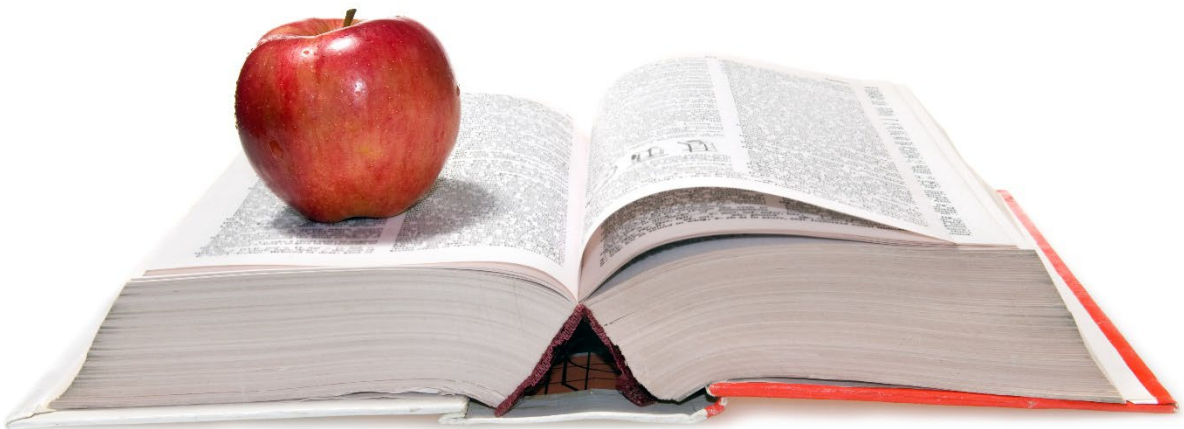

TITLE PROGRAMS TECHNICAL SUPPORT HANDBOOK

ESEA/ESSA



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Department of Education Title Department

605-773-6400

<https://doe.sd.gov/title/index.aspx>

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Elementary and Secondary Education Act of 1965

Please refer to the following link for the ESEA law in its entirety:

<http://www2.ed.gov/documents/essa-act-of-1965.pdf>

[As Amended Through P.L. 114–95, Enacted December 10, 2015]

SECTION 1. 20 U.S.C. 6301 note SHORT TITLE.

This Act may be cited as the “Elementary and Secondary Education Act of 1965”.

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Reporting & Notification Requirements

<p>Individual Student Results Section 1112(e)(1)(B)(i)</p> <p>Parents must be provided results as soon as practicably possible when results are available.</p>	<p>The South Dakota Department of Education recommends that districts determine the best way to communicate individual student level results with parents/guardians.</p> <p>Individual student results must be disseminated in a method that ensures all parents/guardians receive the results and in an understandable format.</p>
<p>State, District, School and NAEP Report Cards</p> <p>Assessment (All Students) and Accountability (Full Academic Year) data for the most recent school year to include:</p> <ul style="list-style-type: none"> • South Dakota State Assessment Data* • MSAA (alternate assessment) data* • NAEP data for State of South Dakota** • Graduation data • CTE data <p>NOTE: This applies to all schools in districts that receive federal funds under the Elementary and Secondary Education Act. This is not just a Title I requirement.</p> <p>Please see the DOE website for further information: http://doe.sd.gov/Assessment/. Call 605.773.6400 for the Title I office or the Assessment/Accountability office at 605.773.3246</p>	<p>Districts must ensure that the public, including all parents and teachers, have been given access to Report Card information by, at a minimum, placing it on the LEA website. (Section 1111 (h)(2)(B)(iii))</p> <p>Districts must ensure that all parents have been given access to Report Card information and be able to document it. All the State, District and School information required to be disseminated is available in the Report Card produced by the South Dakota Department of Education.</p> <p>An LEA may use its regular method of communicating with parents/guardians to meet the dissemination requirement as long as it provides information to all parents/guardians. A complete printed copy should be retained at the main office of each LEA and be made available to the public. NOTE: A printed copy does not need to be retained at the main office, but IF a parent or stakeholder would like a copy, the district can print individual pages from the website.</p>
<p>Parents Right to Know: Qualifications, Testing Transparency and Language Instruction</p>	
<p>Parents Right to Know Qualifications Notification 1112(e)(1)(A)(i) & (ii)</p>	<p>Notification is to be sent to parents as soon as possible. Back-to-school newsletters, newspapers, handbook etc.</p>
<p>Sample Notification</p>	<p>What do I know about my child's teacher? The Elementary and Secondary Education Act (ESEA) federal education law requires that all parents in a Title I school be notified and given the opportunity to request information about the professional qualifications of classroom teachers instructing their child. Parents may also request information about the qualifications of paraprofessionals if such services are provided to their child. If you are interested in this information, you may send your</p>

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	request to the building principal who will provide a response.
<p>Teacher Qualification notification</p>	<p>A letter must be sent home to parents if their student has been or will be, taught for four (4) or more weeks by a non-qualified substitute or substitutes. Qualified means that a teacher or substitute is state certified in the subject area they are assigned to teach. Title I schools only.</p> <p>Teacher qualifications for all teachers are not required to be sent home to parents or posted in the school.</p>
<p>Testing Transparency 1112(e)(2)(A) & (B)(i-iv)</p> <p>Districts shall notify the parents of each student attending any school receiving funds under this part that they may request information regarding any State or local educational agency policy regarding student participation in any assessments mandated by Section 1111(b)(2) and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.</p>	<p>Additionally, each district shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency’s website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with Section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the district.</p> <p>(Clear and easily accessible means within two clicks of landing on a district’s home website.)</p>
<p>Language Instruction 1112(e) (3) (A)(i-viii)</p> <p>If the district is required to provide language instruction to English learners, the district must, no later than 30 days after the beginning of the school year, inform parents of an English learner of the following:</p>	<ol style="list-style-type: none"> 1. The reason for the identification. 2. The child’s level of English proficiency. 3. The methods of instruction that will be used. 4. How the program will meet their child’s educational needs. 5. How the program will specifically help their child learn English. 6. The exit requirements of the program. 7. How, if a child has a disability, the program will meet the IEP. 8. Information on parent rights to remove their child from the program at any time and that they may decline the services or choose to enroll their child in another program if available.

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South Dakota Timeline Related to ESEA Federal Programs

All Public Districts	
July	LEA Consolidated Application due to SD DOE
July/August	Receive preliminary Report Card results from SD DOE. Conduct review of district and school data. File appeals, if applicable, during appeal window.
September	Disseminate Report Card information to parents and other stakeholders using the procedures distributed to Superintendents and Assessment Coordinators each summer. Provide links to report cards on the District and School websites.
Fall	Ensure that all Title required documents are posted on the Title Crate website and District websites as required of all Title I districts.
March/May	Administer South Dakota ELA and Math Assessments test to all students enrolled in grades 3-8 and 11.
Spring	Begin meeting with the committee in charge of having input into the Consolidated Application and use of federal funds. Decisions on the use of funds must be data driven and look at components including: Family Culture Climate, Effective Leadership, Talent Development, and Curriculum and Instruction.
Ongoing/Spring	Consult with private school officials, parents, community, staff, and all stakeholders as necessary for participation in Title programs.
April-May	Print individual student assessment results. Disseminate individual student SD State Assessment results and ACCESS results to parents and teachers as soon as possible.

Title I Part A Schools	
Beginning of School Year	Provide copy of the district and school Parent Involvement Policy and School Parent Compact to all parents of Title I students. This includes all parents / students in a schoolwide program, and parents of children receiving Title I services in a targeted assistance school.
Beginning of School Year	Notification to all parents of children attending a Title I school of their right to know the qualifications of their child's teacher and any paraprofessional working with their child: "Parent's Right to Know".
Beginning of School Year	Ensure that the Testing Transparency requirements are being met with information posted on the district website, in an easy to find place.
Annually	Each Title I school must conduct an annual meeting to inform parents of Title I services.
May	Complete LEA Title I Annual Report. Due in June.

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Targeted Assistance Schools	
Spring / Fall	Identify students eligible for Title I services (student needs assessment, ranking process).
Beginning of School year	Inform parents that their child is eligible for Title I services. The school does not have to have written permission to provide services.
Throughout school year	Title I teacher provides parents with Title I progress reports at the same time as the general education reports are distributed (at least quarterly).
Fall and ongoing	Code students receiving Title I services as Title I students in Infinite Campus or SIMS.
Fall	If poverty of a school is 40% or higher, a Targeted Assistance Title I School is automatically eligible to change services from a targeted to a schoolwide program the following school year. If poverty is below 40%, schools are eligible to apply for a waiver from SD DOE to become a schoolwide program. Contact SD DOE staff for assistance.

Schoolwide Schools	
Fall/Spring	Current Schoolwide(SW) programs review and revise SW plan
Spring	Schoolwide Schools. Evaluate the effectiveness of the Schoolwide Title I program. Consult with parents to advise the design of the Title I program for the upcoming year.
Spring	Revise Schoolwide Plan as necessary for upload to the Grants Management System (GMS) once open.
2022-2023	All current schoolwide programs should have completed a full Comprehensive Needs Assessment (CNA) using the SD DOE approved process or another process that reviews the same components prior to the start of this school year. For those that have not, the Title Office will work with the schools to ensure they are on track to complete one. A CNA must be done once every five years. The information from the CNA process must be used to update all components in the schoolwide plan template prior to upload in the GMS.

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Comprehensive and Targeted Support and Improvement Designations	
District Responsibility	
August	Receive preliminary school designations
September	Receive final school designations Notify identified schools of final designations
May	Upload district-approved Action Plan to Title Crate
School Level Responsibilities	
Sept-May	Comprehensive Support and Improvement: Conduct the South Dakota Comprehensive Needs Assessment Create an Action Plan
	Targeted/Additional Targeted Support and Improvement: Conduct a Needs Analysis Create an Action Plan
Annually post-designation	Attend annual School Success Boost Evaluate and adjust Action Plan

Title I Part C - Migrant	
Fall and Ongoing	Identify and complete a Certificate of Eligibility(COE) for potential migrant students
Spring	Application for a migrant program for the next school year will be available on the SD DOE website

Title I Part D – Neglected or Delinquent	
Data Collection	Title I Part D - Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk
	<ul style="list-style-type: none"> • The Annual Survey for Children in Local Institutions for Neglected or Delinquent Children is conducted each year. The purpose of this survey is to provide the U.S. Department of Education with current information on the location and number of children living in institutions for neglected or delinquent children. The information collected will be used to compute next year’s Title I allocations to local educational agencies. • Due Date is December. • Persons Responsible: Administrator of the qualifying residential facility and Superintendent or designee in the LEA • Data due to US DOE is now part of Consolidated Data (CSPR) • Data includes academic, vocational, transitional outcomes for students served with Part D funds.

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Title X Part C – McKinney-Vento EHCY Program	
McKinney-Vento Homeless Children and Youth Program Grant	
	<ul style="list-style-type: none"> • This competitive application must be submitted and approved for districts to receive federal funds under the Homeless Education Program to provide supplemental services to homeless children and youth. • Due July 1st • Primary person responsible: Superintendent/Director of Federal Funds/District M-V Liaison
Education for Homeless Children and Youth Program Data Collection (applies to all districts whether or not a sub-grantee)	
	<ul style="list-style-type: none"> • SD DOE collects data on Homeless Children and Youth in June. This data is collected from all districts including those not receiving McKinney-Vento funds as all districts are to identify and serve homeless children and youth. All districts are required to identify qualifying students in Infinite Campus or SIMS. • Person Responsible: McKinney-Vento Liaison/Director of Federal Funds/Superintendent

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Common Acronyms found in Education

Acronym	Formal Name
21CCLC	Nita M Lowey 21st Century Community Learning Centers
ADA	Americans with Disabilities Act
ARP	American Rescue Plan (ESSER III)
ARP-HCY	American Rescue Plan Homeless Children and Youth
BIA	Bureau of Indian Affairs
BIE	Bureau of Indian Education
CANS	Child and Adult Nutrition Services
CARES Act	Coronavirus Aid, Relief, and Economic Security Act (Covers ESSER I, GEER and CRF)
CCSSO	Council of Chief State School Officers
CEP	Community Eligibility Provision - Lunch Program
CNA	Comprehensive Needs Assessment
COB	Close of Business
COE	Certificate of Eligibility for Migrant Program
COP	Committee of Practitioners
CRF	Coronavirus Relief Fund
CRRSA	Coronavirus Response and Relief Supplemental Appropriations Act (ESSER II)
CSI	Comprehensive Support and Improvement
CSPR	Consolidated State Performance Report
CTE	Career and Technical Education
DCCSS	Division of College, Career, and Student Success
DLI	Division of Learning and Instruction
DLA	Department of Legislative Audit
EANS	Emergency Assistance to Non-Public Schools
EC	Early Childhood
EDGAR	Education Department General Administrative Regulations
EEOA	Equal Educational Opportunities Act
ELD	English Language Development
EL	English Learner
ELP	English Language Proficiency
ENL	English as a New Language
ERIC	Educational Resources and Information Center
ESEA	The Elementary and Secondary Education Act
ESL	English as a Second Language
ESSA	Every Student Succeeds Act
ESSER	Elementary and Secondary Emergency Relief Fund
ESY	Extended School Year
FAY	Full Academic Year
FERPA	Family Educational Rights and Privacy Act
FTE	Full Time Equivalent
FY	Fiscal Year

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GAO	Government Accountability Office
GAN	Grant Award Notification
GED	General Educational Development
GEER	Governor's Emergency Education Relief Fund
GEPA	General Education Provisions Act
GMS	Grant Management System
GY	Grant Year
HLS	Home Language Survey
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
IHE	Institution of Higher Education
KWL	Know, Want to Know, Learned
LAP	Language Acquisition Plan
Lau	Another name for EL Handbook (Lau Plan) all LEAs are required to develop; Name for plaintiff in a 1974 Supreme Court case concerning English Learners
LEA	Local Education Authority
LEP	Limited English Proficient (replaced with EL)
MCL	Mass Customized Learning
MEP	Migrant Education Program
ML	Multilingual Learner
MOE	Maintenance of Effort
MOU	Memorandum of Understanding
MSIX	Migrant Student Information Exchange
MTSS	Multi-Tiered System of Support
M-V	McKinney-Vento (Homeless)
N or D	Neglected or Delinquent
NAEP	National Assessment of Educational Progress
NCLB	No Child Left Behind (Replaced in 2015 with ESSA)
NSLP	National School Lunch Program
OCR	Office of Civil Rights
OESE	Office of Elementary and Secondary Education
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSEP	Office of Special Education Programs
OST	Out of School Time
PBIS	Positive Behavioral Interventions and Supports
PLC	Professional Learning Community
POC	Point of Contact
PRF	Personnel Record Form
Rtl	Response to Intervention
SD ELA	South Dakota English Language Arts State Assessment
SD Math	South Dakota Mathematics State Assessment
SD Science	South Dakota Science State Assessment

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SDDOE	South Dakota Department of Education
SDSTARS	South Dakota's Student Teacher Accountability Reporting System
SEA	State Education Authority
SEL	Social Emotional Learning
SIG	School Improvement Grant
SLDS	State Longitudinal Data System
SOO	School of Origin
SPED	Special Education
SSAE	Student Support and Academic Enrichment (Title IV, Part A)
SSF	School Success Facilitator
STEAM	Science, Technology, Engineering, Arts, and Math
STEM	Science, Technology, Engineering, and Math
SW	Schoolwide Title I Program
SY	School Year
TA	Targeted Assistance Title I Program
TSI	Targeted Support and Improvement
UGG	Uniform Grant Guidance
US ED	United States Department of Education
WIDA	World-Class Instructional Design and Assessment

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Required Plans and Documents

Plans/Documents	Required By:	Explanation
Complaint/Dispute Policy for students experiencing homelessness	Title I/McKinney-Vento	Title VII Part B of M-V 42 U.S.C.11431 et seq or Title IX Part A ESEA, requires a dispute resolution process for students experiencing homelessness.
District Parent Involvement Policy	Title I	Section 1116 required by each LEA that receives Federal Title Funds
EL/Lau Plan	Title I/Title III	<p>A Lau Plan, named after the landmark Lau vs. Nichols U.S. Supreme Court Decision of 1974, is an equal access plan that protects English Learners (ELs). The plan describes what the Districts EL program is and how they will:</p> <ol style="list-style-type: none"> 1. Identify its ELs. 2. Conduct the EL program for the district. 3. Align the instruction of ELs to state content standards. 4. Annually assess student’s English language proficiency(ELP)
Foster Care Transportation Plan	Title I	Section 1112 (c)(5)(B) requires a plan to ensure transportation for Foster Care students.
LEA Plan	Title I	ESEA requires that all districts receiving Title funds have a plan on file with the SEA. This done annually through the Grant Management System (GMS).
MOU with Head Start/Pre-schools	Title I	Section 1119 of ESEA now requires agreements with Head Starts and other early childhood entities

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Parent Notification for EL students	Title I/Title III	Section 1112(e)(3)(A)(i-viii) requires notification of EL parents to keep them informed of what is going on with the education of their children.
Rights Policy for students experiencing homelessness	Title I	Title VII Part B of M-V 42 U.S.C.11431 et seq or Title IX Part A ESEA, requires LEAs to remove any barriers to the education of students experiencing homelessness.
School-level Compact	Title I	Section 1116 School-parent compact that outlines how school staff and parents and students share the responsibility for student achievement
School-level Parent Involvement Policy	Title I	Section 1116 Each Title I school shall develop with families a school level policy that meets the requirements of Section 1116
Schoolwide Plan(SW)	Title I	ESEA requires that schools operating a schoolwide program have a plan that addresses the required components. The plan is uploaded into the GMS annually.
Testing Transparency	All LEAs	District must post information about required testing and policies that discuss what happens if a parent wants to not have their student tested.

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Monitoring Protocols

South Dakota Local Education Agencies (LEAs) receiving Title Funds

Updated August 2023

This document is a resource guide supporting the South Dakota Department of Education's (SD DOE) Title I Part A, Improving the Academic Achievement of the Disadvantaged, monitoring process. The purpose of Title I Part A's is to provide all children significant opportunity to receive fair, equitable, and high-quality education, and close educational achievement gaps.

The monitoring process focuses on the quality and compliance with state and federal requirements for programming of Title I, Part A. It is the South Dakota Department of Education's responsibility to enforce the Elementary and Secondary Education Act (ESEA).

