



## Introduction to Spending Handbook: Overview

This document provides general guidance on how local educational agencies (LEAs) may spend funds under the Every Student Succeeds Act (ESSA). ESSA is the most recent version of the Elementary and Secondary Education Act (ESEA) 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 the [U.S. Department of Education Every Student Succeeds Act \(ESSA\) page](#).

This spending guidance addresses the following formula programs:

- Title I, Part A (Improving Basic Programs)

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

### General Spending Considerations

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

First, all costs charged to ED grants must be **necessary and reasonable** considering the amount of money being spent and the needs of the program.<sup>1</sup> This requirement comes from a set of federal regulations known as the Uniform Grant Guidance (UGG), which applies to all federal grants including ED grants.<sup>2</sup>

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

- Lists costs that may never be paid for with federal funds.<sup>3</sup> For example, federal funds can never pay for alcohol<sup>4</sup> and typically cannot pay for lobbying.<sup>5</sup>
- Lists general criteria all costs supported with federal funds must satisfy.<sup>6</sup> For example, federal funds can only pay for costs that are allocable to the relevant grant.<sup>7</sup>
- Sets additional requirements for certain costs supported with federal funds.<sup>8</sup> For example, LEAs that use federal funds for employee salaries and benefits must keep records documenting how much time the employees spent on grant activities.<sup>9</sup>

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<sup>1</sup> 2 CFR 200.403(a).

<sup>2</sup> The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the [Code of Federal Regulations](#) U.S. Department of Education's [Technical Assistance for ED Grantees](#) contains more Federal guidance and other resources about the UGG.

<sup>3</sup> See 2 CFR Part 200, Subpart E.

<sup>4</sup> 2 CFR § 200.423.

<sup>5</sup> 2 CFR § 200.450.

<sup>6</sup> See 2 CFR § 200.403.

<sup>7</sup> 2 CFR § 200.403(a).

<sup>8</sup> See 2 CFR §§ 200.420-200.475.

<sup>9</sup> 2 CFR § 200.430.



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- Sets rules for how LEAs procure goods and services with federal funds,<sup>10</sup> how they track items paid for with federal funds,<sup>11</sup> and the kinds of records they must keep about their grant spending.<sup>12</sup>

Second, activities supported by ED funds must be **consistent with the LEA's application** for funds approved by the SEA.<sup>13</sup>

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

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

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<sup>10</sup> 2 CFR §§ 200.317-200.326.

<sup>11</sup> 2 CFR §§ 200.313-200.314.

<sup>12</sup> See, for example, 2 CFR § 200.318(h)(i) for procurement records or 2 CFR § 200.302(b)(3) for financial records.

<sup>13</sup> 34 CFR § 76.700.

## **Spending Title I, Part A Funds to Support Student Achievement**

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

Title I, Part A is the U.S. Department of Education's (ED) largest K-12 grant program.<sup>14</sup> It provides supplemental funding to help low-income schools improve the academic achievement of educationally disadvantaged students.

ED awards Title I funds to state educational agencies (SEAs), which then subgrant funds to LEAs. LEAs retain some money to carry out certain activities, and then must allocate the rest to eligible schools.

This document:

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

For convenience this section will refer to the program as "Title I." For more information about Title I please contact [Courtney Preziosi](#).

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<sup>14</sup> Title I is a title of the Elementary and Secondary Education Act (ESEA). ESEA was most recently amended by the Every Student Succeeds Act (ESSA). For simplicity, the rest of this document will use the abbreviation "ESSA" when citing to the most recent version of the Elementary and Secondary Education Act. This document will use the abbreviation "NCLB" when citing to the prior version of ESEA, the No Child Left Behind Act.

