competencies.

#### **TITLE IV, PARTS C, D, E AND F**

Title IVC-F provides multiple competitive grant opportunities.

Title IVC (Expanding Opportunity Through Quality Grants to Support High-Quality Charter Schools) provides various competitive grant opportunities for charter schools and authorizers.

1. Supporting high quality charter schools
2. Charter school facilities financing assistance program
3. National activities for charter school management companies

Title IV D (Magnet Schools Assistance) program gives priority to schools that have evidence-based programs to promote desegregation and student achievement.

Title IV E (Family Engagement in Education Programs) provides grants to assist schools and organizations serving a high concentration of disadvantaged students and adult training literacy programs.

Title IV F (National Activities) provides competitive grants in the following areas:

1. Education Innovation and Research
2. Community Support for School Success
  - a. Promise Neighborhoods
  - b. Full-service community schools (i.e. wrap-around services)
3. National Activities for School safety
4. Academic Enrichment (Assistance for the Arts, Ready to Learn Programming and Supporting High Ability Learners and Learning)

### **Fiscal Flexibilities**

- The *Supplement, Not Supplant* (SNS) requirement remains in effect for certain federal grants but the method of determining compliance was modified for Title I SNS (Title I only). Under ESSA, districts do not have to show that individual Title I costs are supplemental. The U.S. Department of Education has issued proposed regulations providing four options for districts to show how they can meet Title I SNS compliance and that they provide as much state and local funds to their Title I schools as the non-Title I schools. *Section 1118(b)*
- The *Maintenance of Effort* (MOE) requirement remains, but is modified. A district that meets MOE by spending at least 90 percent of its state/local funds each of the five prior years will not be subject to that requirement for the next year (i.e. one-year pause). Also, the U.S.

Department of Education may waive MOE requirements if the district has changed its organizational structure. *Section 1118(a)*

- The transferability requirement was broadened to allow districts to transfer all of their Title IIA and Title IVA funds between those grants and into Title I (A, C, D), Title IIIA or Title VB. Transferability was limited to 50 percent under NCLB. *Section 5002*

## Nonpublic Equitable Services

### ESSA SECTION 8501

Educational services and other benefits to private school children, teachers and other educational personnel shall be “equitable” in comparison to services and other benefits for public school children, teachers and other educational personnel participating in the program. The services shall be provided in a timely manner.

Equitable Services applies to various ESSA grants, including:

- 1) Title I
- 2) Title II, Part A
- 3) Title III, Part A
- 4) Title IV, Part A
- 5) Title IV, Part B

Some of the Key ESSA requirements on equitable services include:

**Ombudsman:** To help ensure equitable services are provided to private school children, teachers and other educational personnel, the state’s education department shall direct the ombudsman (under Section 1117) to monitor and enforce the requirements.

**Expenditures:** Expenditures for the services to private school children, teachers and other educational personnel shall be equal (taking into account the number and the educational needs) to the expenditures for participating public school children.

**Obligation of Funds:** Funds allocated to the school/district for equitable services shall be obligated in the fiscal year for which the funds are received by the agency. The state’s education department shall provide timely notice to the appropriate private school officials of the allocation of funds.

**District determinations:** It is important to note that each grant, where equitable services apply, may have a slightly different process. For example, Section 1117 describes participation of children enrolled in private schools regarding Title I. Under Title I, Section 1117, state departments of education, and school districts, must:

- Determine the number of eligible children enrolled in private schools;
- Provide timely and meaningful consultation with appropriate private school officials, and provide eligible children on an equitable basis (individually or in a combination) services to address their needs (i.e. instructional services, counseling, mentoring, etc.);
- Ensure that teachers and families of children participate, on an equitable basis, in services and activities;
- Ensure expenditures for educational services to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the



number of children from low-income families who attend private schools. The proportional share of funds shall be determined based on the total amount of funds received by the school/district *prior to* any allowable expenditures or transfers by the school/district.

- The school/district may determine the equitable share each year or every two years.

**Agreements:** The school/district and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children. The results of the agreement shall be transmitted to the ombudsman. In the agreement, the school/district will specify the following:

- The school/district shall provide services directly or through a separate government agency, consortium, entity or third-party contractor;
- Whether to provide equitable services to eligible private school children in the school or district's attendance area OR by creating a pool or pools of funds with all the funds allocated based on all the children from low-income families in a participating school attendance area who attend private schools;
- The approximate time of day the services will be provided; and
- Whether to consolidate Title I equitable services funds with other funds under Section 8501.

**Documentation:** Districts shall maintain records and provide to the state's department of education a written affirmation signed by officials of each participating private school that the meaningful consultation has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the school/district shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the state's department of education.

**Compliance/Disagreement:** A private school official shall have the right to file a complaint with the state's department of education that the consultation with the school/district was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by law. If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide appropriate documentation to the appropriate officials.

**Action from a state's department of education:** A state's department of education shall provide services directly or through a contract with public or private agencies, organizations, or institutions, if private school officials 1) request the state's education department provide such services directly, and 2) demonstrate that the school/district involved has not met the requirements.