The Elementary and Secondary Education Act of 1965, as reauthorized and amended by Every Student Succeeds Act of 2015, requires state education agencies to monitor the implementation of the Title I, Part A program requirements and the expenditure of federal funds by all subgrantees.

Monitoring Title I, Part A at the local level ensures compliance with regulations and assures the quality of the program. SD DOE is also responsible for providing quality technical assistance to Local Education Agencies (LEAs) and schools receiving Title I Part A funds.

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Pre-Award Risk Assessment for School Districts

SD DOE staff will complete a risk assessment document that will rank the districts based on several criteria. The LEAs will be ranked based on the numerical scores assigned and will then be placed into the levels of monitoring.

Risk Assessment Components

- Grants Management System (GMS) Consolidated Application submitted on time by September 30th each year.
- Changes in Administration (Superintendent, Business Manager, Title I Director, McKinney Vento liaison) in the prior school year.
- Allocation total of all federal funds over \$500,000 or under \$500,000.
- Portion of Allocation that was not allocated or spent is considered significant based upon total allocation of these funding sources: Title I, Part A – Title I, Title I, Part C - Migrant, Title I, Part D – Neglected and Delinquent and At-Risk, Title III, Title IV, Part A, Rural Low Income Schools, Rural Education Assistance Programs, McKinney Vento – Homeless.
- Attendance of district staff (Superintendent, Principal, Federal Programs, McKinney Vento, Title specific staff) at SD Department of Education Title Programs trainings
- Number of Programs; more than five or less than five. (Programs: Title I Part A, Title I Part C, Title I Part D, Title III Part A, Title IV Part A, Rural Low Income Schools, Rural Education Assistance Programs, McKinney Vento – Homeless)
- Completed Comprehensive Needs Assessment (CNA) within the previous 5 years, examining the four required components- Talent Development, Family Engagement, School Culture and Climate, Curriculum and Instruction, and Effective Leadership
- Previous Review; findings or unresolved issues
- Comprehensive Support and Interventions and/or Targeted Support and Interventions school(s)
- Program adjustment- change in Schoolwide or Targeted Programs
- Number of Private Schools the LEA is required to provide equitable services to
- Discretionary: Other issues of significance
- Date of last federal program review
- Title Crate uploads of Title documents

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Monitoring

The Title Programs team will assess the capacity to monitor and type of monitoring indicated by the LEA risk assessment on an annual basis. In addition, SD DOE maintains awareness that by the nature of some LEAs, the number of programs and allocation, the LEA may be ranked at Level 4 year after year. For the same reasons some LEAs will continuously rank at a Level 1. Due to the nature of the ranking, consideration of each individual district needs will be discussed by SD DOE prior to planning the monitoring for each year regardless of the level.

Levels of Monitoring

At a minimum every LEA receiving Title I Part A funds will complete the activities detailed in Level 1. The requirements are adjusted based on risk factors detailed above.

Level 1 –

- Submit Consolidated Application by July 1 of each fiscal year
- Upload all required documents to Title Crate by October 1. Refer to Title Crate for a detailed list of required uploads.

Level 2 –

- Complete Level 1 activities
- Attend at least one annual training session in a relevant area of need specific to Title Programs.

**The Title Programs staff will determine a select number of Level 1 and 2 LEAs to conduct differentiated monitoring which may include a review of documents, interviews in coordination with the LEA, virtual and/or in-person technical assistance opportunities and/or an on-site visit. The number of LEAs will be determined based on DOE capacity and the time since last monitoring.*

Level 3 –

- Complete Level 1 and 2 activities
- Receive a hands-on monitoring. This monitoring will be customized based upon the areas of need and may include an on-site review that includes all Title Programs or a hybrid approach focusing on the areas of need.
- LEAs that do not meet the deadline for findings/corrective action will be required to submit a plan to address outstanding compliance items including a timeline.

Level 4 –

- Complete Level 1, 2, and 3 activities

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- May include a full, onsite compliance monitoring that will include a fiscal review and/or any other SD DOE staff as necessary.
- LEAs that do not meet the deadline for findings/corrective action will be required to submit a plan to address outstanding compliance items including a timeline.
- LEAs failing to meet the requirements may have funds withheld and/or include school board notification.

*An LEA that fails to meet the requirements set forth above and who has received multiple attempts at intervention may have some or all federal funds denied.

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Procedures for Monitoring

SD DOE considers the consolidated application the first step of monitoring for all Title I LEAs. Each year, LEAs submit the Consolidated Application through the online Grant Management System (GMS) by July 1. The Title Program representatives provide on-going technical assistance during the submission process. All requirements uploaded to the GMS are reviewed annually to ensure requests are reasonable and appropriate according to Title I guidance and law.

Each summer SD DOE program representatives will complete the Risk Assessment, ranking each of the LEAs. SD DOE capacity is considered in order to provide technical assistance and on-site monitoring. Annually SD DOE ensures monitoring documents are up-to-date. Notification will be sent out to all districts as to which level of monitoring they will receive. After initial notification the designated Title I representative will be available to provide one-on-one technical assistance.

Level 1

1. **September:** A letter/email from the SD DOE Title Programs administrator will be sent to the LEAs designated as Level 1 informing them that they must upload current documents to Title Crate by October 1. The assigned program representative will provide technical assistance, upon request from the district. A select number of Level 1 LEAs will be notified of differentiated monitoring, see 1(a) for more information.
 - a. **Differentiated Monitoring LEAs:** For LEAs selected for a differentiated monitoring, the Title Programs representative will communicate the details of the review. At a minimum LEAs will have a thorough review of the required, uploaded documents. SD DOE will notify the LEA of necessary corrections via Title Crate. Upon uploading the corrected documents, LEAs will be notified when the review of the documents is completed via Title Crate. The differentiated review is to be completed by February 1st.
2. **On-going:** SD DOE program representatives will provide one-on-one technical assistance, upon request. Opportunities for title specific professional development is available throughout the year. An in-depth review of documents will not be completed for level 1 LEAs. The SD DOE program representative will check Title Crate as needed for compliance of uploaded documents.

* Failure to upload documents for review or failure to address corrective action to fix the documents will imply the LEA has additional risk of non-compliance.

Level 2

1. A letter/email from the SD DOE Title Programs administrator will be sent to the LEAs designated as Level 2 informing them that they must upload current documents to Title *The contents of this program were developed under a grant from the U.S. Department of Education. However, the contents do not necessarily represent the policy of the U.S. Department of Education and you should not assume endorsement by the Federal Government. Updated Fall 2022.*

Crate by October 1. The program representative will provide technical assistance, upon request. A select number of Level 2 LEAs will be notified of differentiated monitoring, see 1(a) for more information.

- a. **Differentiated Monitoring LEAs:** For LEAs selected for a differentiated monitoring, the Title Programs representative will communicate the details of the review. At a minimum LEAs will have a thorough review of the required, uploaded documents. SD DOE will notify the LEA of necessary corrections via Title Crate. Upon uploading the corrected documents, LEAs will be notified when the review of the documents is completed via Title Crate. Failure to upload the documents for review or failure to address corrective action to fix the documents will imply the LEA has additional risk of non-compliance. The differentiated review is to be completed by February 1.
2. Attend at least one annual training session during the school year in a relevant area of need specific to Title Programs.
3. **On-going:** SD DOE program representatives will provide one-on-one technical assistance, upon request. Opportunities for title specific professional development is available throughout the year. An in-depth review of documents will not be completed for level 1 LEAs. The SD DOE program representative will check Title Crate as needed for compliance of uploaded documents.

* Failure to upload documents for review or failure to address corrective action to fix the documents will imply the LEA has additional risk of non-compliance.

Level 3

1. A letter/email from the DOE Title Programs administrator will be sent directly to each LEA selected for Level 3 risk informing the LEA of requirements that must be completed. SD DOE program representatives will communicate with their assigned districts to discuss required documents and the details of the monitoring which may include an on-site visit. SD DOE will work with the LEAs to determine a monitoring timeline. Any on-site monitoring visits will be schedule in cooperation with the LEA when possible.
2. **October 1:** LEAs will upload documents to Title Crate for review by SD DOE.
3. **By End of March:** SD DOE will conduct the monitoring, which may be virtual or on-site. Any follow-up will be conducted by the program representative along with the LEA.
4. **Within a Written Agreed Upon Timeline:** Following the monitoring visit, SD DOE will provide the LEA a list of outstanding items to be addressed in the Title Crate.
5. **During the Agreed Upon Timeline:** LEAs will be given an opportunity to remedy any out-of-compliance documents or Title I implementation practices. The LEA should attempt to resolve the monitoring issues as quickly as possible and not wait until the end of the agreed upon timeline. SD DOE will work with the LEA to establish a timeline for districts to correct documents that require stakeholder engagement.

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6. **At the End of the Agreed Upon Timeline:** At this time, any unresolved issues will become a formal finding(s) and the LEA will be given a timeline to resolve the finding(s) to the satisfaction of the SD DOE. Any unresolved monitoring issues will require the LEA to create a Corrective Action Plan with their Title Program Representative.
7. When all findings are resolved, a notice will be emailed to the district stating that the monitoring has been completed. If the finding/corrective action was not completed within the required time, the LEA may be deemed to be Level 4 the following year, resulting in a more thorough and consolidated review.

Level 4

1. A notice from the SD DOE Title Programs administrator will be sent directly to each LEA selected for Level 4 risk informing the LEA of requirements that must be completed. Program representatives will communicate with their assigned districts to discuss required documents and the details of the monitoring visit. SD DOE will work with the LEAs to determine a monitoring timeline. LEAs at Level 4 will be subject to a full on-site monitoring, including all applicable Title Program(s), and a fiscal review.
2. **October 1:** LEAs will upload documents to Title Crate for review by SD DOE.
3. **By End of March:** SD DOE will conduct the on-site monitoring. Any follow-up will be conducted by the program representative along with the LEA.
4. **Within a Written Agreed Upon Timeline:** Following the monitoring visit, SD DOE will provide the LEA a list of outstanding items to be addressed in the Title Crate..
5. **During the Agreed Upon Timeline:** LEAs will be given an opportunity to remedy any out-of-compliance documents or Title I implementation practices. The LEA should attempt to resolve the monitoring issues as quickly as possible and not wait until the end of agreed upon timeline. SD DOE will work with the LEA to establish a timeline for districts to correct documents that require stakeholder engagement.
6. **At the End of the Agreed Upon Timeline:** LEAs will receive a formal notice within the Title Crate. At this time, any unresolved issues will become a formal finding(s) and the LEA will be given a timeline to resolve the finding(s) to the satisfaction of SD DOE. Any unresolved monitoring issues will require the LEA to create a Corrective Action Plan with their Title Program Representative.
7. At the end of the school year, if findings are not resolved and/or the LEA is not showing significant progress in resolving the finding(s), the LEA will be considered high risk for the next monitoring cycle. The LEA may be subjected to other corrective action such as being assigned a support person, notification to the school board of non-compliance, and/or SD DOE withholding Federal funds.

Corrective Action

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Any unresolved monitoring issues will require the LEA to create a Corrective Action Plan with their Title Program Representative. This will be determined at the end of the written agreed upon timeline.

*All timeframes are subject to change from year to year. Communication from SD DOE will be given to the LEAs on an annual basis as to what time frame they need to follow.

Appendix 1- Laws and Definitions

Purpose of Title I Part A Funding [20 U.S.C.6301]

South Dakota's Title I Part A purpose as outlined in Section 1001 is to provide all children significant opportunity to receive fair, equitable, and high-quality education, and to close educational achievement gaps.

Purpose of Title I, Part C Migrant Funding

The purpose of this part is to assist States to:

- support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;
- ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards;
- ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;
- ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;
- design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and
- ensure that migratory children benefit from State and local systemic reforms.

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Purpose of Title I, Part D Neglected, Delinquent, & At-Risk Funding

It is the purpose of this part—

(1) to improve educational services for children and youth in local, tribal, and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State academic standards that all children in the State are expected to meet;

(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

(3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education and the involvement of their families and communities.

Purpose of Title III, Part A English Language Acquisition Funding

The purpose of Title III is to help ensure that English learners, including Immigrant children and youth, attain English language proficiency and meet the same standards that all children are expected to meet.

Purpose of Title IV, Part A Student Support and Academic Enrichment Grants Funding

The purpose of Section 4101 is to improve students' academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to

(1) provide all students with access to a well-rounded education;

(2) improve school conditions for student learning; and

(3) improve the use of technology in order to improve the academic achievement and digital literacy of all students

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Purpose of Rural and Low Income School Program

The purpose of the Rural and Low-Income School (RLIS) program is to provide rural districts with financial assistance for initiatives aimed at improving student achievement. The grant is non-competitive, and eligibility is determined by statute. Awards are issued annually to State Education Agencies (SEAs), which make subgrants to Local Education Agencies (LEAs) that meet the applicable requirements. Awards are made to all SEAs that apply and meet the applicable requirements.

Purpose of Rural Education and Achievement Program

Designed to address the needs of rural, low-income schools. The Secretary awards formula grants to SEAs, which in turn award subgrants to eligible LEAs either competitively or on a formula basis. The funds are to be used to carry out activities specified by the statute.

Authority for Monitoring [20 U.S.C. 7843]

ESEA Section 8304 General Assurances (SEA)

(a)(3) The state will adopt and use proper methods of administering each such program, including - (A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; (B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluations.

Assurances of Implementation [20 U.S. C. 7846]

ESEA Section 8306 Other General Assurances (LEA)

(a)(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, applications; (3) the applicant (LEA) will adopt and use proper methods of administering each such program, including (A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and (B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluations. (4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the SEA, et al.

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Section 1111 - State Plans

The first section of ESEA, Section 1111, establishes the requirements for academic assessments, all of the subgroups that must be reported on in various ways, the accountability system, report cards, and school improvement. School improvement is not addressed in this. The State plan can be found on the SD DOE website: <https://doe.sd.gov/essa/documents/19-SDStatePlan.docx>.

Section 1111 (b)(2) ACADEMIC ASSESSMENTS.—

(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. The State retains the right to implement such assessments in any other subject chosen by the State.

(B) REQUIREMENTS.—The assessments under subparagraph (A) shall—

- (xi) enable results to be disaggregated within each State, local educational agency, and school by
 - (I) each major racial and ethnic group;
 - (II) economically disadvantaged students as compared to students who are not economically disadvantaged;
 - (III) children with disabilities as compared to children without disabilities;
 - (IV) English proficiency status;
 - (V) gender; and
 - (VI) migrant status.

Section 1111 (c) STATEWIDE ACCOUNTABILITY SYSTEM.—

- (1) IN GENERAL.—Each State plan shall describe a statewide accountability system that complies with the requirements of this subsection and subsection (d).
- (2) SUBGROUP OF STUDENTS.—In this subsection and subsection (d), the term “subgroup of students” means—
 - (A) economically disadvantaged students;
 - (B) students from major racial and ethnic groups;
 - (C) children with disabilities; and
 - (D) English learners.

Section 1111 (h)(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

- (A) PREPARATION AND DISSEMINATION.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency.
- (B) IMPLEMENTATION.—Each local educational agency report card shall be—
 - (i) concise;
 - (ii) presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and
 - (iii) accessible to the public, which shall include—
 - (I) placing such report card on the website of the local educational agency;

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Section 1111 (h)(2) Cont'd

(C) MINIMUM REQUIREMENTS

(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole;

(ii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces (as defined in Section 101(a)(4) of title 10, United States Code) on active duty (as defined in Section 101(d)(5) of such title), information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

(iii) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(2), and for purposes of subclause (II) of this clause, homeless status and status as a child in foster care

(iv) Information on the number and percentage of English learners achieving English language proficiency.

Review Expectations: Reviewers will look for evidence that the Report Cards for the district and schools are on the LEAs website and are easy to locate. Districts will also be asked how they communicate this information to parents.

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Section 1112 - Local Educational Agency Plans

This section covers many items required for federal program compliance, including completing the Consolidated Application, the LEA Plan, reporting student achievement to parents, the Parent's Right to Know statement, testing transparency, Language Instruction and Foster Care Transportation Plans.

Section 1112.

(a) PLANS REQUIRED.—

(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency.

(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a Consolidated Application under Section 8305.

(3) STATE APPROVAL.—

(A) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

(B) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

- (i) provides that schools served under this part substantially help children served under this part meet the challenging State academic standards; and
- (ii) meets the requirements of this Section.

Section 1112 (b) covers the **LEA Plan provisions**. There are thirteen (13) components that are required along with seven (7) assurances that the LEA must agree to.

Section 1112(c)(5)(B) requires LEAs to develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care.

Section 1112(6) requires LEAs to ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements.

Section 1112 (e) covers the **Parents Right to Know**, which includes the following required notifications to parents:

(1) INFORMATION FOR PARENTS.—

(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information

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regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

(i) Whether the student's teacher—

(I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

(II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and

(III) is teaching in the field of discipline of the certification of the teacher.

(ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

(2) TESTING TRANSPARENCY.—

(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the local educational agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy regarding student participation in any assessments mandated by Section 1111(b)(2) and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.

(B) ADDITIONAL INFORMATION.—Subject to subparagraph(C), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency's website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with Section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including—

(i) the subject matter assessed;

(ii) the purpose for which the assessment is designed and used;

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- (iii) the source of the requirement for the assessment; and
- (iv) where such information is available—
 - (I) the amount of time students will spend taking the assessment, and the schedule for the assessment; and
 - (II) the time and format for disseminating results.

(3) LANGUAGE INSTRUCTION.—

(A) NOTICE.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program.

Review Expectations: Reviewers will expect to see the following:

1. A LEA plan submitted with the Consolidated Application that covers all thirteen components in enough detail to explain how federal funds are used to supplement the educational programs to help students achieve academic success.
2. A Right to Know statement broadly distributed to parents.
 - a. Newspaper, handbook, newsletters, etc.
3. Testing Transparency statements notifying parents of their rights and of the assessments being given to their students.
4. Examples of how the LEA informs EL students' parents about the required information. This should include an example of a notification letter sent home to notify parents if their child is identified as an English learner. This letter must have all of the components required in Section 1112 (e) (3) (A) (i-viii).

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Local Educational Agency Plan Questions

Section 1112(b)(1 through 13) PLAN PROVISIONS. –

To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, each local educational agency (LEA) plan shall complete the following information and submit the plan to the South Dakota Department of Education (SD DOE) as part of the application for federal funding. Each component of each question must be addressed, if applicable, in order for the plan to be considered complete.