Title I, Part A is the focus of this section of the spending handbook. Please note the following sections of Title I that are technically not included in Part A but are also relevant to spending:

- Section 1001 describes the purpose of Title I,
- Section 1002 sets authorized appropriation levels (that is, the maximum Congress can appropriate for each of the Title I programs),
- Section 1003 is the School Improvement Program,
- Section 1003A is the Direct Student Services Program (a new program option under ESSA), and
- Section 1004 authorizes SEAs to reserve some funds to administer Title I programs.

## Purpose of Title I

The purpose of Title I is to provide all children “significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”<sup>15</sup> To achieve that, states must develop accountability systems to identify and support schools with academically struggling students, and LEAs and schools must use their Title I funds to improve student outcomes, including academic achievement.

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

- State-adopted challenging academic standards in at least math, reading/language arts, and science,<sup>16</sup>
- High-quality academic assessments that measure how well students are mastering state standards in at least math, reading/language arts, and science,<sup>17</sup>
- A system that differentiates school performance based on a variety of indicators,<sup>18</sup>
- A system to identify and support certain low-performing schools (known as “comprehensive support and improvement” (CSI) schools and “targeted support and improvement” (TSI) schools),<sup>19</sup> and
- Reporting student achievement and other data to ED and the public.<sup>20</sup>

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

- Developing and implementing plans to support and improve low-performing schools identified by the state through its accountability system,<sup>21</sup>
- Reporting student achievement and other data to the SEA and the public,<sup>22</sup>
- Notifying parents about issues such as teacher qualifications, assessments, and identification of students as English learners,<sup>23</sup>
- Collaborating with child welfare agencies to ensure the educational stability of children in foster care,<sup>24</sup>
- Providing services to homeless students that do not attend Title I schools,<sup>25</sup>

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<sup>15</sup> ESSA, Section 1001.

<sup>16</sup> ESSA, Section 1111(b)(1).

<sup>17</sup> ESSA, Section 1111(b)(2).

<sup>18</sup> ESSA, Section 1111(c)(4)(B). The indicators are (1) student achievement on the state academic assessment, (2) for elementary and middle schools, a measure of student growth or another academic indicator that allows for meaningful differentiation of school performance, (3) for high schools, high school graduation rates, (4) progress in achieving English language proficiency, and (5) an indicator of school quality or student success, such as student engagement, educator engagement, access to and completion of advanced coursework, postsecondary readiness, school climate and safety, or another state-selected indicator that meets ESSA requirements. ESSA, Section 1111(c)(4)(B)(i)-(v).

<sup>19</sup> ESSA, Section 1111(d).

<sup>20</sup> ESSA, Section 1111(h).

<sup>21</sup> ESSA, Section 1111(d)(1)&(2).

<sup>22</sup> ESSA, Section 1111(h).

<sup>23</sup> ESSA, Section 1112(e).

<sup>24</sup> ESSA, Section 1112(c)(5)(B).

<sup>25</sup> ESSA, Section 1113(c)(3)(A)(i).

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- Providing services to children in local institutions for neglected children, and if appropriate, to children in local institutions for delinquent children, and neglected or delinquent children in community day programs,<sup>26</sup>
- Allocating Title I funds to eligible schools through a poverty-based procedure known as “ranking and serving,”<sup>27</sup>
- Developing policies and providing services to engage parents and families,<sup>28</sup>
- Providing services to eligible private school students,<sup>29</sup> and
- Overseeing Title I activities in Title I schools.<sup>30</sup>

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

- A **schoolwide model**, available to any school with at least forty percent poverty (or to schools below forty percent poverty with a waiver, which, under ESSA, can be issued by the SEA).<sup>31</sup>
  - Schools operating a schoolwide model can use Title I funds to upgrade their entire educational program,<sup>32</sup>
  - All students are considered “Title I students,”<sup>33</sup> and
  - Schoolwide schools must develop a plan describing the services they will provide based on a comprehensive assessment of the school’s needs.<sup>34</sup> This needs assessment must take into account the academic achievement of all students, particularly the needs of those of students struggling to meet state academic standards, and any other factors as determined by the LEA.<sup>35</sup>
- A **targeted assistance model**, available to any Title I school that does not operate a schoolwide program.<sup>36</sup>
  - Schools operating a targeted assistance model must use Title I funds to help educationally-disadvantaged students meet state standards, and<sup>37</sup>
  - Students are eligible for Title I if they: (1) are failing, or at risk of failing, to meet state standards, (2) participated in certain federally-funded preschool programs, (3) received services under the Migrant Education Program, (4) are in a local institution for neglected or delinquent children or are attending a community day program, or (5) are homeless.<sup>38</sup>

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<sup>26</sup> ESSA, Section 1113(c)(3)(A)(ii)&(iii).

<sup>27</sup> ESSA, Section 1113.

<sup>28</sup> ESSA, Section 1116.

<sup>29</sup> ESSA, Section 1117.

<sup>30</sup> 2 CFR § 200.328(a).

<sup>31</sup> ESSA, Section 1114(a)(1).

<sup>32</sup> ESSA, Section 1114(a)(1)(A).

<sup>33</sup> ESSA, Section 1114(a)(2).

<sup>34</sup> ESSA, Section 1114(b).

<sup>35</sup> ESSA, Section 1114(b)(6).

<sup>36</sup> ESSA, Section 1115.

<sup>37</sup> ESSA, Section 1115(b)(2)(A).

<sup>38</sup> ESSA, Section 1115(c).

**How Title I Funds May Be Used**

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

- Providing eligible students with a well-rounded education,<sup>39</sup>
- 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 funds narrowly for discrete instructional supports primarily focused on reading and math. This happened because the law’s complexity has often led to misunderstandings about how Title I funds can be used. In fact, Title I may be used flexibly to meet a broad range of student needs, which can include reading and math instructional supports, but may also address other identified student needs.

For example, the chart below highlights common ways Title I spending was limited beyond what federal law required under the No Child Left Behind Act (NCLB). NCLB is the version of the Elementary and Secondary Education Act that preceded the Every Student Succeeds Act (ESSA). Understanding and addressing these prior limitations is important for ensuring ESSA’s Title I funds are used to their full potential.

**Common Title I Limitations under NCLB Not Required by Federal Law<sup>40</sup>**

Common Limitation Not Required by Federal Law	Actual Legal Authority
Limiting Title I spending to reading/language arts and math	<i>NCLB did not impose such a restriction. Title I could be used broadly to improve education for the disadvantaged, including subjects like science, social studies, art, and others.<sup>41</sup> ESSA continues to permit Title I to be used</i>

<sup>39</sup> Please see ESSA, Section 8101(52) defining a “well-rounded education” 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.

<sup>40</sup> This table is based on CCSSO’s [Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment](#). 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.

<sup>41</sup> See NCLB, Sections 1111 and following, imposing no academic subject matter restrictions on Title I 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 \(September 2009\)](#), 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 money appropriated under the American

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Common Limitation Not Required by Federal Law	Actual Legal Authority
	<i>for a broad range of subjects (see definition of well-rounded education above).</i>
Limiting Title I spending only to instruction or materials	<i>NCLB did not impose such a restriction. Title I could be used for non-instructional supports such as school climate, increasing attendance, school counselors, improving health (in some circumstances), etc.<sup>42</sup> ESSA continues to permit Title I to support these, and other, non-instructional supports.<sup>43</sup></i>
Limiting Title I spending to remedial programs	<i>NCLB did not impose such a restriction. ED guidance permitted spending on advanced learning opportunities for struggling students.<sup>44</sup> ESSA is now more explicit that Title I can be used for such activities.<sup>45</sup></i>
Limiting Title I spending to specific students in a schoolwide program school	<i>NCLB did not impose such a restriction. Title I permitted spending to upgrade the entire educational program of a schoolwide school.<sup>46</sup> ESSA continues to permit Title I spending on broad improvement strategies based on the school’s needs.<sup>47</sup></i>