<p>1. Describe how the LEA will monitor students' progress in meeting the challenging State academic standards by—</p> <ul style="list-style-type: none">A) developing and implementing a well-rounded program of instruction to meet the academic needs of all students;B) identifying students who may be at risk for academic failure;C) providing additional educational assistance to individual students the local educational agency or school determines need help in meeting the challenging State academic standards; andD) identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning.
<p>2. Describe how the LEA will identify and address, as required under State plans as described in Section <u>1111(g)(1)(B)</u>, any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers.</p>
<p>3. Describe how the LEA will carry out the responsibilities under paragraphs (1) and (2) of Section <u>1111(d)</u>, concerning the possible identification of schools as either Comprehensive or Targeted School Improvement schools.</p>
<p>4. Describe the poverty criteria that will be used to select school attendance areas under Section <u>1113</u>.</p>
<p>5. Describe, in general, the nature of the programs to be conducted by such agency's schools under Sections 1114 – Schoolwide Programs and Section 1115 – Targeted Assistance Programs and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs.</p>
<p>6. Describe the services that will be provided to homeless children and youths, including services provided with funds reserved under Section <u>1113(c)(3)(A)</u>, to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the LEA is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.)</p>

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<p>7. Describe the strategies that will be used to implement effective parent and family engagement under <u>Section 1116</u> – Parent and Family Engagement. <i>NOTE: The strategies described here should reflect what is in the district level Parent and Family Engagement Plan.</i></p>
<p>8. Describe how the LEA will support, coordinate, and integrate services with early childhood education programs, including plans for the transition of participants in such programs to local elementary school programs.</p>
<p>9. Describe how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in <u>schools operating a Targeted Assistance Program</u> under <u>Section 1115</u>, will identify the eligible children most in need of services under this part. If the district does not have any targeted assistance programs, please indicate that below.</p>
<p>10. Describe how the LEA will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable—</p> <ul style="list-style-type: none"> A) through coordination with institutions of higher education, employers, and other local partners; and B) through increased student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills.
<p>11. Describe how the LEA will support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by each of the subgroups of students, as defined in <u>Section 1111(c)(2)</u>.</p>
<p>12. If the LEA determines this to be appropriate, describe how the LEA will support programs that coordinate and integrate—</p> <ul style="list-style-type: none"> A) academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State; and B) work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit.
<p>13. Describe any other information on how the funds will be used to meet the purposes of this part, and that the LEA determines appropriate to provide, which may include how the LEA will:</p> <ul style="list-style-type: none"> A) assist schools in identifying and serving gifted and talented students; and B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

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Students in Foster Care

South Dakota Transportation Procedures under the Every Student Succeeds Act of 2015.

Background

National research shows children in foster care are at high-risk of dropping out of school and unlikely to attend or graduate from college. Frequent mobility of students in foster care is a barrier to their academic success. The Every Student Succeeds Act of 2015 (ESSA) requires districts to work closely with Child Protection Services (CPS) to tailor transportation processes and procedures to their unique local contexts. School districts and CPS must collaboratively establish procedures which facilitate the prompt transportation needed to ensure educational stability for students in foster care. This document contains a sample interagency agreement that delineates recommended steps for creating these procedures, including possible methods of cost sharing. Additionally, a sample transportation plan that illustrates how local partners would provide transportation to a foster child who has experienced a change in his or her living environment is also provided.

Under ESSA, transportation procedures for children in foster care must:

- Ensure that children in foster care needing transportation to the school of origin (SOO) will promptly receive transportation in a cost-effective manner and in accordance with the CPS's authority to use child welfare funding for SOO transportation;
- Ensure that **if** there are additional costs incurred in providing transportation to maintain children in foster care in their SOO, the district will provide transportation to the SOO **if**:
 - the local CPS office agrees to **reimburse** the LEA for the cost of such transportation;
 - the district **agrees** to pay for the cost of such transportation; **or**
 - the district and the local CPS office **agree** to share the cost of such transportation.

This document is intended to:

- Assist districts and CPS in understanding federal obligations under ESSA regarding provision of transportation to students in foster care;
- Outline the necessary steps to take when implementing ESSA's transportation requirements; and
- Be used as a sample procedure document for the development of local interagency transportation agreements and individual student transportation plans.

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Development of the local plan should include both the district's and CPS's point of contact (POC). Additional participants could include: Title I coordinator, superintendent, principal, and CPS regional managers.

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Sample Template

School District Name Transportation Plan for Students Placed in Foster Care

Sequence:

1. When a student is placed in foster care or changes residence while in foster care, the CPS worker must notify the school district contact person. If the new residence is not in the same school district, the district's POC must be notified.
2. If necessary, the district's POC can notify the SOO transportation designee.
 - a. The POC should provide the student's name, current school, new residence address, and whether the student has an IEP with specialized transportation.
 - b. The SOO transportation designee identifies potential ways that the child could be transported (see list of options below).
3. The CPS worker and the district POC share their information. The joint decision is made by the CPS worker and the district POC.
4. If the decision is that the student will remain in the current school, the district POC can notify the SOO transportation designee, who then assists in arranging transportation to and from school.

Options:

Multiple factors will be considered and addressed when determining transportation options for these students, including but not limited to: safety for the student and other students being transported, student age, length of commute, and distance. Information from the SOO transportation designee about these factors will be provided so that the plan will be in the best interest of the child and include consideration of cost-effective measures.

The following options can be considered to provide SOO transportation:

1. Existing transportation can be modified slightly to accommodate the new address such as:
 - a. An existing bus route can be used.
 - b. An existing bus route can be modified slightly to accommodate the new address.
 - c. Specialized transportation offered to other students can be accessed, such as:
 - i. School district car;
 - ii. Public transportation;
2. The CPS worker also should explore options outside of those provided by the school district, such as reimbursing the foster parents for transportation costs, or including transport in contracts with licensed child placing agencies or group homes.

Funding:

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If School District Name can offer an existing means of transportation at no additional cost, CPS will not be charged.

CPS and School District Name can work together, as described above, to provide a form of transportation that best meets the child's needs. CPS will explore different funding sources to assist with transportation. The school district's Title I, Part A funds may be used to assist with excess transportation costs if funds exist after covering mandated responsibilities (such as transportation for students experiencing homelessness).

If the student has an IEP that includes provisions for specialized transportation, transportation must be provided by the school district responsible for the student's Free Appropriate Public Education (FAPE). Based on South Dakota's special education regulations, any alternative special education placement, whether public or private, assumes specialized transportation is part of the IEP and must be provided for the student to receive FAPE.

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Right to Know Notifications

Teacher and Paraprofessional Qualifications

Sample Notifications for a newsletter, newspaper, or school handbook

The notice(s) and information provided to parents must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

Sample 1:

What do I know about my child's teacher? The federal education law, the Elementary and Secondary Education Act (ESEA), requires that all parents in a Title I school be notified and given the opportunity to request information about the professional qualifications of classroom teachers and paraprofessionals instructing their child. You may also request information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments. If you are interested in this information, you may send your request to the building principal who will provide a timely response.

Sample 2:

Do parents have the right to know the qualifications of the educational staff working with their child?

Yes. Title I Part A, (Section 1112)(e)(1)(B)(ii) specifies the following requirement. At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner).

The information must include, at a minimum, the following:

- (i) Whether the student's teacher—
 - (I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - (II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
 - (III) is teaching in the field of discipline of the certification of the teacher.
- (ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

Parents may also request information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part and timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

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Notes/Thoughts/Questions

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Section 1113 - Eligible School Attendance Areas

Section 1113 refers to how LEAs must decide on the measure of poverty that will be used to identify eligible school attendance areas, determine the ranking of each area, and the allocations for each school that will be served. The rank order section only applies to LEAs with over 1,000 enrolled students or more than one school per grade span. All other LEAs below these thresholds may serve any eligible schools with Title I funds. This section also sets the rules for reservations of funds for programs such as homeless, neglected, and delinquent students.

The measures of poverty that may be used for these determinations are: the number of children aged 5 through 17 in poverty counted in the most recent census data, the number of children eligible for a free or reduced price lunch, the number of children in families receiving assistance under SNAP (Supplemental Nutrition Assistance Program), TANF (Temporary Assistance for Needy Families), Medicaid, or a composite of such indicators, with respect to all school attendance areas in the local educational agency.

Section 1113

(a) DETERMINATION.—

(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

- (A) the term “school attendance area” means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and
- (B) the term “eligible school attendance area” means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

(3) RANKING ORDER.—

(A) RANKING.—Except as provided in subparagraph (B), if funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

- (i) annually rank, without regard to grade spans, such agency’s eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

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(ii) serve such eligible school attendance areas in rank order.

(B) EXCEPTION.—A local educational agency may lower the threshold in subparagraph (A)(i) to 50 percent for high schools served by such agency.

(4) REMAINING FUNDS.—If funds remain after serving all eligible school attendance areas under paragraph (3), a local educational agency shall—

(A) annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

(B) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2), a local educational agency may—

(A) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

(B) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

(C) designate and serve a school attendance area or school that is not eligible under this section, but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and

(D) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

(i) the school meets the comparability requirements of section 1118(c);

(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

(2) SPECIAL RULE.—Notwithstanding paragraph (1)(D), the number of children attending private elementary schools and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

(c) ALLOCATIONS

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(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsections (a) and (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

(3) RESERVATION OF FUNDS.—

(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part, determined in accordance with subparagraphs (B) and (C), to provide services comparable to those provided to children in schools funded under this part to serve—

- (i) homeless children and youths, including providing educationally related support services to children in shelters and other locations where children may live;
- (ii) children in local institutions for neglected children; and
- (iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

Review Expectations: During the review, the School Selection section (see the screen shot below) of the Consolidated Application will be used to ensure only eligible schools are served, that the LEA has selected the appropriate rank order choice and that the appropriate set-asides are present. The reviewer will determine if a school is eligible to be “grandfathered” in for one more year of eligibility, if applicable and if the appropriate set-asides have been taken.

Overview		Program Information		Budget Information		Page Lock Control	
School Selection	Title_I_Part_A Supplement Not Supplant	Private_Schools District Level	Private_Schools Narrative	PreSchool Narrative	McKinney-Vento Homeless	Neglected Program	
School Selection Step 1	School Selection Step 2	School Selection Step 3	School Selection Step 4	District Set Asides	Set-Aside Narrative	Public School Allocations	

Title I School Selection

[Click for Instructions](#)

The application has been submitted. No more updates will be saved for the application.

This page has been locked by the agency review. You must unlock it on the Page Control Tab if changes are needed.

Step 1: Enter the details for all attendance centers then click a save page button. (Unduplicated Count)
Check the appropriate source box for the method you are using for the public low income student count and enter the numbers in the far right column.

- Free/Reduced Lunch (Community Eligibility Provision Schools will use Direct Certification with Multiplier)
- Direct Certification with Multiplier for All Schools
- Direct Certification without Multiplier for All Schools

3/26/2021 Enter Date of Student Count (ex: MM/DD/YYYY)

Attendance Center	Select Category	Grade Span	Feeder Pattern Used	CEP	Grandfather / Other	Public Enroll	Non-Public Enroll	Public # Low Income with Multiplier	Non-Public # Low Income	Initial Public # Low Income
0001	High School	09-12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1320	164	447	9	447
0002	Middle/JH	06-08	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	537	106	171	4	171
0003	Middle/JH	06-08	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	550	60	225	8	225
0005	Elementary	KG-05	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	365	84	56	4	56
0007	Elementary	KG-05	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	243	16	95	4	95
0008	Elementary	PK-05	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	280	77	157	5	157
0009	Elementary	KG-05	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	341	44	160	2	160
0010	Elementary	KG-05	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	404	37	165	6	165
0011	Elementary	KG-05	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	334	42	168	8	168
Totals						4374	630	1644	50	1644

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Notes/Thoughts/Questions

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Section 1114 - Schoolwide Programs

Section 1114 covers the operation of a schoolwide program. A school operating a schoolwide program has a flexibility both in what students are served and in the use of funds that a school running a targeted assistance program does not.

What is included here is a brief synopsis of the law. There are several subsections included in the full copy of the law that all schools should be aware of. This includes the four components required in the Schoolwide Plan and requirements for schools that may consolidate their federal funds along with other funds.

Included in this handbook is a copy of the updated Schoolwide Plan template that all schools operating a schoolwide program are required to submit along with the Consolidated Application each year. Also included are the forms for moving from a targeted assistance program to a schoolwide program and for applying for a waiver. These documents are available on the DOE SharePoint site and on the South Dakota Department of Education website:

<http://doe.sd.gov/title/basic.aspx>. Other supporting documentation may also be found on this website:

Section 1114

(a) IN GENERAL.—

(1) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

(A) ELIGIBILITY.—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

(B) EXCEPTION.—A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if the school receives a waiver from the State educational agency to do so, after taking into account how a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.

(b) SCHOOLWIDE PROGRAM PLAN.—An eligible school operating a schoolwide program shall develop a comprehensive plan (or amend a plan for such a program that was in existence on the day before the date of the enactment of the Every Student Succeeds Act).

Review Expectations: During the review, the Schoolwide Plan will be matched against what is happening at the school on a daily basis and evaluated for the most effective use of federal funds.

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Reviewers will also look for ways that a school is evaluating the effectiveness of the program and revising it as necessary to ensure all students are receiving benefits and increasing their academic success.

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Title I Schoolwide (SW) Plan



Insert Date

Title I Schoolwide (SW) Plan

District:

School:

Building Principal:

Select One: Initial Plan for new SW Program

Revised Plan for a school currently operating an approved SW Program

SD DOE State Title I Representative

Date Completed:

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Budget Implications

Describe how federal funds will support the Schoolwide Plan. Narrative provided here must be supported by budget entries in the Consolidate Application. If funds other than Title I will be used, please include this in the description.

Narrative:

Component 1: §1114(b):

Comprehensive Needs Assessment (CNA)

To ensure that a school's comprehensive plan best serves the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards, the school must conduct a comprehensive needs assessment once every five years and use the results to regularly monitor and revise the plan. (ESEA Section 1114(b)(3) and Section 1114(b)(6)). Additionally, plans should be evaluated annually to ensure they accurately reflect the education program provided to student.

Through the needs assessment process, a school **must** consult with a broad range of stakeholders, including parents, school staff, and others in the community (ESEA Section 1114(b)(2); 34 C.F.R. § 200.26(a)), and examine relevant academic achievement data to understand students' most pressing needs and their root causes. Where necessary, a school should attempt to engage in interviews, focus groups, or surveys, as well as review data on students, educators, and schools to gain a better understanding of the root causes of the identified needs.

Evidence: A systematic effort involving multiple stakeholders to acquire an accurate and thorough picture of strengths and weaknesses of the school community, thus identifying student needs through a variety of information-gathering techniques. A data analysis summary must be included which incorporates benchmarks used to evaluate program results. The results of your data analysis must guide the reform strategies that you will implement to improve instruction for all students.

Describe the school's Comprehensive Needs Assessment (CNA) process.

Narrative:

Summarize the results and conclusions:

Narrative:

Component 2: §1114(b) (7)(A)(i):

Provide a description of schoolwide reform strategies, that may include interventions that provide opportunities for all children, including each of the subgroups of students (as defined in Section 1111(c)(2)) to meet the challenging state academic standards.

NOTE: If federal funds will be used to provide food for family engagement activities the school MUST include why it is necessary and reasonable to do this in the Schoolwide Plan. If providing food removes a barrier to involving parents and family members in the education of their children and can be justified, then it is reasonable and necessary. The burden of proof is on the district to justify these expenditures.

Provide information on how the selected strategies will increase student achievement in underperforming subgroups, if applicable.

Narrative:

Include a description of how the reform strategies will be evaluated for effectiveness. Evidence-based research strategies are based on identified needs and designed to raise the achievement level of all students on content standards.

Benchmark/Evaluations:

Component 3: §1114(b) (7)(A)(ii):

Provide a description of schoolwide reform strategies being implemented that: **1)** use methods and instructional strategies that strengthen the academic program in the school; **2)** increase the amount and quality of learning time; **and 3)** help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education.

NOTE: If federal funds will be used to provide food for family engagement activities the school **MUST** include why it is necessary and reasonable to do this in the Schoolwide Plan. If providing food removes a barrier to involving parents and family members in the education of their children and can be justified, then it is reasonable and necessary. The burden of proof is on the district to justify these expenditures.

Narrative:

Include a description of how the reform strategies will be evaluated for effectiveness. Evidence-based research strategies are based on identified needs and designed to raise the achievement level of all students on content standards.

Benchmark/Evaluations:

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Component 4: §1114(b) (7)(A)(iii):

Provide a description of schoolwide reform strategies that the school is implementing to address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging state academic standards, through activities which may include—

- Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students’ skills outside the academic subject areas;
- 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 (20 U.S.C. 1400 et seq.);
- 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.
- If programs are consolidated, the specific state educational agency and local education agency programs and other federal programs that will be consolidated in the schoolwide program need to be described in the narrative.

Narrative:

Include a description of how the reform strategies will be evaluated for effectiveness and what evidence will be used. Evidence-based research strategies or activities could be: student support services, behavior intervention systems; tiered systems of support; teacher recruitment and/or retention activities, or other activities as appropriate.

Benchmark/Evaluations:

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Guiding Questions to ask when going Schoolwide or revising the existing SW plan

Component 1: CNA –

1. How does your needs assessment integrate current school year quantitative and qualitative data?
2. How does your needs assessment give an accurate and thorough view of the entire school?
3. What subjects, grade levels, and programs are the strongest and weakest?
4. How does the school focus on the academic progress of English language learners?
5. To what extent are discipline issues impacting students?
6. What is the level of family and the community support at the school?
7. What does the data say about the success of students transitioning into and out of your school?
8. How have you identified any areas of concern from the following within your needs assessment:
 - a. Family Engagement
 - b. Transitions Between Grades and/or Schools
 - c. Technology
 - d. Professional Development
 - e. Schoolwide Tiered Models of Instruction
 - f. Behavior and Discipline
 - g. Well Rounded Education
 - h. Secondary Education Program Needs

Component 2:

1. How does the plan support the most at-risk students in the school?
2. What strategies and programs will we use to help at-risk students remain or get back on track?
3. What is the school doing to help students in danger of dropping out or falling behind on mastery of a key skill?
4. Does the plan ensure the school meets students' academic and non-academic needs?
5. Does the plan provide opportunities for students both ahead of and behind grade level?

Component 3:

Does the plan's schoolwide reform:

1. Consider a well-rounded education ESSA Section: 8102 (52). What about literacy, science, government, engineering, the arts, and mathematics?
2. Improve transitions between grades and/or schools?
3. Enrich and accelerate curriculum?
4. Include specific ways in which the school will reach each level of reform?
5. Did you address staffing plans and hires, professional development strategies, and schoolwide goals?
6. Outline the strategies that you will use to improve academics for all students?

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7. Did you outline how you will increase the amount and quality of learning using specific programs, activities, and courses?
8. Does the plan incorporate a wide range of strategies, programs, and activities, including:
 - a. Counseling and mental health support
 - b. College and career readiness
 - c. Tiered behavioral support
 - d. AP & International Baccalaureate courses
 - e. Preschool transition support
 - f. Professional development for staff
 - g. Intensive academic support to students

Component 4:

1. How will the school address the well-rounded aspect of student education?
2. Do the reform strategies address the needs through any of the following? If so, how?
 - a. Social-Emotional interventions
 - b. Preparation for and awareness of opportunities for post-secondary education and the workforce
 - c. Schoolwide tiered model to prevent and address problem behaviors
 - d. Professional development opportunities
 - e. Pre-school transition activities/strategies
 - f. Consolidation of funds

Funding Questions:

1. How will the school leverage allowable combined funds to improve the schoolwide plan?
2. How will it make the most of available staff at the school and district to maximize the positive impact of the plan?
3. How does the plan combine funds to connect the reform strategies developed?
4. Does the plan outline how the school will combine funds, and how the school will meet the intents and purposes of each program?
5. Does the plan outline how funds from Title I, Part A and other federal education programs will be used to help the school meet the statutory requirements of the programs?
6. Does the plan include the total amount of funds for each program?
7. If a CSI/TSI school:
 - a. Does the plan include school improvement funds?
 - b. How are schoolwide funds being leveraged to support school improvement efforts?

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Annual Review of Schoolwide Plans

Schoolwide Plan General Checks/Corrections that need to be made annually:

- Remove dates that are not relevant to document.
 - a. Past school years or dates of adoption.
- Remove references to Smarter Balanced or DakotaStep testing and replace with new terminology.
 - a. New terminology is:
 - i. South Dakota English Language Arts Assessment (SD-ELA)
 - ii. South Dakota Math Assessment(SD-MATH)
 - iii. South Dakota Science Assessment (SD-SCI)
- Remove any references to NCLB;
 - a. Replace with either the Elementary and Secondary Education Act (ESEA) or the Every Student Succeeds Act of 2015 (ESSA).
- Remove any specific names from narrative questions. Use generic titles such as Kindergarten Teacher, Math Interventionist or Title I Intervention Teacher instead.
- Remove references to Common Core. Should refer to state standards instead.
- Remove headings and titles that are holdovers from NCLB Schoolwide Plan and ensure that information in the plan addresses one of the four new components in the correct section of the new template.
 - a. Program Development
 - b. Comprehensive Needs Assessment
 - c. Goals, Objectives, and Strategies
 - d. Instruction by Highly Qualified Staff
 - e. Professional Development
 - f. Parent Involvement and Education
 - g. Coordination and Transition
 - h. Monitoring and Support
 - i. Fiscal Requirements
 - j. Ongoing Program Development
- Remove references to Highly Qualified teachers and replace with new terminology.
 - a. New terminology is:
 - i. State certified in the area a teacher is assigned to teach.

In general, be sure the Schoolwide Plan reflects what is being doing in the school for the educational program. If students are still being identified, pulled out of classes on a regular basis, or there is still a designated Title I teacher that sees specific students every day, the program is more of a Targeted Assistance program and needs to be updated.

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Section 1115 Targeted Assistance Schools

This section of ESEA allows schools that are eligible to receive funds but are not eligible for a schoolwide program or have not received a waiver, to operate a Targeted Assistance program in the school. The section includes methods that may be used, along with assurances the school must give to the LEA. The main component of this type of program is that eligible children must be identified for participation by using multiple, educationally related, objective criteria established by the LEA. The term “targeted assistance” signifies that the services are provided to a select group of children--those identified as failing, or most at risk of failing, to meet the challenging State academic standards--rather than for overall school improvement. There are also rules regarding children who may automatically qualify for services if they are needed. **Reminder: Under ESSA, the funding is supplemental, not the activities, as was true in the past.**

Students must be marked in Infinite Campus if they receive Title I services in Reading and/or Math. It is recommended that a list of Title I students be run at the end of each semester to check data accuracy prior to data being pulled for Accountability purposes.

Section 1115 (b)TARGETED ASSISTANCE SCHOOL PROGRAM.—

To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

- (1) determine which students will be served;
- (2) serve participating students identified as eligible children under subsection (c), including by—
 - (A) using resources under this part to help eligible children meet the challenging State academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education;
 - (B) using methods and instructional strategies to strengthen the academic program of the school through activities, which may include—
 - (i) expanded learning time, before- and afterschool programs, and summer programs and opportunities; and
 - (ii) a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);
 - (C) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under subpart 2 of part B of title II, or State-run preschool programs to elementary school programs;
 - (D) providing professional development with resources provided under this part, and, to the extent practicable, from other sources, to teachers, principals, other school leaders,

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paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible children in programs under this section or in the regular education program;

(E) implementing strategies to increase the involvement of parents of eligible children in accordance with Section 1116; and

(F) if appropriate and applicable, coordinating and integrating Federal, State, and local services and programs, such as programs supported under this Act, 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 under Section 1111(d); and

(G) provide to the local educational agency assurances that the school will—

(i) help provide an accelerated, high-quality curriculum;

(ii) minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part; and

(iii) on an ongoing basis, review the progress of eligible children and revise the targeted assistance program under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

Section 1115 (c) Eligible Children.

(1) ELIGIBLE POPULATION.—

(A) IN GENERAL.—The eligible population for services under this section is—

(i) children not older than age 21 who are entitled to a free public education through grade 12; and

(ii) children who are not yet at a grade level at which the local educational agency provides a free public education.

(B) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION.— From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the local educational agency and supplemented by the school.

(2) CHILDREN INCLUDED.—

(A) IN GENERAL.—Children who are economically disadvantaged, children with disabilities, migrant children or English learners, are eligible for services under this part on the same basis as other children selected to receive services under this part.

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(B) HEAD START AND PRESCHOOL CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start program, the literacy program under subpart 2 of part B of title II, or in preschool services under this title, is eligible for services under this part.

(C) MIGRANT CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this part.

(D) NEGLECTED OR DELINQUENT CHILDREN.—A child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this part.

(E) HOMELESS CHILDREN.—A child who is homeless and attending any school served by the local educational agency is eligible for services under this part.

Section 1115 (e) Special Rules

(1) SIMULTANEOUS SERVICE.—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.

(2) COMPREHENSIVE SERVICES.—If—

(A) health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers; and
(B) funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

- (i) the provision of basic medical equipment, such as eyeglasses and hearing aids;
- (ii) compensation of a coordinator;
- (iii) family support and engagement services;
- (iv) integrated student supports; and
- (v) professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

Section 1115(f) USE OF FUNDS FOR DUAL OR CONCURRENT ENROLLMENT PROGRAMS.—

A secondary school operating a targeted assistance program under this section may use funds received under this part to provide dual or concurrent enrollment program services described under Section 1114(e) to eligible children under subsection (c)(1)(B) who are identified as having the greatest need for special assistance.

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Review Expectations: During a review, the district and school(s) will be expected to show documentation of the methods used to determine eligible students. This may include how students were rank ordered for service if applicable. Schools will also be expected to explain how the program meets the requirements of the Targeted Assistance Program listed on the following page. (Section 1115(b)(2))

Targeted Assistance Program Requirements

Targeted Assistance Programs shall:

- Use program resources to provide services to eligible children identified as having the greatest need for special assistance;
- Have a process to determine which students are eligible:
- The eligible population for services under this section is—
 - children not older than age 21 who are entitled to a free public education through grade 12; and
 - children who are not yet at a grade level at which the local educational agency provides a free public education.;
 - eligible children are children identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the local educational agency and supplemented by the school.
 - children included are children who are economically disadvantaged, children with disabilities, migrant children, or English learners, are eligible for services under this part on the same basis as other children selected to receive services under this part.
- Use methods and instructional strategies to strengthen the academic program of the school through activities, which may include—
 - expanded learning time, before- and after- school programs, and summer programs and opportunities; and
 - a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act.(20 U.S.C. 1400 et seq.)

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- Coordinate with and support the regular education program, which may include services to assist preschool children in transition from early childhood education programs such as Head Start, the literacy program under subpart 2 of part B of title II, or State-run preschool programs to elementary school programs;
- Provide professional development with resources provided under this part, and, to the extent practicable, from other sources, to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible children in programs under this section or in the regular education program;
- Provide strategies to increase the involvement of parents of eligible children in accordance with Section 1116; and
- If appropriate and applicable, coordinate and integrate Federal, State, and local services and programs, such as programs supported under this Act, 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 under Section 1111(d); and
- Provide to the local educational agency assurances that the school will—
 - help provide an accelerated, high-quality curriculum;
 - minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part; and on an ongoing basis, review the progress of eligible children and revise the targeted assistance program under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

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Notes/Thoughts/Questions

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Section 1116 - Parent and Family Engagement

ESEA Section 1116 Parent and Family Engagement covers the requirements for parent and family outreach, programs, activities, and procedures. Each LEA must develop a district parent involvement policy that explains how the district will support the school in their efforts to engage families and outline how the district will support their Title I schools in efforts to build partnerships with families. Each Title I school must develop a school level parent involvement policy jointly with parents that shall describe the means by which the school will support families and include families in their child's academic learning. Such policy must be updated periodically to meet the changing needs of families and does not require school board approval to be considered compliant with ESSA. A third component is the school/parent compact. Such a compact outlines how the school, parents, and students will share the responsibility for improved student academic achievement. The documents are intended to build relationships and capacity and to set clear expectations for family and community engagement. All three documents must be disseminated to parents of students in Title I.

Section 1116(a) LEA Written Policy

(1) IN GENERAL.—A local educational agency may receive funds under this part only if such agency conducts outreach to all parents and family members and implements programs, activities, and procedures for the involvement of parents and family members in programs assisted under this part consistent with this section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

(2) WRITTEN POLICY.—Each local educational agency that receives funds under this part shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall be incorporated into the local educational agency's plan developed under Section 1112, establish the agency's expectations and objectives for meaningful parent and family involvement, and describe how the agency will—

(A) involve parents and family members in jointly developing the local educational agency plan under Section 1112, and the development of support and improvement plans under paragraphs (1) and (2) of Section 1111(d).

(B) provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

(C) coordinate and integrate parent and family engagement strategies under this part with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;

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(D) conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—

- (i) barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
- (ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
- (iii) strategies to support successful school and family interactions;

(E) use the findings of such evaluation in subparagraph (D) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in this section; and

(F) involve parents in the activities of the schools served under this part, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy.

Section 1116(b) School Parent and Family Engagement Policy

(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

Each school policy must describe how the school will do the following:

- Convene an annual meeting to inform parents of the Title I Program and their right to be involved
- Offer a flexible number of meetings may use Title I funds to provide transportation, childcare, or home visits as it relates to parental involvement
- Involve parents in the development of the school parent and family engagement policy and the joint development of the SW plan and in the review of the Title I policy
- Description and explanation of the curriculum being used at the school.
- Forms of academic assessment used to measure student progress both state and local

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- Achievement levels of the challenging State academic standards
- Provide information to parents on how to monitor a child's progress
- Provide training and materials to staff to build their capacity for parent and family engagement
- Coordinate and integrate parent involvement programs with other federal state and local programs
- Opportunities for regular meetings in decisions relating to the education of their children
- Ensure parents receive information in a language they can understand. A Schoolwide program may accept any comments regarding the SW Plan from parent and families and share with the LEA.

Each Title I school must also jointly develop with parents a school-parent compact that outlines how parents, the entire school staff, and students will share responsibility for improving student academic achievement and how the school and parents will build partnerships to support students and help students achieve the states' high academic standards.

The tools on the following pages may be used to help develop the various documents.

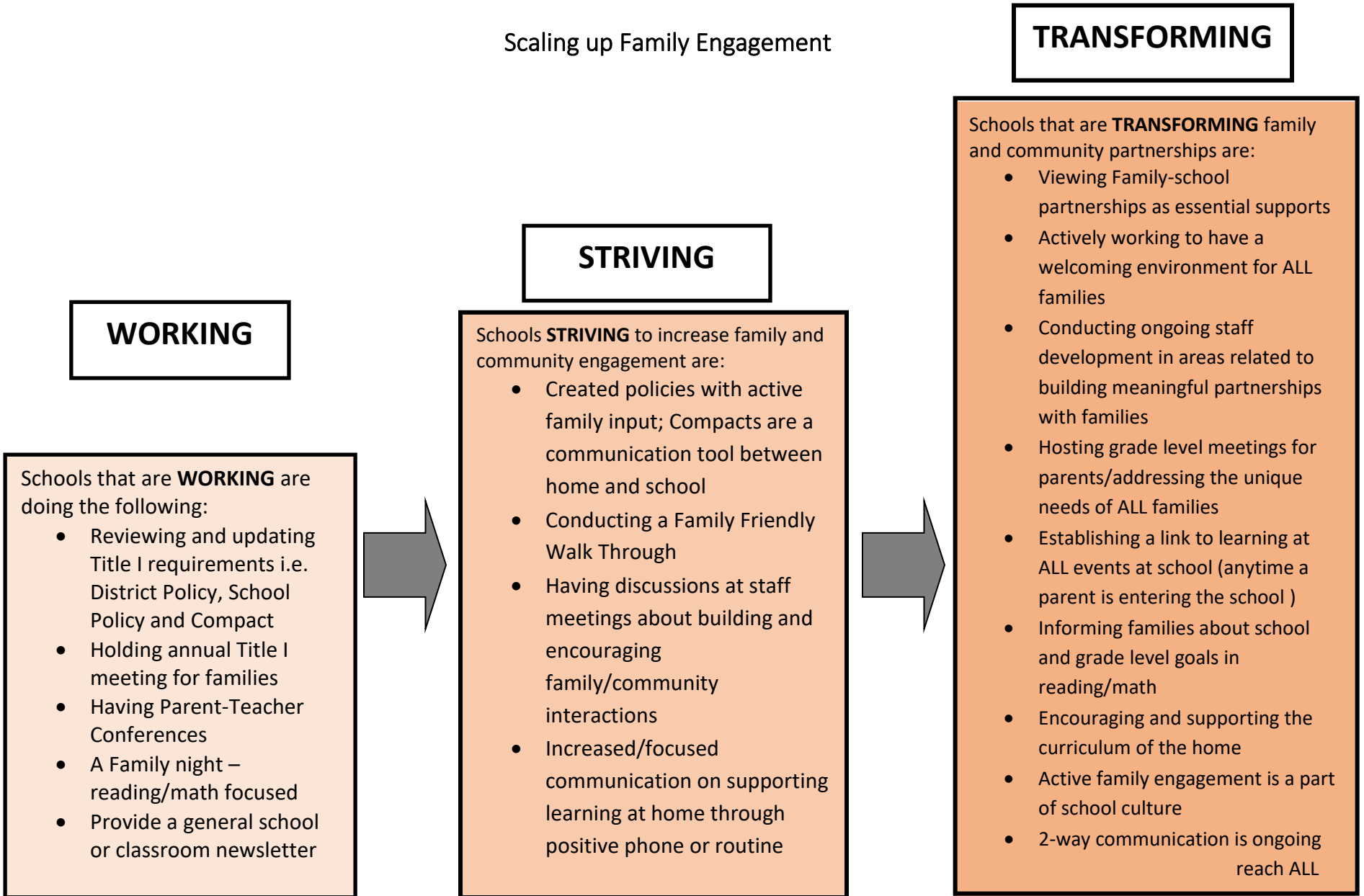
Review Expectations: During a review, the district and school(s) will be expected to discuss how families are engaged in the schools and what opportunities there are for collaboration. The policies and compacts will be examined to determine if they meet the requirements under ESEA Section 1116. A discussion of how the documents are disseminated to families will be a part of the review. Schools will be asked to explain the Title I annual meeting and what takes place at the meeting.

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Scaling up Family Engagement



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Title I District Parent and Family Engagement Policy ESSA Guidelines

A Title I District Parent and Family Engagement Policy shall include the following components:

Part I – District Expectations

A school district's written parent and family engagement policy must establish the district's expectations for parental involvement.

Part II – District Parental Involvement Policy Required Components

The district parent and family engagement policy must describe **how** the district will incorporate the following eight components.

1. Involve parents in jointly developing the district parent and family engagement policy;
2. Establish objectives for meaningful parent and family engagement
3. Provide the coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance
4. Build the schools' and parents' capacity for strong parental involvement; develop strategies to support successful school and family interactions
5. Coordinate and integrate parent and family involvement strategies under Title I with parent and family engagement strategies to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs
6. Establish objectives for meaningful parent and family engagement
7. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under Title I:
 - Identifying barriers to greater participation by parents in activities, authorized by this section of law with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
 - Using the findings of the evaluation to design evidence based strategies for more effective parental involvement; and
 - Revising, if necessary, the district's parental involvement program.
8. Involve parents in the activities of schools served under the Title I program

Part III – Discretionary District Parental Involvement Policy Components

The school district parent and family engagement policy can also include other discretionary components as identified by individual districts.

Part IV – Adoption of District Policy

Each school district must develop a District Level Parent and Family Engagement Policy. The district's Parent and Family Engagement Policy may be adopted by the local school board at the district's discretion. It must be distributed to all parents of students served in a program supported with Title I funds.

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Tips- for Developing the Title I District Parent and Family Engagement Policy/Plan

Establish an action team to develop the district plan consisting of staff and parent/families and community members. Ideally, each Title I school should have an action team and information from the team would be included in the district policy development.

The action team should discuss the mission statement and the goals of the district. For example, if the district has a goal of improving attendance, they should discuss what the school and families can do to meet that goal. An objective can be written to address the goal. When developing the district policy it is critical to consider what the district and schools are already doing to support families and discuss what is working, what may need to be changed, and how to move forward with the activities and programs that are already in place to support the learning of students. Discuss the ways in which families can be involved. Strategies and actions items can be created as a result of the discussion about the district's goals, input from families such as surveys or action team members should be included when developing the policy. The representatives that should be included are community members, parents, students if age appropriate, and school board members. Research shows that when schools, families, and communities work together to support learning, children tend to do better in school, stay in school longer and enjoy school more.

Leadership is key. When a superintendent demonstrates a serious consistent commitment to parent and community engagement, everyone in the district gets the message.