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

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

- Services for homeless children that do not attend Title I schools, which can include funding for the homeless liaison and transportation required under the McKinney Vento Homeless Education Act. *LEAs must reserve “such funds as are necessary,” based on an assessment of homeless children’s needs; ESSA does not specify an amount.*<sup>48</sup>
- Services for children in local institutions for neglected children, and if appropriate, services for children in local institutions for delinquent children, and neglected or delinquent children in community day programs. *LEAs must reserve “such funds as are necessary;” ESSA does not specify an amount.*<sup>49</sup>

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Recovery and Reinvestment Act (ARRA), the guidance is applicable Title I funds generally (see page 15), and (2) the guidance was released under NCLB. ED may issue updated Title I spending guidance under ESSA.

<sup>42</sup> See *ED 2009 Title I Reform Guidance*, particularly Sections C, E, and G.

<sup>43</sup> See, for example, ESSA, Section 1114(b)(7)(A)(iii)(I)&(III), ESSA, Section 1115(b)(2)(B)(ii), and ESSA, Section 1115(e)(2).

<sup>44</sup> See *ED 2009 Title I Reform Guidance*, Section C.

<sup>45</sup> See, for example, ESSA, Section 1114(b)(7)(A)(II), ESSA, Section 1114(e), and ESSA, Section 1115(f).

<sup>46</sup> See NCLB, Section 1114. Also see ED guidance issued under NCLB, [Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program \(2015\)](#) and [Designing Schoolwide Programs \(2006\)](#).

<sup>47</sup> ESSA, Section 1114(a)(1)(A). Also see ED guidance issued under ESSA, [Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program \(2016\)](#).

<sup>48</sup> ESSA, Section 1113(c)(3)(C).

<sup>49</sup> ESSA, Section 1113(c)(3).

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- Parent and family engagement (required if the LEA receives \$500,000 or more of Title I funds). *LEAs must reserve at least one percent,<sup>50</sup> ninety percent of which must be distributed to schools.<sup>51</sup>*
- Equitable services for eligible private school students. *LEAs must reserve a proportional amount based on the number of eligible private school students in the LEA.<sup>52</sup>*

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

- Transportation for students in CSI schools if the LEA offers these students the option to transfer to another school. *LEAs may reserve up to five percent.<sup>53</sup>*
- Financial incentives and rewards to teachers in CSI or TSI schools for the purpose of attracting and retaining qualified and effective teachers. *LEAs may reserve up to five percent.<sup>54</sup>*
- Early childhood education programs for eligible children. *LEAs have discretion over how much, if any, to reserve; ESSA does not specify an amount.<sup>55</sup>*
- The additional costs needed to transport children in foster care to their school of origin consistent with Section 1112(c)(5). *LEAs have discretion over how much, if any, to reserve; ESSA does not specify an amount.<sup>56</sup>*
- Administering the Title I program. *LEAs may reserve a reasonable and necessary amount.<sup>57</sup>*
- District-managed initiatives in Title I schools. *See below.<sup>58</sup>*

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<sup>50</sup> ESSA, Section 1116(a)(3)(A). ESSA clarifies LEAs can reserve more than one percent at their discretion.

<sup>51</sup> Please note ninety percent is a change from NCLB which required LEAs to distribute ninety-five percent of the reserved funds to schools.

<sup>52</sup> ESSA, Section 1117(a)(4). Please note ESSA now requires the equitable services be calculated based on an LEA's total Title I, Part A allocation. Under NCLB, certain parts of an LEA's Title I, Part A allocation were excluded from the calculation, such as funds reserved for school improvement. For more information about the equitable services calculation please see U.S. Department of Education, [Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 \(ESEA\), as Amended by the Every Student Succeeds Act \(ESSA\) \(2016\)](#).

<sup>53</sup> ESSA, Section 1111(d)(1)(D)(v).

<sup>54</sup> ESSA, Section 1113(c)(4).

<sup>55</sup> ESSA, Section 1113(c)(5).