ESSA Section 1116 requires components be included and addressed in the Title I District Parent and Family Engagement Policy. You may select from some of the suggestions/tips below when visiting with staff and parent/families to develop the district policy. The list below includes suggestions for you to consider. The title headers in **bold** must be addressed in each district's policy.

Each header in bold with a check mark must be addressed in the development of the district policy.
Examples of how to address the required component are listed below each heading:

- ✓ **Involve Parents in jointly developing the district parent and family engagement policy**
 - This will be accomplished through an annual meeting to create, review, and revise the policy and explain their right to be involved.
 - Parents are welcome and invited to submit comments to the Parent and Family Engagement Policy at any time, they may contact their principal.
 - The school will develop a district school parent and family advisory board and the members will broadly represent the school district and community.
 - The district will support each Title I school to put into place meetings, programs, activities, to involve and engage parent and family members in the learning and development of their children.
 - Parent representatives will be invited on an annual basis to participate in the district's development of the district plan a meeting will be held to inform and engage families and provide families and opportunity to be included.
 - The district has an advisory council consisting of school administration, teachers, school board members, and parents. The council will help ensure that the goals and objectives of

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the Title I program are being met. The council and parents will be consulted on how best to strengthen and improve the program and improve school parent communication.

- Survey families and use the information gleaned from the surveys to develop strategies and objectives.

✓ ***NEW under ESSA Establish Objectives for meaningful parent and family engagement**

- Training will be provided for staff and parents to implement effective engagement, to increase communication and develop relationships between home and school --explain what this will look like.
- Barriers to engagement will be identified and solutions to the barriers will be addressed, information will be gleaned from conversations and surveys.
- Communication between home and school will be a priority at each school. Schools will develop communication tools to enhance the communication between home and school.
- The school district will support and educate staff in how to reach out to families and educate staff on the importance and value of parent and family engagement.
- Create an objective to increase attendance.
- Create a Family Friendly Environment and invite families into the school provide “walk-throughs” of the school maybe have students guide the tours.
- If Reading is a top priority create objectives to support your reading goals.

✓ **Provide the coordination technical assistance and support necessary to assist Title I schools in planning and implementing effective parental involvement activities to support academic achievement and school performance**

- This could be met through an objective and or strategy.
- School leadership is encouraged to work with their staff to develop strategies to engage families in the learning of their children both at school events and through developing an understanding for families of what families can do at home to support their children.
- Provide information to families on standards and assessments.

✓ **Build the schools and parents capacity for strong parental involvement develop strategies to support successful school and family interactions**

- Support schools financially as they work to develop strategies for school to home interactions.
- Designate an individual that as a key contact for parent and family engagement at each school.
- Ask families, students, and staff what’s important to them. Brainstorm proposed ideas
- What are missed opportunities for sharing learning that is happening at the schools? Tail gates? Music Concerts? Sporting event rosters?
- Each year a district-wide Title I advisory meeting will be held for parents to participate in discussion related to district and building level goals.
- Telephone calls at the school level will be made to a representative number of families to gather input.

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- Develop monthly family contact logs for teachers with families contact information and preferred way to be reached.
 - Help teachers/staff and families develop strong partnerships and enhance communication between parents/families and school staff for example-at the school level encourage school staff to reach out to families set a goal for a number of positive communications per week for staff between school and home.
 - Work with teachers to develop learning “kits” that families can take home.
 - Provide school leadership and teachers with research articles and handouts for families.
 - Provide information on barriers example- cultural differences, arrange for translation services and interpretation services for families at conferences and for notes home.
 - Provide a home school liaison.
 - Create a fb page or utilize other means of communication to ensure that families are receiving information about school.
 - Use schools to connect students and families to community resources.
- ✓ **Coordinate and integrate parent and family involvement strategies under Title I with parent and family engagement strategies to the extent feasible and appropriate with other relevant federal programs**
- Consult with local Head Starts to ensure a smooth transition between preschool and school and a smooth transfer of records.
 - Develop times and methods for the Head Start and the Kindergarten staff at school to communicate and share.
- ✓ **Conduct with involvement of parents and family members an annual evaluation of the district policy**
- Annually parents and staff will be involved in a meeting/discussion to review the districts parental involvement policy as well as the building level policies and parent and teacher compacts. Input will be used to revise the policy if necessary . School leadership will ensure the documents are reviewed and updated each year.
- ✓ **Involve parents in the activities served under the Title I Program**
- Support school staff in the ongoing process of involving and encouraging parents as partners in their child’s education.
 - Inform families of school goals.
 - Create a safe and welcoming environment where families feel welcome at school
 - Involve parents as partners in decision making.

The above list includes suggestions and is not an inclusive list but rather some suggestions to consider when developing the Title I District Parent and Family Engagement Policy.

Just a reminder when developing the Local Education Plan (LEA) that is uploaded to the Consolidated Application the strategies that are listed on the LEA Plan should be the same strategies that are incorporated in the Title I District Parent and Family Engagement plan. Question #7 on the LeA Plan reads-Describe the strategies that will be used to implement effective parent and family engagement under Section 1116.

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For questions call the South Dakota Department of Education Title I Office 605.773.6400.

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School Parent and Family Engagement Policy/Plan EVERY STUDENT SUCCEEDS ACT (Section 1116 (b))

Each Title I School will jointly develop with parents a school-level Parent and Family Engagement Policy and distribute the policy to parents of participating families. In a Title I Schoolwide program the policy should be disseminated to all families in the school. In a Title I Targeted Assistance school the policy should be disseminated to parents of children participating in the Title I program. The policy should also be made available to the local community and updated periodically to meet the changing needs of parents and the school. The policy should be in a language that parents can understand. Describe how the school will address the required elements of the Title I policy. There is no required format for this policy schools may create and develop the policy as it pertains to the needs at each Title I school.

- ✓ The school parent and family engagement policy developed under the Elementary and Secondary education Act (ESEA) as reauthorized under Every Student Succeeds Act (ESSA) must address the following elements: Describe when and how each element will be addressed.
- ✓ Each Title I school shall provide parents information about programs in Title I.
- ✓ Convene an annual meeting to inform parents of the Title I Program and their right to be involved.
- ✓ Offer a flexible number of meetings **may** use Title I funds to provide transportation, childcare, or home visits as it relates to parental involvement.
- ✓ Involve parents in the development of the school parent and family engagement policy and the joint development of the SW program plan and in the review of the Title I policy.
- ✓ Description and explanation of the curriculum being used at the school.
- ✓ Forms of academic assessment used to measure student progress both state and local.
- ✓ Achievement levels of the challenging State academic standards.
- ✓ Provide information to parents on how to monitor a child's progress.
- ✓ Provide training and materials to staff to build their capacity for parent and family engagement.
- ✓ Coordinate and integrate parent involvement programs with other Federal, State, and local programs.
- ✓ Opportunities for regular meetings in decisions relating to the education of their children.
- ✓ Ensure parents receive information in a language they can understand. A Schoolwide program should accept any comments regarding the Schoolwide Plan from parent and families and share with the LEA.

Each Title I school must also jointly develop with parents a school-parent compact that outlines how parents, the entire school staff, and students will share responsibility for improving student academic achievement and how the school and parents will build partnerships to support students and help students achieve the state's high academic standards.

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Tools for Developing a Title I School Level Family Engagement Policy/Plan

Instructions: Use the first blank column to list all the activities and programs that are in place at the school to engage families. The second column lists the required components for a school level policy/plan. Match your list in the first column to determine if you have all of the components.

Activities and Programs

- Hold an Annual Meeting (be flexible with times)
- Involve parents in Title I program and policy development and review
- Provide a description and explanation of curriculum
- Provide parents the opportunity for regular meetings
- Provide information and assistance to parents on state content standards, state and local assessments
- Provide information about their child's progress and work with parents to improve achievement
- Provide professional development to staff to work with families and show the value that is added by partnerships with families
- Work with Head Start to coordinate family engagement efforts
- Eliminate educational jargon and provide information in a format that families can understand
- Provide family activities as parents request when possible

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ESEA Section 1116 School-Parent Compact

What Schools, Parents, and Students Can Do to Support Academic Achievement

When developing a school-parent-student compact, get buy-in from all parties and explain what the compact entails. The compact is about families and schools and how the school will help families to support learning. The compact is NOT a one shot deal. The intent of the compact is to build partnerships that will support learning. It's an alliance between school and home.

When developing the compact, choose someone with leadership skills to lead the project. Choose someone who **believes** in this work! If you don't already know, ask who is interested in working with families. If you have an after school program think about how the staff can be included. Include families and students (when age appropriate) in the development of the compact.

The compact outlines **how** parents, the entire school staff, and students will share the responsibility for improved student academic achievement. Ensure information is in a language that families can understand.

Here are some dos and don'ts of compacts:

- **DON'T** list 15 obligations for parents and 5 for the school.
- **DON'T** patronize parents: "I will make sure my child is clean and rested."
- **DON'T** complain that parents aren't doing their jobs.
- **DON'T** hand out the compact at the beginning of the year and never mention it again.
- **DON'T** use the same compact each year.
- **DON'T** forget to ask whether the families and staff actually use the compact.
- **DO** make the obligations equal in each group.
- **DO** be respectful.
- **DO** check up on obligations from compact at conferences and meetings.
- **DO** revisit the compact every year.
- **DO** ask families, students, and staff what would make the compact better.
- **DO** create obligations that address your goal(s).

This is a tool for developing the school-parent compact under Section 1116 of the Elementary Secondary Education Act. Each Title I School must develop and disseminate a compact that meets the requirements set by the Federal Government. In a Schoolwide program the compact should be provided to all families. In a Targeted Assistance program the compact should be provided to families of students being served.

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Requirements	Examples
Describe how the school, parents, and students will share the responsibility for improved student outcome.	
Describe a school’s responsibility to provide high-quality curriculum and instruction that effectively supports a learning environment that enables the children to meet State academic standards.	
Describe how each parent will support their child’s learning, volunteer in the classroom, and participate in decisions related to their child’s education and extracurricular time.	
Ensures parent-teacher conferences, at least annually, in which the compact is discussed for each individual child.	
Ensures frequent reports to parents on their children’s progress.	
Ensures that parents have reasonable access to staff, opportunities to volunteer and participate in the classroom, and observation of classroom activities.	
Ensures that school staff and family members have regular and meaningful communication in a language that the family member can understand.	

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Notes/Thoughts/Questions

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Section 1117 - Participation of Children Enrolled in Private Schools

The mandate requiring local school districts to use a portion of their Title I grants to provide compensatory education services to private school students has been a part of the Title I authorizing legislation since the original 1965 law was enacted. LEAs are required to consult with private school officials on important issues such as the location of services and what the services will entail. There must be consultations with private schools to determine, what, if any, services are necessary for eligible students. Consultations should occur in the spring to determine services for the upcoming school year and should be more than just a one-time meeting. The significant changes under ESSA include the Ombudsman Requirement, Equitable Services Funding, Consultation Requirements, and the SEA Compliance Role.

The Affirmation of Consultation form must be completed and uploaded into the GMS before a district's Consolidated Application will be given final approval.

Section 1117(a) GENERAL REQUIREMENT.—

(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under Section 1115(c) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall—

(A) after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children, special educational services, instructional services (including evaluations to determine the progress being made in meeting such students' academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under this part (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

(B) ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to Section 1116.

(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

(3) EQUITY.—

(A) IN GENERAL.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part and shall be provided in a timely manner.

(B) OMBUDSMAN.—To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this part.

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(4) EXPENDITURES.—

(A) DETERMINATION.—

(i) IN GENERAL.—Expenditures for educational services and other benefits 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.

(ii) PROPORTIONAL SHARE.—The proportional share of funds shall be determined based on the total amount of funds received by the local educational agency under this part prior to any allowable expenditures or transfers by the local educational agency.

(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

(C) NOTICE OF ALLOCATION.—Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this part that the local educational agencies have determined are available for eligible private school children.

Section 1117(b) CONSULTATION.—

(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part. Such agency 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 which agreement shall be transmitted to the ombudsman designated under subsection (a)(3)(B).

Review Expectations: During a review, reviewers will meet with representatives from the participating non-public school to determine compliance with the consultation requirements and proportionate share requirements. The review will include conversations regarding determining eligible private school students, identifying the needs of eligible private school children, and the delivery of services.

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Section 1118- Fiscal Requirements

This section deals with Maintenance of Effort, Supplement, not Supplant and Comparability of Services as well as written assurances that all LEAs agree to when taking federal funds. Please note that Comparability of Services generally applies to larger districts with more than one school per grade span and does not apply to all LEAs.

Section 1118(a) - Maintenance of Effort

A local educational agency may receive funds under this part for any fiscal year only if the State educational agency involved finds that the local educational agency has maintained the agency's fiscal effort in accordance with section 8521.

Section 1118(b) - Federal Funds to Supplement, not Supplant Non-Federal Funds.—

(1) IN GENERAL.—A State educational agency or local educational agency shall use federal funds received under this part only to supplement the funds that would, in the absence of such federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.

(2) COMPLIANCE.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

(3) SPECIAL RULE.—No local educational agency shall be required to—

(A) identify that an individual cost or service supported under this part is supplemental;(NEW)
or

(B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

Review Expectations: Prior to a review, LEAs will receive more information about what needs to be provided for a fiscal review.

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Maintenance of Effort Overview

Section 1118(a) - Maintenance of Effort Requirement

A local education agency (LEA) may receive its full allocation of covered ESEA programs for any fiscal year only if the State educational agency (SEA) determines that the LEA has maintained its fiscal effort in accordance with section 8521 of ESEA.

Covered Programs

The maintenance of effort (MOE) requirement of section 8521 applies to the following ESEA programs—

- Title I Part A – Improving Basic Programs
- Title I Part D – Prevention and Intervention programs for Children and Youth who are Neglected, Delinquent, or At-Risk
- Title II Part A – Supporting Effective Instruction
- Title III Part A – English Language Acquisition
- Title IV Part A – Student Support and Academic Enrichment
- Title IV Part B – 21st Century Learning Centers
- Title V Part B Subpart 2 – Rural and Low-Income Schools
- Title VI Part A Subpart 1 – Indian Education

Requirement

The LEA meets the MOE requirement if either the combined fiscal effort per student or the aggregate expenditures of the LEA, from State and local funds, with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

An SEA must reduce an LEA's allocation under a covered program if the LEA fails to maintain effort in a given fiscal year; and the LEA also failed to maintain effort in one or more of the five immediately preceding fiscal years.

Failure to Meet the Requirement

If an LEA fails to meet the MOE requirement, the SEA must reduce the amount of funds allocated under the programs covered by the MOE requirement in any fiscal year in the exact proportion by which the LEA fails to maintain effort by falling below 90 percent of either the combined fiscal effort per student or aggregate expenditures. In reducing an LEA's allocation because it failed to meet the MOE requirement, the SEA uses the measure most favorable to the LEA.

For a year in which an LEA failed to maintain effort, the expenditure amount an SEA uses for computing maintenance of effort in subsequent years will be 90 percent of the prior year amount rather than the actual expenditure amount.

Expenditures to be included

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In determining whether an LEA has maintained fiscal effort, an SEA must consider the LEA's expenditures from State and local funds for free public education. These include expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities.

Expenditures to be excluded

Expenditures for community services, capital outlay, debt service, or supplemental expenses made as a result of a Presidentially declared disaster are not to be included in the determination. In addition, any expenditures made from funds provided by the Federal government are excluded from the determination.

“Preceding fiscal year”

For purposes of determining maintenance of effort, the “preceding fiscal year” is the 12-month fiscal period most commonly used in a State for official reporting purposes, prior to the beginning of the Federal fiscal year in which funds are available.

Waiver

The US Department of Education may waive the MOE requirement if it is determined that such a waiver would be equitable due to—

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

Supplement Not Supplant

The requirement that Title I funds supplement State and local funds, and do not supplant them, is intended to ensure that the Federal resources are spent to provide the additional educational resources and supports that at-risk students need to succeed, instead of being used to simply make up for unfair shortfalls in State and local funding. Title I is intended to provide the extra help low-income students need to succeed, but it cannot do that if State and local funds are not evenly distributed to start with.

Section 1118(b) of the ESEA, as amended by the ESSA, retains the general requirement that Title I funds supplement and not supplant State and local funds. However, the test for compliance with this requirement has changed in two ways. First, Section 1118(b) includes a special rule stating that “[n]o [district] shall be required to – (A) identify that an individual cost or service supported under this part is supplemental,” which effectively prohibits a key test previously used to ensure compliance in many Title I schools. Second, the law replaces the two supplement-not-supplant tests (one for Targeted Assistance schools and one for Schoolwide program schools) with a single compliance test that focuses on a district's methodology for allocating State and local funds. Specifically, it requires that a district “demonstrate that the methodology used to allocate State and local funds to each [Title I school] ensures that such school receives all of the State and local

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funds it would otherwise receive if it were not receiving assistance under [Title I].” A district must meet this requirement not later than two years after the date of enactment of the ESSA — i.e., by July 1, 2018. The ESSA prohibits the Department of Education from prescribing the specific methodology a district must use.

Methodology: Examples

To assist LEAs in determining which description best fits the LEA’s methodology for allocating State and local (non-Federal) funds to schools, some examples are included below. Please note that although the examples provided are derived from the 2015 guidance provided by the U.S. Department of Education referencing the use of Federal funds to supplement school reform in schoolwide programs under the No Child Left Behind Act (NCLB), officials from the U.S. Department of Education have indicated that these examples should meet the methodology requirements for targeted assistance programs under the ESSA.

Example 1: Distribution of State and Local (non-Federal) Resources Based on the Characteristics of the Students. This form of equitable distribution is generally referred to as a “weighted per pupil” funding formula.

Assume:

- ✓ Allocation/student (\$7,000)
- ✓ Additional allocation/student from a low-income family (\$250)
- ✓ Additional allocation/English learner (\$500) Additional allocation/student with a disability (\$1,500)
- ✓ Additional allocation/preschool student (\$8,500)

In a school of 450 students, including 200 students from low-income families, 100 English learners, 50 students with disabilities, and 20 preschool students, the school would be expected to receive \$3,495,000 in non-Federal resources based on the following calculation:

Category	Calculation	Amount
Allocation/Student	450 x \$7,000	\$3,150,000
Additional allocation/student from a low-income family	200 x \$250	\$50,000
Additional allocation/English learner	100 x \$500	\$50,000
Additional allocation/student with a disability	50 x \$1,500	\$75,000
Additional allocation/preschool student	20 x \$8,5000	\$170,000
		\$3,495,000

In this example, the LEA must distribute non-Federal resources according to the assumptions above to all of its schools, regardless of whether a school receives Title I, Part A funds. However, actual expenditures within each school after the distribution of resources may vary.

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Example 2: Distribution of State and Local (non-Federal) Resources Based on Staffing and Supplies
Assume:

- ✓ 1 teacher per 22 students (\$65,000/teacher)
- ✓ 1 principal/school (\$120,000)
- ✓ 1 librarian/school (\$65,000)
- ✓ 2 guidance counselors/school (\$65,000/guidance counselor)
- ✓ \$825/student for instructional materials and supplies (including technology)

In a school of 450 students, the school would be expected to receive \$2,051,250 in non-Federal resources based on the following calculation:

Category	Calculation	Amount
1 principal	1 x \$120,000	\$120,000
1 librarian	1 x \$65,000	\$65,000
2 guidance counselors	2 x \$65,000	\$130,000
21 teachers	21 x \$65,000	\$1,365,000
Instructional materials and supplies	450 x \$825	\$371,250
		\$2,051,250

In this example, the LEA must distribute non-Federal resources according to the assumptions above to all of its schools, regardless of whether a school receives Title I, Part A funds. However, actual expenditures within each school after the distribution of resources may vary.

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Example 3: Distribution of State and Local (non-Federal) Resources Based on a Combined Approach.

This form of equitable distribution includes characteristics of the two previous examples, distribution of State and local (non-Federal) resources based on the characteristics of the students and the staffing and supplies needs of the schools.

Assume:

- ✓ 1 principal/school (\$120,000)
- ✓ 1 librarian/school (\$65,000)
- ✓ 2 guidance counselors/school (\$65,000/guidance counselor)
- ✓ Allocation/student (\$7,000)
- ✓ Additional allocation/student from a low-income family (\$250)
- ✓ Additional allocation/English learner (\$500)
- ✓ Additional allocation/student with a disability (\$1,500)

In a school of 450 students, including 200 students from low-income families, 100 English learners, and 50 students with disabilities, the school would be expected to receive \$3,640,000 in non-Federal resources based on the following calculation:

In this example, the LEA must distribute non-Federal resources according to the assumptions above to all of its schools, regardless of whether a school receives Title I, Part A funds. However, actual expenditures within each school after the distribution of resources may vary.

Category	Calculation	Amount
1 principal	1 x \$120,000	\$120,000
1 librarian	1 x \$65,000	\$65,000
2 guidance counselors	2 x \$65,000	\$130,000
Allocation/Student	450 x \$7,000	\$3,150,000
Additional allocation/student from a low-income family	200 x \$250	\$50,000
Additional allocation/English learner	100 x \$500	\$50,000
Additional allocation/student with a disability	50 x \$1,500	\$75,000
		\$3,640,000

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Section 1119 - Coordination Requirements

While the requirement for coordination between LEAs and Head Start Agencies as well as other entities carrying out early childhood development programs is not new, ESSA does now require that the LEA will have agreements these organizations. Prior to re-authorization, the burden was on Head Start to have the agreements. The required activities have not changed. Since the transition components for students are described in the updated LEA Plan and include other grade transitions beyond the preschool to kindergarten students, the old transition-coordination plans no longer meet the requirements. Several possible agreements are provided here and on the Title website. LEAs may also develop their own document or incorporate the requirements into the agreement LEAs have with organizations regarding the Birth to three Program, as long as it meets the requirements. See the list and map on the following pages to determine which organization the LEA will need to coordinate with.

SEC. 1119 - COORDINATION REQUIREMENTS.

(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities.

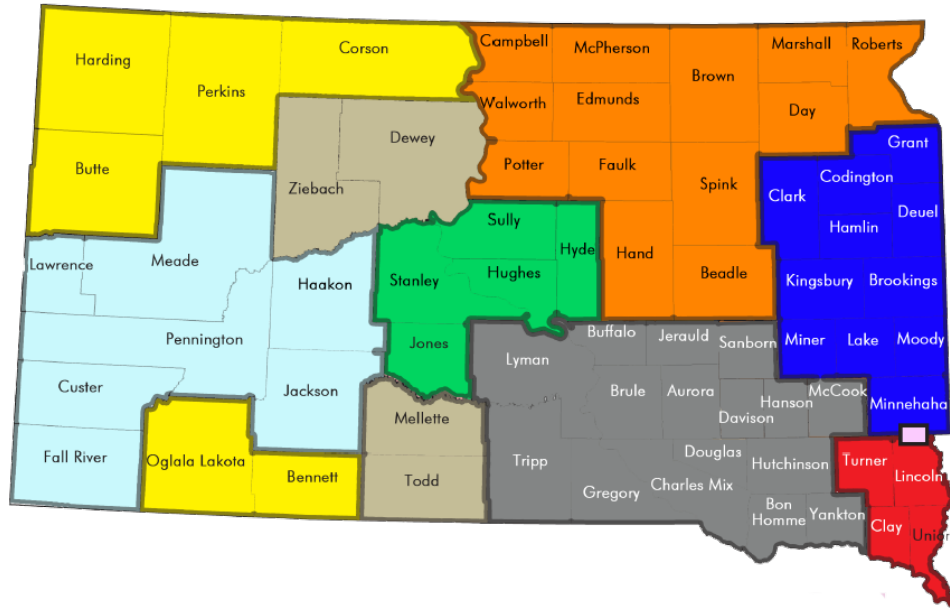
(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood education programs serving children who will attend the schools of the local educational agency, including—

- (1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood education program;
- (2) establishing channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out early childhood education programs, as appropriate, to facilitate coordination of programs;
- (3) conducting meetings involving parents, kindergarten, or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood education programs, to discuss the developmental and other needs of individual children;
- (4) organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood education program staff; and
- (5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.

Review Expectations: During a review, the LEA will need to provide a copy of the agreement between the appropriate Head Start Agencies and/or local early childhood programs. If there are none, the LEA needs to show that it at least reached out to the Head Start Regional office to determine that there are no students attending Head Start.

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Head Start Regional Map & Program Information



For the most current programs and locations, please use the [Head Start Locator Tool](#)

<h3>SDHSA Member Programs</h3> <p><i>select link for individual program information</i></p>	
Badlands Head Start Prenatal to Five Belle Fourche, SD 605.723.8837 800.598.5859	Inter-Lakes Community Action Madison, SD 605.256.6518
Northeast SD Head Start Aberdeen, SD 605.229.4506	Oahe Child Development Center Pierre, SD 605.224.6603
Rural America Initiatives Rapid City, SD 605.341.3339	Sioux Falls Head Start Sioux Falls, SD 605.367.7950
South Central Child Development Wagner, SD 605.384.3683 877.384.3683	Standing Rock Sioux Tribe HS/EHS Fort Yates, ND 701.854.7250 <i>serves Corson, Dewey, Ziebach counties in SD</i>
USD Head Start Vermillion, SD 605.677.5235 800.813.8132	Youth & Family Services Rapid City, SD 605.341.2941

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Sample Memorandum of Understandings for Section 1119 Coordination

MEMORANDUM OF UNDERSTANDING – ESEA SECTION 1119 COORDINATION

School Year: _____

Purpose: The purpose of this agreement is to facilitate collaboration and exchange of services between the _____ School District and the *insert name of Head Start or Program*.

Program Description: The *insert name* Head Start program currently serves three to five-year-old children and their families located in the _____ School District. The _____ School District currently has an early intervention program that provides education and related services for eligible children birth through age five.

Implementation: The School District and *insert name Head Start Program, Inc.* will work cooperatively to:

- (1) develop and implement a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood education program by *insert "how" this will be accomplished;*
- (2) establish channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out early childhood education programs, as appropriate, to facilitate coordination of programs by *insert "how" this will be accomplished;*
- (3) conduct meetings involving parents, kindergarten, or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood education programs, to discuss the developmental and other needs of individual children by *insert "how" this will be accomplished;*
- (4) organize and participate in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood education program staff by *insert "how" this will be accomplished;* and
- (5) link the educational services provided by such local educational agency with the services provided by local Head Start agencies by *insert "how" this will be accomplished.*

Confidentiality: The School District and *insert name Head Start Program, Inc.* will follow the requirements outlined in the Family Education Right to Privacy Act(FERPA), the State and Federal guidelines under the Elementary and Secondary Education Act, Individuals with Disabilities Education Act(IDEA) and the Head Start Program Performance Standards(HSPPS).

Pertinent child progress/education records should be sent to: _____

Contact information for transfer of records: _____

School District Administrator

Head Start Administrator

Date

Date

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Memorandum of Understanding

XXXXX School District and

XXXXX Head Start Program of XXXXX local Pre-School

ESEA Section 1119: Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities.

PURPOSE

The purpose of this agreement is to facilitate and coordinate the following activities between XXXXX school district and XXXXX Head Start/XXXX Pre-school:

- (1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood education program;
- (2) establishing channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out early childhood education programs, as appropriate, to facilitate coordination of programs;
- (3) conducting meetings involving parents, kindergarten, or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood education programs, to discuss the developmental and other needs of individual children;
- (4) organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood education program staff; and
- (5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.

Activities:

The XXXXX School District and XXXX Head Start will:

1. Transfer records by
2. Ensure that Kindergarten teachers know who they should be working with by.....

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3. Ensure opportunities to discuss the developmental and other needs of individual children will be provided through meetings with
4. Conduct joint transition related training for school staff and XXXXXXXX by
5. Ensure that educational services provided by the LEA are linked with local Head Starts or Pre-schools by.....

This agreement is in effect from XXXXXXXXXXXX to XXXXXXXXXXXXXXXXXXXX and will be reviewed and renewed on an annual basis.

Signatures

Elementary Principal

Date

Superintendent

Date

Head Start Executive Director

Date

Head Start Director

Date

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Coordination Agreement

I. Parties to the Coordination Agreement

A. _____

B. _____

All parties to this agreement agree to the following:

II. Purpose of the Coordination Agreement

- A. To work together effectively to improve outcomes and provide opportunities for children birth through five to experience school success.
- B. To promote collaboration among the parties and their local counterparts.
- C. To support the development of agreements between Local Education Agencies (LEAs) and Head Start/ private early childhood programs.

III. Guiding Principles

- A. Create and maintain a meaningful partnership to ensure acceleration of school readiness and eliminate the “achievement gap”.
- B. Plan and implement strategies based on practice and research that have proven to support children’s school success.

IV. Joint Planning Actions

- A. Develop and implement a systematic procedure for sharing student records.
- B. Establish channels of communication to include all stakeholders.
- C. Conduct meetings as necessary to discuss the individual needs of students.
- D. Organize and participate in joint transition-related training of school staff, Head Start staff, and/or other early childhood education program staff.
- E. Incorporate strategies that address the needs of children with disabilities, homeless children, and non-English speaking children.

V. Modification

This Agreement may be modified when the parties mutually agree in writing. Except for the specific section of the Agreement, which was thereby modified, the Agreement shall remain in full force and effect and shall be subject to the same laws, obligations, conditions, provisions, rules, and regulations, as it was prior to the modification.

VI. Term of Contract

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The term of the Agreement shall be for the school year from the date this Agreement is executed. This Agreement may be renewed as both parties mutually agree in writing. Either Party may terminate this Agreement at any time, for any reason or no reason, by giving not less than (___) days' written notice thereof to the other Party. Upon the expiration of the notice period, this Agreement shall terminate without further liability to either Party other than those liabilities, rights and obligations that accrued prior to the date of such termination.

VII. Signatures

Head Start/Preschool Provider Date

LEAs Date

VIII. For Future Consideration

- A.** Align curricula, assessment, and accountability measures in preschool with kindergarten.
- B.** Coordinate calendars of events and professional development to reinforce collaboration.

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Notes/Thoughts/Questions

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Title I, Part C - Migrant Education

The purpose of the Migrant program is to:

- ✓ support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;
- ✓ ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards;
- ✓ ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;
- ✓ ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;
- ✓ design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and
- ✓ ensure that migratory children benefit from State and local systemic reforms.



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MIGRANT ELIGIBILITY: THE BASICS & COE

A child is eligible for the MEP (and thereby eligible to receive MEP services) if the child:

- Meets the definition of “migratory child”; and
- Had the basis for the State’s determination that the child is a “migratory child” properly recorded on the national Certificate of Eligibility (COE).

MIGRATORY CHILD

- Is not older than 21 years of age; and
- Is entitled to a free public education (through grade 12) under State law, or is not yet at a grade level at which the local educational agency (LEA) provides a free public education; and
- Made a qualifying move in the preceding 36 months:
 - As a migratory agricultural worker or migratory fisher, or
 - With or to join a parent/guardian or spouse who is a migratory agricultural worker or migratory fisher.

((see section 1115(c)(1)(A) of the ESEA (incorporated into the MEP by sections 1304(c)(2), 1115(b), and 1309(3)) and 34 CFR 200.103(a); and Chapter II, A1-A7 of *MEP Non-Regulatory Guidance (NRG)*)

QUALIFYING MOVE

- Due to economic necessity; and
- From one residence to another; and
- From one school district to another school district, with specific exceptions:
 - For single-district States, must be from one administrative area to another
 - For districts of 15K+ square miles, must be a move of 20+ miles to a temporary residence

(see section 1309(5) of the ESEA and Chapter II, D1-D15 of *MEP NRG*)

MIGRATORY AGRICULTURAL WORKER OR MIGRATORY FISHER

- An individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new qualifying work.
- If the individual did not engage in new “qualifying work” soon after the move, the individual:
 - A. Actively sought “qualifying work” and
 - B. Has a recent history of moves for “qualifying work”

(see sections 1309(2) and (4) of the ESEA and Chapter II, C1-C2 of *MEP NRG*)

QUALIFYING WORK

- “Qualifying work” means temporary or seasonal employment (or personal subsistence) in agriculture or fishing.

(see 34 CFR 200.81(n), and Chapter II, C3 of *MEP NRG*)

- “Temporary employment,” “seasonal employment,” “personal subsistence,” “agricultural work,” and “fishing work” are also defined in the program regulations.

(see 34 CFR 200.81(a), (c), (m), (o), and (p), and Chapter II, Sections F and G of *MEP NRG*)

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QUALIFYING ARRIVAL DATE (QAD)

- The QAD is the date that the child's eligibility for the MEP begins.
- Children are eligible for the MEP for 36 months from the QAD, unless their eligibility ends for another reason (e.g., over age 21, earns a high school diploma)
- When the child and worker do not move together (i.e., a "to join" move), the QAD is the date that both the child and worker completed the move.
- The QAD is not affected by subsequent *non-qualifying* moves.

CHILD'S MOVE WITH OR TO JOIN PARENT/GUARDIAN OR SPOUSE

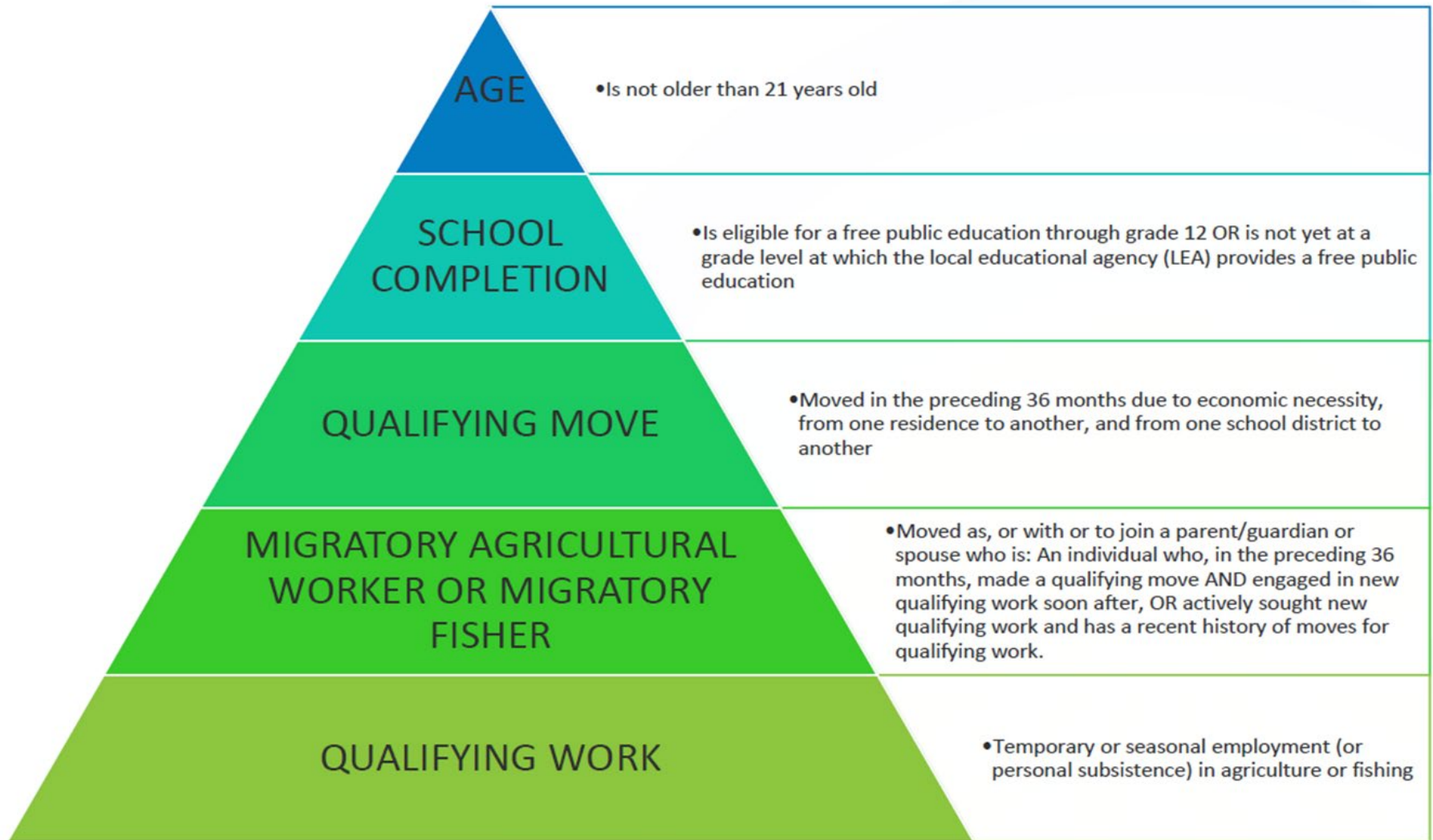
- The child's move with his or her parent/guardian or spouse may have been the same move (i.e., to the same location) that established the parent /guardian or spouse as a "migratory agricultural worker" or "migratory fisher".
- However, this is not necessary-as long as the child made a qualifying move with a parent/guardian or spouse who meets the definition of a "migratory agricultural worker" or "migratory fisher".
- In other words, the parent/guardian or spouse is an individual who, in the preceding 36 months, made a qualifying move and soon after, engage in new qualifying work (or actively sought new qualifying work and has a recent history of moves of qualifying work).