<sup>56</sup> U.S. Department of Education and U.S. Department of Health and Human Services, [Ensuring Educational Stability for Children in Foster Care \(2016\)](#), Q&A 30.

<sup>57</sup> 34 CFR Part 200, Reservation of funds by an LEA.

<sup>58</sup> 34 CFR § Part 200, Reservation of funds by an LEA.

### A Deeper Look at District-Managed Title I Initiatives

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

Guidance from ED permits LEAs to use Title I funds for the following types of district-managed initiatives for all, or a subset of, an LEA’s Title I schools:<sup>59</sup>

- Contracting with an outside provider with expertise in school improvement to support low-achieving Title I schools,<sup>60</sup>
- Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework,<sup>61</sup>
- Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English language learners,<sup>62</sup>
- Hiring an outside expert to work with the staff of low-achieving Title I schools to build their capacity to analyze student data and identify promising interventions,<sup>63</sup>
- Piloting a data dashboard to help teachers in Title I schools identify, track, and analyze data to help them better target interventions to low-achieving students,<sup>64</sup>
- Paying for extended time for teachers in Title I schools to review data for at-risk students and identify interventions to better meet the needs of those students,<sup>65</sup> and
- Extending learning time in Title I schools (before- and after-school programs, Saturday school and summer school, extending half-day kindergarten to a full day, extending the school year, extended learning opportunities during the school day, adding time during the day for teachers to plan collaboratively).<sup>66</sup>

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

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

<sup>59</sup> ED 2009 Title I Reform Guidance, Q&A B-8.

<sup>60</sup> ED 2009 Title I Reform Guidance, Q&A B-8.

<sup>61</sup> ED 2009 Title I Reform Guidance, Q&A C-1.

<sup>62</sup> ED 2009 Title I Reform Guidance, Q&A C-8.

<sup>63</sup> ED 2009 Title I Reform Guidance, Q&A D-1.

<sup>64</sup> ED 2009 Title I Reform Guidance, Q&A D-3.

<sup>65</sup> ED 2009 Title I Reform Guidance, Q&A D-4.

<sup>66</sup> ED 2009 Title I Reform Guidance, Q&A G-5.

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

Schools with at least forty percent poverty, as well as any school with a waiver of this poverty rate (which the state can issue),<sup>67</sup> may operate a schoolwide program as long as the school conducts a comprehensive needs assessment and develops a schoolwide plan for meeting its needs.<sup>68</sup>

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

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

#### A. Spending Options in a Schoolwide Program

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

- High-quality preschool or full-day kindergarten and services to facilitate the transition from early learning to elementary education programs,
- Recruitment and retention of effective teachers, particularly in high-need subjects,
- Instructional coaches to provide high-quality, school-based professional development,
- Increased learning time,
- Evidence-based strategies to accelerate the acquisition of content knowledge for English learners,
- Activities designed to increase access and prepare students for success in high-quality advanced coursework to earn postsecondary credit while in high school (e.g., Advanced Placement, International Baccalaureate, early college high schools, and dual or concurrent enrollment programs),
- Career and technical education programs to prepare students for postsecondary education and the workforce,
- Counseling, school-based mental health programs, mentoring services, and other strategies to improve students' nonacademic skills,
- School climate interventions (e.g., anti-bullying strategies, positive behavior interventions and supports),
- Equipment, materials, and training needed to compile and analyze student achievement data to monitor progress, alert the school to struggling students, and drive decision making,
- Response-to-intervention strategies intended to allow for early identification of students with learning or behavioral needs and to provide a tiered response based on those needs,
- Activities that have been shown to be effective at increasing family and community engagement in the school, including family literacy programs,

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<sup>67</sup> Under ESSA, SEAs have the discretion to waive the forty percent poverty threshold if the SEA believes it will best serve student needs. ESSA, Section 1114(a)(1)(B).

<sup>68</sup> ESSA, Section 1114(b).

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- Devices and software for students to access digital learning materials and collaborate with peers, and related training for educators (including accessible devices and software needed by students with disabilities), and
- Two-generation approaches that consider the needs of both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.<sup>69</sup>

For more information about using Title I funds in a schoolwide setting under ESSA, please see ED's guidance [\*Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program\*](#).

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

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

The composition of the schoolwide plan changed under ESSA. Under NCLB, schools had to address ten components in their schoolwide plans. ESSA takes a more comprehensive approach, as described below. Schools that are currently operating schoolwide programs must amend their existing plans to reflect these changes within one year of ESSA taking effect.<sup>70</sup>

#### 1. *Schoolwide Plan Elements*

A schoolwide plan must be based on a **comprehensive needs assessment** of the entire school that takes into account information on the academic achievement of children, particularly the needs of those children who are failing, or are at-risk of failing, to meet state standards, and any other factors as determined by the LEA.<sup>71</sup>

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

- Provide opportunities for all children, including each subgroup of students, to meet state standards,
- Use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education, and
- Address the needs of all children in the school, but particularly the needs of those at risk of not meeting state standards, through activities which may include:

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<sup>69</sup> U.S. Department of Education, [\*Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program\*](#), pp. 4-5 (2016). This guidance will be referred to as "*ED 2016 Schoolwide Guidance*" for the rest of this document.

<sup>70</sup> ESSA, Section 1114(b)(1).

<sup>71</sup> ESSA, Section 1114(b)(6).

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- Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas,
- Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools),
- Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act,
- Professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects, and
- Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs.<sup>72</sup>

In addition, if a schoolwide school consolidates Title I with other funds, the plan must also list the specific state, local, and federal programs that will be consolidated in the schoolwide program.<sup>73</sup> It is important to note that Title I funds can be used to support comprehensive initiatives in a schoolwide school *even if Title I funds are not consolidated with other program funds*.<sup>74</sup>

### 2. Other Schoolwide Plan Requirements

The schoolwide plan must be developed:

- During a 1-year period, for schools not already operating schoolwide programs, unless the LEA determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program,<sup>75</sup>
- With the involvement of key stakeholders,<sup>76</sup> 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

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<sup>72</sup> ESSA, Section 1114(b)(7)(A).

<sup>73</sup> ESSA, Section 1114(b)(7)(B). See also *ED 2016 Schoolwide Guidance*, pp. 9-10, for more information about consolidation.

<sup>74</sup> See *ED 2016 Schoolwide Guidance*, p.9, stating:

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

<sup>75</sup> ESSA, Section 1114(b)(1).

<sup>76</sup> 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.

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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.<sup>77</sup>

ESSA clarifies that schoolwide plans:

- Remain in effect for the duration of the school's participation in Title I, except that schools must regularly monitor and revise their plan and implementation as necessary based on student needs to ensure that all students are provided opportunities to meet state standards,<sup>78</sup> and
- Must be available to the LEA, parents, and the public, and the information contained in the plan should be understandable to the extent practical.<sup>79</sup>

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

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

#### A. Identifying Title I Students

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

- Students identified as failing, or most at risk of failing, to meet state standards,
- Students who participated in Head Start, or certain ESSA-funded preschool programs or literacy programs for young children, within the past two years (including Title I supported preschool),
- Migrant students,
- Neglected and delinquent students, and
- Homeless children.<sup>80</sup>

#### B. Spending Options in a Targeted Assistance Program

Targeted assistance schools must use Title I funds to help identified students meet state standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education.<sup>81</sup>

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

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<sup>77</sup> ESSA, Section 1114(b)(5).

<sup>78</sup> ESSA, Section 1114(b)(3).

<sup>79</sup> ESSA, Section 1114(b)(4).

<sup>80</sup> ESSA, Section 1115(c).

<sup>81</sup> ESSA, Section 1115(b)(2)(A).