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Notes/Thought/Questions

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MIGRATORY CHILD: REVIEW THE FIVE KEY FACTORS



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National Certificate of Eligibility – South Dakota Migrant Education Program

Name of SD School District:

Residency Date:

An electronic copy of this COE can be downloaded at http://doe.sd.gov/oess/documents/TitlePartC_CertificateofEligibility.pdf

I. FAMILY DATA

1A. Parent/Guardian (Last Name(s), First Name, Middle Name):

1B. Parent/Guardian (Last Name(s), First Name, Middle Name):

1C. Self-Eligible Youth (Last Name(s), First Name, Middle Name):

2A. Current Address:

2B. City: State: Zip Code:

2C. Home or Contact Telephone Number:

II. CHILD DATA

3. (Last Name 1, Last Name 2, Suffix, First Name, Middle Name,)	4. Sex M or F	5. Birth Date mm/dd/yy	6. Code	7. MB	8. Grade	9. SIMS # (9 digits)	10. Birth Place (City/State/Country)	11. Attendance Center's Name	12. Date child enrolled

III. Qualifying Move and Work

1. The child(ren) listed on this form moved due to economic necessity from a residence in School district / City / State / Country to a residence in School district / City / State .

2. The child(ren) moved (complete both a. and b.):
 a. " on own as worker, OR " with the worker, OR " to join or precede the worker.
 b. The worker, First Name and Last Name of Worker , is the child or the child's:
 " parent " spouse " guardian.

i. (Complete if "to join or precede" is checked in 2a.) The worker moved on MM/DD/YY . The child(ren) moved on MM/DD/YY . (provide comment)

The Qualifying Arrival Date was MM/DD/YY .

The worker moved due to economic necessity from a residence in School district / City / State / Country to a residence in School district / City / State .

AND the worker
 " Engaged in new qualifying work soon after the move
 " Actively sought new qualifying work AND has a recent history of moves for qualifying work.

The qualifying work,* describe agricultural or fishing work was (make a selection in both a. and b.):
 a. " seasonal OR " temporary employment
 b. " agricultural OR " fishing work

*if applicable, check:
 personal subsistence (provide comment)

6. (Complete if "temporary" is checked in #5a) The work was determined to be temporary employment based on:
 a. " worker's statement (provide comment), OR
 b. " employer's statement (provide comment), OR
 c. " State documentation
 for Employer

IV. Comments Section (Must include 2bi, 4c, 5, 6a, and 6b of the Qualifying Move & Work Section, if applicable)

Please include place, town, and state of employment.

Attach additional comment sheets as needed

V. Parent/Guardian /Spouse /Worker Signature - - - Required
 I understand that the purpose of this form is to help the State determine if the child(ren)/youth listed above is/are eligible for the Title I, Part C Migrant Education Program. To the best of my knowledge, all of the information I provided to the interviewer is true.

 Signature Relationship to the child Date mm/dd/yy

VI. Eligibility Data Certification - - - Required
 I certify that based on the information provided to me, which in all relevant aspects is reflected above, I am satisfied that these children are migratory children as defined in 20 U.S. C. 6399(2) and implementing regulations, and thus eligible as such for MEP services. I hereby certify that, to the best of my knowledge, the information is true, reliable, and valid, and I understand that any false statement provided herein that I have made is subject to fine or imprisonment pursuant to 18 U.S.C.1001.

 Signature of Interviewer Position Date mm/dd/yy

 Signature of Recruiter or School Staff Position Date mm/dd/yy

VII. Certification and Review - SEA Use Only - Required

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State Director: Eligible Not Eligible Date: _____ Signature: _____
State Representative: Eligible Not Eligible Date: _____ Signature: _____

Keep a copy for your records; Send original COE, w/ signatures, to: SD Migrant Education Program; SD Dept of Education; 800 Governors Drive, Pierre, SD 57501
Revised 07/2017 See pages 2-12 for COE codes and instructions on completion of the COE.
This is confidential information but may be shared among state and federal entities

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South Dakota Migrant Education Program

Temporary or Seasonal Agricultural Qualifying Activity Code List

<p>Beef Processing A-00....Intent Only A-01....Pen Rider A-02....Cattle Sorter A-03....Slaughter A-04....Skinner A-05....Evisceration A-06....Meat Cutter A-07....Packager A-08....Processor/Transporter A-09....Other (specify) A-10....Rover A-11....Combing</p> <p>Fertilizer Plant B-00....Intent Only B-01.... B-02....Application B-03....Other (specify)</p> <p>Feed Lot C-00....Intent Only C-01....Cattle Handler C-02....Pen Cleaner C-03....Feeder C-04....Feed Preparation C-05.... C-06....Other (specify)</p> <p>Elevator/Feed Mill D-00....Intent Only D-01.... D-02....Fertilizer Application D-03....Grain Drying D-04....Feed Mixing D-05....Other (specify)</p> <p>Alfalfa Mill E-00....Intent Only E-01....Planting E-02....Cutting E-03....Chopping E-04....Baling E-05.... E-06....Spraying E-07....Pellet Production E-08....Irrigation E-09....Other (specify)</p>	<p>Soybeans G-00....Intent Only G-01....Bed Preparation G-02....Planting G-03....Cultivating G-04....Irrigation G-05....Harvesting G-06....Hauling (specify) G-07....Other (specify)</p> <p>Wheat G-10....Intent Only G-11.... G-12....Bed Preparation G-13....Planting G-14....Cultivating G-15....Irrigation G-16....Harvesting G-17....Hauling (specify) G-18....Other (specify)</p> <p>Corn G-20....Intent Only G-21....Bed Preparation G-22....Planting G-23....Cultivating G-24....Irrigation G-25....Harvesting G-26....Hauling (specify) G-27....Other (specify)</p> <p>Sunflowers G-30....Intent Only G-31....Bed Preparation G-32....Planting G-33....Cultivating G-34....Irrigation G-35....Harvesting G-36....Hauling (specify) G-37....Other (specify)</p>	<p>Milo or Sorghum G-40....Intent Only G-41....Bed Preparation G-42....Planting G-43....Cultivating G-44....Irrigation G-45....Harvesting G-46....Hauling (specify) G-47....Other (specify)</p> <p>Ensilage Production G-50....Intent Only G-51....Bed Preparation G-52....Planting G-53....Cultivating G-54....Irrigation G-55....Harvesting G-56....Hauling (specify) G-57....Other (specify)</p> <p>Popcorn G-60....Intent Only G-61....Bed Preparation G-62....Planting G-63....Cultivating G-64....Irrigation G-65....Harvesting G-66....Hauling (specify) G-67....Other (specify)</p> <p>Honeybees HB-00....Intent Only HB-01....Hive Preparation HB-02....Hive Care HB-03....Harvesting Honey HB-04....Other (specify)</p> <p>Orchard: Apples J-00....Intent Only J-01....Harvesting J-02....Hauling (specify) J-03....Other (specify)</p> <p>Peaches J-09....Intent Only J-10....Harvesting J-11....Hauling (specify) J-12....Other (specify)</p>	<p>Pears J-19....Intent Only J-20....Harvesting J-21....Hauling (specify) J-22....Other (specify)</p> <p>Vineyard L-00....Intent Only L-01....Harvesting L-02....Pruning L-03....Hauling (specify) L-04....Processing L-05....Other (specify)</p> <p>Logging LL-00....Intent Only LL-01....Harvesting LL-02....Hauling (specify) LL-03....Other (specify) LL-04....Planting LL-05....Pruning</p> <p>Food Processing M-01....Fresh Food M-02....Other (specify) M-03....Cheese Processing M-10....Soup Processing</p> <p>Dairy N-00....Intent Only N-01....Other (specify) N-02....Feeding N-03....Calving N-04....Milking N-05....Dehorning</p> <p>Truck Farming O-00....Intent Only O-01....Turnips O-02....Beets O-03....Tomatoes O-04....Sweet Corn O-05....Lettuce O-06....Onions O-07....Cucumbers O-08....Carrots O-09....Potatoes O-10....Strawberries</p>	<p>O-11....Melons O-12....Beans O-13....Peppers O-14....Squash O-15....Spinach O-16....Okra O-17....Other (specify)</p> <p>Nursery Stock P-00....Intent Only P-01....Irrigation P-02....Potting P-03....Cultivating P-04....Fertilizer Application P-05....Weeding P-06....Thinning P-07....Pruning P-08....Other (specify)</p> <p>Pheasant Farming PF-00....Intent Only PF-01....Nest Preparation PF-02....Feeding PF-03....Harvesting Birds PF-04....Other (specify)</p> <p>Poultry PL-00....Intent Only PL-01....Pullet Care PL-02....Layer Hen Care PL-03....Egg Processing PL-04....Other (specify) PL-05....Slaughter PL-06....Evisceration PL-07....Deboning PL-08....Packaging</p> <p>Rouging (Weeding Crops) Q-00....Intent Only Q-01....Milo Q-02....Corn Q-03....Other (specify)</p>	<p>Ranching R-00....Intent Only R-01....Working Cattle R-02....Feeding Cattle R-03....Fencing R-04....Hauling/driving R-05....Other (specify)</p> <p>Pork Processing S-00....Intent Only S-01....Slaughter S-02....Skinner S-03....Meat Cutter S-04....Packager S-05....Evisceration S-06....Other (specify)</p> <p>Turkey Processing T-00....Intent Only T-01....Deheading T-02....Plucking T-03....Evisceration T-04....Washing T-05....Deboning T-06....Processing T-07....Packaging</p> <p>Farm Hand X-00....Intent Only X-01....General Labor X-02....Other (specify)</p> <p>Sheep Shearing SS-00....Intent Only SS-01....Shearing</p> <p>Goat Shearing GS-00....Intent Only GS-01....Shearing</p> <p>Potato Harvest PH-00....Intent Only PH-01....Harvesting PH-02....Sorting PH-03....Hauling (specify) PH-04....Processing PH-05....Other (specify)</p>
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COE Codes

Cell #6: Verification of Birth

1003 - baptismal record or church certificate;
 1004 - birth certificate;
 1005 - entry in family Bible;
 1006 - hospital certificate;
 1007 - parent's affidavit;
 1008 - passport;
 1009 - physician's certificate;
 1010 - previously verified school records;
 1011 - State-issued ID;
 1012 - driver's license;
 1013 - immigration document;
 2382 - life insurance policy; or
 9999 - other.

Cell #8: Grade Classification

P 0 - under age one
 P 1 - over age 1 and under age 2
 P 2 - over age 2 and under age 3
 P 3 - over age 3 and under age 4
 P 4 - over age 4 and under age 5
 P 5 - over age 5, but not enrolled in Kindergarten
 K - enrolled in Kindergarten
 1 through 12 are used to indicate the grade in which the child is currently enrolled
 UG - out-of-school youth

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Notes/Thought/Questions

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Title I, Part D - Neglected, Delinquent, & At-Risk Students

This section covers programs being run at several districts throughout the state.

Section 1401. - PURPOSE AND PROGRAM AUTHORIZATION.

(a) PURPOSE.—It is the purpose of this part—

- (1) to improve educational services for children and youth in local, tribal, and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State academic standards that all children in the State are expected to meet;
- (2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and
- (3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education and the involvement of their families and communities.

Currently, eleven school districts qualify for funding under Subpart 2. No agency qualifies for funding under Subpart 1.

Basic requirements include:

- Consolidated Application Part D Application and Budget approval of the program and use of funds. Application must adequately describe all of the required elements in the law.
- Each district must have a written agreement with each facility that operates a program funded through Part D. Nearly all of the districts operate the Title I program that are funded within the districts. The written agreements must address all the elements required in the law.
- Funds must be used for the approved purposes in the Consolidated Application and must be allowable under the law. Funds must be used to remedy the needs identified in the needs assessment process conducted by the district and the facility.
- The district/facility must collect data annually as prescribed by the US Department of Education and submit it to SD DOE for uploading to US ED. Data includes math, reading, science, graduation, credit accrual, job training, job placement, college, and more.
- Each fall, the district must conduct an annual count of students who resided in the facility at least 1-day over a 30-day period. The count is submitted to SD DOE and uploaded to US ED in January. The data is used by US ED to calculate the Part D funding for each district for the programs.
- Each district is monitored on a three-year rotation. A thorough monitoring document that includes all of standards listed above and other items such as data review and program changes are discussed along with interviews of staff. A written monitoring document is sent to the district with comments or actions required by the district.

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Child Count Survey and Assurances

DEPARTMENT OF EDUCATION TITLE I PART A AND D ANNUAL SURVEY OF CHILDREN IN LOCAL INSTITUTIONS FOR NEGLECTED AND DELINQUENT CHILDREN	DATA FROM OCT. 20XX FOR SCHOOL YEAR 20XX-XX ALLOCATIONS
This report is required by Sections 1124 and 1401 of the Every Student Succeeds Act (ESSA) (PL 115-411). Failure to submit this report and a spreadsheet of the student identifiers will result in the loss of Title I funding associated with this survey.	
1. Legal Name and Address of Institution (include Zip Code).	3. Name and Address of the Local (Public) School District
2. Type of Institution <input type="checkbox"/> Institution for Delinquent Children A public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision. <input type="checkbox"/> Institution for Neglected Children A public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect or death of parents or guardians. <i>**A facility cannot be classified as both; the charter should remain consistent from year to year. If you believe your charter has changed-please contact DOE.</i>	4. Legal or Administrative Basis What State Agency or County licenses your facility? <i>**DOE does not license facilities directly.</i> 5. Caseload Number of Children Aged 5-17 inclusive who <u>resided</u> in the institution for at least 1 day during the reporting period. (Counting period is 30 consecutive days, one day of which must be in October. For districts with multiple facilities, the counting period must be the same district wide.) List Dates of Collection: List Number of Students:

Annual Count Checklist		
Is this institution operated primarily for the care of children who are orphaned, abandoned, or neglected by their parents or guardians? (i.e., a Neglected facility)		
Is this institution operated primarily for the care of children who have been adjudicated to be delinquent or in need of supervision? (i.e., a Delinquent facility)		
Is this institution a residential facility in which children are under 24-hour care?		
Does the caseload data reported in Item 5 above include only children aged 5-17?		
If a student is counted twice, were they formally exited and re-entered in the facility within the 30-day counting period?		
Is the student state identifier number's list attached and/or an Excel spreadsheet sent to Emily.Quick@state.sd.us? Please make sure the list is password protected.		

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CERTIFICATION BY AUTHORIZED OFFICIALS

The form must be signed by two individuals. An authorized official from the institution must sign on the left and include contact information. A school district representative must sign on the right and include contact information. This form is signed to certify that the information reported is complete and accurate.

I CERTIFY that the information provided on this form is, to the best of my knowledge, complete and accurate. A knowingly false claim on this report is a criminal offense under U.S. Code, Title 18 Section 1001 or Section 287.

CHIEF ADMINISTRATIVE OFFICIAL OF INSTITUTION

LEA REPRESENTATIVE

Signature Date Signed

Signature Date Signed

Type Name/Title Phone Number
E-mail Address

Type Name/Title Phone Number
E-mail Address

(Note: Because these data will generate Federal funds, they are subject to audit and must be supported by documented records.)

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Due to SD DOE December X, 20XX
Contact Information

Name of the Institution

Person Completing the Form

Phone

Address

STATEMENT OF ASSURANCES
Title I, Part D

I certify that, to the best of my knowledge and belief, this report is true and correct in all respects; all information asked for is provided to the best of our ability; and that supporting documentation for all entries have been retained and will be made available to the SD Department of Education personnel upon request.

Facility Administrator

Date Signed

Title I Teacher

Date Signed

Authorized LEA Representative

Date Signed

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Notes/Thought/Questions

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McKinney - Vento Homeless Education Act

As defined by McKinney-Vento Homeless Education Assistance Act of 2002, Subtitle B of Title VII, Section 725 as reauthorized under ESSA 2015, the term, “homeless children and youths”, means individuals who lack a fixed, regular, and adequate nighttime residence.

Each district must have a McKinney-Vento Liaison. If this person is not also the Title I Director or Coordinator, they must work together to ensure all the requirements are being met and all of the required documents are in place.

The McKinney-Vento Liaison is the only person who can make an official determination of the homeless status of a student. **The district must establish a procedure and train staff to assist the liaison.**

Every district must:

1. Have a District Liaison.
2. Have a board adopted policy pertaining to the rights of M-V students or use the state’s dispute document.
3. Have a Dispute Resolution Policy.
4. Eliminate policies and procedures that create barriers to the enrollment, retention, credit accrual, extra-curricular activities, and graduation of qualifying children and youth.
5. Publicly post information: public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths..
6. Data must be entered into Infinite Campus. Please work with the Data Coordinator for your district to ensure accuracy.

Districts with homeless students may also have to set-aside Title I funds to cover services to students.

McKinney Vento allowable use of funds Activities Authorized Under Section 723(d) of the McKinney-Vento Act (42 U.S.C. 11433(d)) [Updated April 23, 2021]:

- 1) Supplemental educational services, such as tutoring and other academic enrichment programs;
- 2) Expedited evaluations for various educational services;
- 3) Professional development activities for educators and pupil services personnel working with homeless students;
- 4) Health referral services;
- 5) Defraying the excess cost of transportation in order to enable students to attend the school of origin;
- 6) Early childhood education programs for pre-school-aged homeless children;
- 7) Services and assistance to attract, engage, and retain homeless children and youth and unaccompanied youth in public school programs;
- 8) Before- and after-school, mentoring, and summer programs with educational activities;
- 9) Payment of fees and costs associated with tracking, obtaining, and transferring records of homeless children and youth;
- 10) Education and training for parents of homeless children and youth about rights and resources;
- 11) Development of coordination between schools and agencies providing services;
- 12) Provision of pupil services (including violence prevention counseling) and referrals for such services;
- 13) Activities to address needs that may arise from domestic violence;
- 14) Adaptation of space and purchase of supplies for non-school facilities to provide services listed above;

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- 15) Provision of school supplies, including those to be distributed at shelters or other appropriate locations;
and
- 16) Other extraordinary or emergency assistance needed to enable homeless students to attend school.