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- Expanding learning time for eligible students, including before- and afterschool programs, and summer programs and opportunities,
- Providing early intervening services to eligible students, including services coordinated with similar activities and services carried out under IDEA,
- Providing eligible students with extra supports aligned to the school's regular education program, which may include services to assist preschool children in the transition from early childhood education programs to elementary school programs,
- Providing professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible students, and
- Implementing strategies to increase the involvement of parents of eligible students.<sup>82</sup>

Targeted assistance schools can also use Title I funds to provide eligible students with health, nutrition, and other social services<sup>83</sup> that are not otherwise available to them if:

- The school has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, if appropriate; and
- Funds are not reasonably available from other public or private sources.<sup>84</sup>

A secondary school operating a targeted assistance program may use Title I funds to provide dual or concurrent enrollment program services to eligible children.<sup>85</sup>

Targeted assistance schools must:

- Help provide an accelerated, high-quality curriculum,
- Minimize the removal of children from the regular classroom during regular school hours for instruction provided by Title I, and
- Review the progress of eligible students on an ongoing basis and revise the targeted assistance program, if necessary, to provide students additional assistance to meet state standards.<sup>86</sup>

### C. Coordinating Targeted Services with Other Programs and Supports

Because targeted assistance programs can only serve specifically identified students, schools sometimes “wall-off” their Title I programs to prove that only eligible students participated. This is not required by the Title I law

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<sup>82</sup> ESSA, Section 1115(b)(2).

<sup>83</sup> Examples of such services include basic medical equipment such as eyeglasses and hearing aids, compensation of a coordinator, family support and engagement services, integrated student supports, and professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children. ESSA, Section 1115(e)(2)(B).

<sup>84</sup> ESSA, Section 1115(e)(2).

<sup>85</sup> ESSA, Section 1115(f).

<sup>86</sup> ESSA, Section 1115(b)(2)(G).

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or federal rules. In fact, Title I encourages schools to coordinate Title I services with other programs, including the regular education program.

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

*Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.<sup>87</sup>*

The law also encourages targeted assistance schools to coordinate and integrate federal, state, and local services and programs, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities.<sup>88</sup>

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

- Participate in general professional development and school planning activities, and
- Assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.<sup>89</sup>

#### **IV. Special Considerations for Using Title I Funds in Schools Identified for Support and Improvement**

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

- *Targeted support and improvement* (TSI) schools, which are schools with one or more consistently underperforming subgroups,<sup>90</sup> and
- *Comprehensive support and improvement* (CSI) schools, which include:
  - The lowest-performing five percent of Title I schools in the state,
  - Any public high school failing to graduate one-third or more of its students, and
  - Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as students in the lowest-performing five percent of Title I schools, and that has failed to improve after the school has implemented a targeted support and improvement plan.<sup>91</sup>

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<sup>87</sup> ESSA, Section 1115(e)(1).

<sup>88</sup> ESSA, Section 1115(b)(2)(F).

<sup>89</sup> ESSA, Section 1115(d).

<sup>90</sup> ESSA, Section 1111(c)(4)(C)(iii) and Section 1111(d)(2). ESSA does not define what it means to be consistently underperforming, but rather leaves it for states to define.

<sup>91</sup> ESSA, Section 1111(c)(4)(D).

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TSI and CSI schools<sup>92</sup> must develop plans for improving student outcomes that (among other things):

- Are informed by all the indicators for differentiating schools listed above,
- Include evidence-based interventions (see box below), and
- Are based on an assessment of the school’s needs.<sup>93</sup>

**Definition of “Evidence-Based” in ESSA<sup>94</sup>**

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

- i. demonstrates a **statistically significant effect on improving student outcomes or other relevant outcomes based on—**
  - (I) **strong evidence from at least one well-designed and well-implemented experimental study;**
  - (II) **moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or**
  - (III) **promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or**
- ii. (I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and  
(II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

Under ESSA, TSI and CSI schools that receive Title I funds have the same Title I, Part A spending options as any other Title I school, and can also use their Title I, Part A funds to support the school’s TSI and CSI initiatives.

It is important to note the distinction between how Title I, Part A funds may be used in a TSI or CSI school versus how Section 1003 school improvement funds must be used. Under ESSA, Title I, Part A funds may support any allowable Title I, Part A cost whether it meets ESSA’s definition of evidence-based or not. This is different from how Section 1003 school improvement funds must be used. Section 1003 funds can only be used to support activities that meet ESSA’s top three tiers of evidence (highlighted in bold text above). In other words, Section 1003 funds can only be used to fund activities, strategies, or interventions based on a study that demonstrates the activity, strategy, or intervention has a *statistically significant effect* on improving student outcomes.<sup>95</sup>

<sup>92</sup> For CSI schools, the LEA develops the plan, which must be approved by the school. ESSA, Section 1111(d)(1)(B).

<sup>93</sup> ESSA, Section 1111(d)(1)(B) and Section 1111(d)(2)(B).

<sup>94</sup> ESSA, Section 8101(21)(A).

<sup>95</sup> ESSA, Section 8101(21)(B) stating:

(B) DEFINITION FOR SPECIFIC ACTIVITIES FUNDED UNDER THIS ACT.—When used with respect to interventions or improvement activities or strategies funded under section 1003, the term “evidence-based” means a State, local educational agency, or school activity, strategy, or intervention that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i).

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Therefore, while TSI and CSI schools must implement evidence-based interventions under ESSA's school improvement requirements, this requirement does not directly affect their use of Title I, Part A funds under ESSA.

### V. Other Spending Rules

#### A. Maintenance of Effort

LEAs that receive Title I funds must comply with a maintenance of effort requirement.<sup>96</sup> In short, maintenance of effort requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year.

#### B. Supplement not supplant

Title I has a supplement not supplant (SNS) requirement. In general terms, this means that Title I funds should add to (supplement) and not replace (supplant) state and local funds. Prior to ESSA, supplement not supplant was typically tested by analyzing an individual Title I cost's compliance with "three presumptions of supplanting."<sup>97</sup> Under ESSA, compliance with SNS will no longer be tested through individual Title I costs,<sup>98</sup> so these three presumptions no longer apply.

Instead, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program.<sup>99</sup>

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

#### C. Comparability

As a condition of receiving Title I, LEAs must ensure that state and local funds are used to provide services that taken as a whole, are comparable between Title I and non-Title I schools.<sup>100</sup>

#### D. Equitable Services

Title I funds are subject to an equitable services requirement.<sup>101</sup> In short, this means LEAs must reserve funds to provide Title I services to eligible private school students, teachers and other educational personnel, and families. ESSA makes important changes and clarifications to the way LEAs must reserve Title I funds for

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<sup>96</sup> ESSA, Sections 1118(a) and 8521.

<sup>97</sup> Under NCLB and previous versions of ESEA, a Title I 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 students that state and local funds support for non-Title I students.

<sup>98</sup> ESSA, Section 1118(b)(3)(A).

<sup>99</sup> ESSA, Section 1118(b)(2).

<sup>100</sup> ESSA, Section 1118(c).

<sup>101</sup> ESSA, Section 1117.



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equitable services. ESSA requires an LEA to determine the amount of funds available for providing equitable services under Title I *prior* to any expenditures or transfers of funds.<sup>102</sup> This includes all reservations previously taken “off the top” of an LEA’s Title I allocation, including reservations for administration, parental involvement, and district-wide initiatives.<sup>103</sup>

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<sup>102</sup> ESSA, Section 1117(a)(4).

<sup>103</sup> See U.S. Department of Education, [Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 \(ESEA\), as amended by the Every Student Succeeds Act \(ESSA\) \(November 2016\)](#) Q&A O-1. This guidance will be referred to as “ED 2016 Fiscal Changes Guidance” for the rest of this document.