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McKinney - Vento Programming Documents

McKinney-Vento Education of Homeless Children and Youth Checklist

Title IX, Part A (42 U.S.C. §11431-11435)
Effective October 1, 2016

District Liaison 42 U.S.C. §11432(g)(1)(J)(ii) Duties - 42 U.S.C. §11432(g)(6)(A)

_____ Does the District have a designated M-V Liaison?

_____ Is the liaison trained?

_____ Are other school personnel trained?

Rights of M-V Eligible Children 42 U.S.C.11432

_____ Does the district have a board adopted policy pertaining to the rights of M-V students?

_____ Does it address the following?

_____ Immediate Enrollment

_____ Full Participation in School and School Activities Transportation to School of Origin (Or) Comparable Transportation

_____ Automatically Title I Eligible even in Non-Title I School Free School Lunch

_____ Did the district inform in writing all eligible students or potentially eligible students of their rights? (Should be informed 2 times per year)

_____ Did the district use the SD DOE Know Your Rights brochure?

Dispute Resolution Policy 42 U.S.C. 11432(g)(3)(E)

_____ Does the district have a dispute policy/procedure pertaining to M-V and does it meet the requirements?

_____ Immediate Enrollment Pending Dispute Resolution

_____ Notice of Rights

_____ Liaison Assistance

_____ Immediate Transportation to the School of Origin during Dispute Process

_____ Comparable Services/School Participation

_____ Notice of District Decision

_____ Right to Appeal

_____ Right to Appeal to SD DOE

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Elimination of Barriers 42 U.S.C. §§11432(g)(1)(I) and (g)(7)

_____ Has the district removed policies and procedures that create barriers in the enrollment and retention of homeless children and youth in schools?

Publicly Post Information 42 U.S.C. §§11432(g)(6)(A)(vi)

_____ Has the M-V liaison and school district provided public notice of the educational rights of homeless children and youths by distributing information in places where such children and youths receive services, such as schools, family shelters, and community banquets?

Identification and Documentation

For more information and sample documents, please go to the NCHE website:
<https://nche.ed.gov/homeless-liaison-toolkit/>

_____ Does the liaison/other trained personnel complete documentation for the liaison's records?(Sample Intake Form Attached)

_____ Does the liaison/other trained personnel complete documentation on the services needed?(Sample Intake Form)

_____ Does the liaison have a procedure to determine whether a transferring in student was previously identified?

_____ Does the liaison, upon identification of a student, record in Infinite Campus that a student was M-V identified?

_____ Does the liaison ensure that the students Infinite Campus record remains identified until the end of the school-year even at such time as the student becomes permanently housed? (Data requirement)

Title I Set-Aside 20 U.S.C. §6313(c)(3)

_____ Does the district currently have a Title I Homeless Set-aside in the Consolidated Application for Federal Title I Funds?

_____ Does the district have a way to calculate the set-aside?

_____ Does the district currently have identified homeless students?

_____ Did the district identify homeless students last school year?

_____ Does the district have a procedure for how the funds will be used for allowable Homeless Set-Aside activities?

_____ Does the district use the funds both at non-Title I schools and at Title I schools?

For Technical Assistance contact: Emily.Quick@state.sd.us 605.295.1090

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Elimination of Barriers Policy

Sample District Policy on Enrollment, Transportation, School of Origin, and the Elimination of Barriers for Children or Youth Experiencing Homelessness including Unaccompanied Youth

The _____ school district policy is to:

- Ensure the immediate enrollment of children or youth experiencing homelessness until all enrollment records may be secured, i.e. academic records, medical records, proof of residency, or other documentation.
- Keep a child or youth experiencing homelessness in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian.
- Ensure the elimination of stigmatization or segregated services and the elimination of other identified barriers for homeless children and youth.
- Provide children or youth experiencing homelessness with services comparable to services offered to other students in the school including the following:
 - Transportation services.
 - Educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.
 - Programs in vocational and technical education.
 - Programs for gifted and talented students.
 - School nutrition programs.

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Sample District Dispute Procedure

Disputes filed with the district are to be investigated and attempted to be resolved according to the locally developed and adopted procedures provided such procedures ensure timely resolution and provide for the items listed below. In the case where the district procedure does not meet these timelines, the procedures below will be used.

- District/M-V Liaison takes an action pertaining to the eligibility, enrollment, or school placement.
- Parent, guardian, or unaccompanied youth should file a dispute within 10 district business days, (suggested), of written notice of the eligibility, enrollment, or school placement decision by the district.
- The district may have two levels of hearings; one through the superintendent and one to the school board. Because the district's liaison for homeless students has the role of assisting and supporting the parent, guardian, or unaccompanied youth during the dispute process, he or she should not be named as the superintendent's designee for this purpose.
- Disseminating procedures to the district school board.
- Notifying the SD DOE within 5 district business days of receipt of written disputes concerning McKinney-Vento complaints is considered a necessary information sharing mechanism.
- The district must conduct timely investigation and processing of disputes within 10 district business days, with an additional 5 district business days if exceptional conditions exist.
- Disseminating written dispute findings and resolutions to all parties to the dispute and the district school board. Privacy is a priority.
- Appealing to the SD DOE within 15 district business days is a right of the parent, guardian, or unaccompanied youth.

Go to <https://doe.sd.gov/title/McKinneyVento.aspx> for more information.

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Title III - English Learners and Immigrant Students

Under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA), all States and LEAs must ensure that ELs can participate meaningfully and equally in educational programs and services. To meet their obligations under Title VI and the EEOA, LEAs must:

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

Review Expectations: During a review, LEAs will be expected to provide evidence or discuss the following items:

1. LEAs with EL students are required to have a LAU plan (EL handbook) and this will be reviewed on-site or uploaded to SharePoint if requested.
2. Schools will have evidence that parents were notified annually of EL services and assessment information.
3. Schools will have evidence of home language surveys.
4. Schools will have evidence of Language Acquisition Plans updated annually for all English learners.
5. Schools will have an awareness of identification process.
6. Schools utilize the WIDA assessments.

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Definition of an English Learner

English Learner – The term “English learner,” when used with respect to an individual, means an individual –

- A. who is aged 3 through 21.
- B. Who is enrolled or preparing to enroll in an elementary school or secondary school;
- C. (i) who was not born in the United States or whose native language is a language other than English
(ii) (I) who is Native American or Alaska Native, or a native resident of the outlying areas; and
(II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- D. Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual -
(i) the ability to meet the challenging State academic standards;
(ii) the ability to successfully achieve in classrooms where the language of instruction is English’ or
(iii) the opportunity to participate fully in society.

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English Learners Program Planning Checklist

This checklist is completed by the EL Coordinator

EL Point of Contact

- The district's EL Coordinator is identified and aware of their role and responsibilities. The identification is documented in the Grants Management System and Directory.

EL Identification

- The district includes the statewide [Home Language Survey](#) (HLS) in the registration process, ensures one is completed by parents for EACH child enrolled, and utilizes it as a tool in the identification process of ELs. The HLS is completed once in a student's academic experience with the school district. **It does not need to be completed annually, but a copy does need to be kept in the student's cumulative folder.**
- The district identifies all EL students that qualified for EL services in Infinite Campus.
- The district utilizes the approved English language proficiency screener assessments for students in grades K-12 which currently include the WIDA Screener for Kindergarten and the WIDA Screener Online.
- The district test administrator(s) are qualified according to state guidelines to administer the screener and annual ELP assessments.
- The district provides full access to a free and appropriate education regardless of immigration status and does not require identification tools that provide insight to immigration status, such as proof of citizenship or social security numbers as a requirement for participation.

Parent Notification

- Parents are notified (to the extent practicable, in a language/format they understand) of their child's EL identification results including the eight required components.
- The parent notification occurs 30 calendar days of the start of the school year or within two weeks of the enrollment during the year.

EL Program Plan or Handbook (LAU Plan)

- The district has a local EL program plan or handbook describing the core EL program.
- The district program plan describes how each school's program is based upon sound educational theory.
- The district program plan describes how each school's program is adequately supported, with adequate and effective staff and resources, so that the program has a realistic chance of success.
- The district program plan describes how each school's program is evaluated to ensure the program produces results showing that language barriers are actually being overcome within a reasonable amount of time.

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EL Program.

- The district provides a high quality EL program incorporating research/evidence-based strategies and program mode.
- Identified EL students are provided EL services by a highly effective EL teacher. To be qualified in South Dakota, a certified teacher must have an ENL endorsement.
- The district provides adequate resources to implement its EL program effectively (EL staff, EL curriculum, EL materials, and supplies).
- The district exits students from the EL program using the South Dakota state exit criteria.
- The district monitors exited students for at least two years after the exit date.

Language Acquisition Plan (LAP)

- All ELs in the district have an annually updated LAP.
- The LAP includes student English proficiency results, accommodations, or modifications as applicable.
- The LAP was created collectively by a team including the EL teacher, classroom teacher, administrator, and parent.

Other

- All students have an opportunity to actively engage in the entire curriculum offered by the district and no student is denied access to any course or activity because of his/her language or cultural background.
- The district provides ELD instruction and special education services to EL students who qualify for such services.
- The district includes EL students in gifted and talented programs without consideration of students' English proficiency when such programs do not require English proficiency.
- The district uses interpreters (as needed) who are qualified and have signed an interpreter confidentiality agreement.

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Home Language Survey (Sample)

Local Educational Agencies (LEAs) are required to identify possible English Learners (ELs) during enrollment. This Home Language Survey (HLS) is used as a tool to determine if your child is eligible for language support services. If a language other than English is used by you or your child and your child meets the English Learner (EL) definition, the school may give your child an English Language Proficiency assessment. The school will share the results of the assessment with you.

Student Information	
First Name:	Date of Birth:
Last Name:	School Name:

Questions for Parents or Guardians	Response
What is the language most frequently spoken at home?	
What language did your child learn when he/she began to talk?	
Which language does your child most frequently speak at home?	
Which language do you most frequently speak to your child?	

Parent Preferences	
In what language would you prefer to get information from school?	

Parent/Guardian's Signature: _____ Date: _____

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Notification of Program Eligibility: (Entrance / Continuation / Exit) circle one

School: _____ Date Enrolled: _____ Date Identified: _____

Dear Parent/Guardian of:

_____ ,
ESEA Section 1112(e)(3)(A)(i)

According to information you provided on the Home Language survey along with an English language proficiency assessment, your child:

- Is identified and eligible for EL services.
- Is qualified to continue EL services.
- Does not qualify for EL services because...
 - The student was formerly an English learner and is now English proficient. The student reads, speaks, and comprehends English in academic classroom settings. The student has exited from the EL program and will be monitored for continued academic success for 2 years.
 - The student was never classified as an English learner and does not fit the definition of an English learner outlined in state or federal law.
 - Student does not qualify based on WIDA screener scores

ESEA Section 1112(e)(3)(A)(ii)

In XX Schools, Title III/EL Program eligibility is determined by Language Proficiency, which is assessed on a **scale of 1-6**. On the English language proficiency test, **your child tested at a level _____** on the **ACCESS, Alternate ACCESS, WIDA Screener (circle the assessment type)**

Below is an explanation of the levels.

English Language Proficiency Levels (grades K-12)

Level A1	Initiating	The student can imitate sounds and respond to familiar voices.
Level A2	Exploring	The student can approximate routinely practiced words and respond to routinely practiced oral cues.
Level A3	Engaging	The student can approximate words and phrases and can respond to an idea within familiar language.
Level 1	Entering	The student knows and uses minimal social language and minimal academic language with visual support.
Level 2	Emerging	The student knows and uses some social English and general academic language with visual support.
Level 3	Developing	The student knows and uses social English and some specific academic language with visual support.
Level 4	Expanding	The student knows and uses social English and some technical academic language.
Level 5	Bridging	The student knows and uses social and academic language working with grade level material.
Level 6	Reaching	The student knows and uses social and academic language at the highest level measured by this test.

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To exit from the EL program, ELs will have reached the minimum level of a **5.0** Overall Composite Proficiency Level on the ACCESS for ELLs 2.0 test, but it can take up to 5 or 6 years to exit the EL program. The high school completion rate and on time graduation rates for SD schools can be found at <https://sdschools.sd.gov/#/home>

The school offers the following programs to help your child develop English language proficiency. A description of these program models can be found on the back side of this letter. Based on your child’s language development needs, the recommended program model for your child is:

Pull-out language support

Push-in language support

Sheltered Instruction

Other(s) _____

This program will help meet your child’s language development needs by assisting your child with English language development services in order for your child to meet the grade level content standards in the mainstream classroom and help your child complete high school.

A Language Acquisition Plan (LAP) will be written to address your child’s specific strengths and needs:

- LAP is Attached (entrance or continuation)
- LAP will be written (entrance or continuation)
- Not applicable – student does not qualify
- Not applicable – student is exiting

If your child also qualifies for Special Education services, the EL teacher will be part of the Individualized Education Program (IEP) team in order to ensure that the EL programming is working to help meet the objectives of the IEP.

Parents/guardians have the right to decline **services** or choose a different program model offered by the district, but annual language proficiency **assessment** remains a district responsibility. If services are declined, a LAP is written to address the student’s linguistic needs in the regular education setting. The EL decline of services form must be signed, dated, and returned to the school.

If you need more information regarding the EL program and services, contact:

EL Teacher Name

EL Teacher Phone Number

Date

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Program Model Type	Focus	Students	Delivery	Staff
Transitional Bilingual or Early-Exit Bilingual Education	Develop literacy in English while developing some literacy skills in the native language	ELs with same native language	Instruction is delivered in both languages – instruction may be heavier in native language in early grades and transition to mostly English in later grade levels	Bilingual Teacher
Dual Language or Two-way Immersion	Develop literacy in the native language and in English	ELs with common native language and native English speakers who want to learn that language	Instruction is delivered in both languages	Bilingual Teacher
ELD (English Language Development)	Develop English language proficiency	EL students and possibly other native English-speaking students who need assistance with academic English	Instruction using ELD standards to teach English (students may use native language supports)	EL Teacher
Content Classes with Integrated ELD Support	Develop English language proficiency and content knowledge	ELs and can include native English speakers	Instruction uses rigorous content standards, English Language Development standards and specific strategies and techniques to teach English and content together	EL Teacher
Newcomer Program	Develop beginning English language skills, introduce core academic skills and provide support for acculturation to the US and school	New ELs to the US educational system with an entry level of English language proficiency or EL students with Severely Interrupted Formal Education	Instruction is delivered in English with native language support from Bilingual staff and peers when possible – units designed for students to succeed in US schools and transition students to regular classrooms within a year	EL Teacher
Other – Push-in EL	Develop English language proficiency	EL students and possibly other native English-speaking students who need assistance with academic English	Instruction in English using co-teaching and planning to make the lesson comprehensible, provide additional language support within the classroom related to the mainstream lesson or bilingual staff may provide native language support in the mainstream classroom	Bilingual or EL Teacher
Other – Extended Instructional Day	Focus varies, based on student needs	ELs	Instruction is delivered outside of the regular instructional school day	Bilingual or EL Teacher

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Individual Language Acquisition Plan

General Information

Student's Name:		Date of Birth:	
Pronounced As:			
Age:	Grade:	School:	
HLS Date Completed: (Home Language Survey)		EL Screener Date:	EL Identified Date:
Language Spoken at Home:			

Academic History

TAT referral? <input type="checkbox"/> No <input type="checkbox"/> Yes Explain:
Special Education referral? <input type="checkbox"/> No <input type="checkbox"/> Yes Explain:
Title Services? <input type="checkbox"/> No <input type="checkbox"/> Yes Explain:

Assessments

Kindergarten WIDA Screener or WIDA Screener				
Listening	Speaking	Reading	Writing	Overall Composite

Student-Level Goals Based on First SD-ELP (Access) Assessment in SD	
First SD-ELP Score	Years to Exit
1.0 to 1.9	5 Years
2.0 to 2.9	5 years
3.0 to 3.9	4 Years

4.0 to 4.9	3 Years
4.0 to 4.9 AND 3 or 4 on SD-ELA	Exit
5.0 to 6.0	Exit

SD Exit Criteria: 2 ways
Student must obtain an Overall Proficiency Level of 5.0 or higher on the ACCESS for ELLs 2.0
or
Obtained a 4.0 on ACCESS for ELLs 2.0 <u>AND</u> a level 3 or 4 on the ELA SD State Assessment .

ACCESS 2.0 Information									
Year	Listening	Speaking	Reading	Writing	Oral	Literacy	Comp.	Overall Composite	Composite Score Expectation <i>*Data found in SD Stars</i>

State Academic Assessments			
Year	English Language Arts: 3-8, 11	Math: 3-8,11	Science: 5, 8, 11

District Progress Monitoring Assessments			
Year	English Language Arts	Math	Science

Section 3: English Language Development

According to the Dear Colleague Letter of 2015 - A key component in ensuring that EL students acquire the tools needed for success in the general education classroom, is through meaningful access within a reasonable length of time. It is important that ELs receive full access to grade-appropriate core curriculum from the start of the EL program and that age appropriate language assistance strategies are used so EL students can participate meaningfully as they acquire English skills.

Reading		Writing	
Current ACCESS Score:	Annual Goal:	Current ACCESS Score:	Annual Goal:
Required Supports:		Required Supports:	

Speaking		Listening	
Current ACCESS Score:	Annual Goal:	Current ACCESS Score:	Annual Goal:
Required Supports:		Required Supports:	

Program of Services	
ELD Related Services (match what is in Infinite Campus)	<input type="checkbox"/> Developmental Bilingual <input type="checkbox"/> Dual Language <input type="checkbox"/> SD Test new federal EL service <input type="checkbox"/> Heritage Language <input type="checkbox"/> Pull Out ESL <input type="checkbox"/> Special Academic Instruction Delivered in English <input type="checkbox"/> Sheltered English Instruction <input type="checkbox"/> Structured English Immersion <input type="checkbox"/> Other _____ <input type="checkbox"/> Parent Refuses EL Services
Related Services	<input type="checkbox"/> Title I Support <ol style="list-style-type: none"> 1. Reading 2. Math <input type="checkbox"/> IEP <input type="checkbox"/> 504 Plan <input type="checkbox"/> Gift & Talented
Description of Services	Student will Receive: <ol style="list-style-type: none"> 1. Services within the grade-level content classroom with EL teacher and classroom teacher collaboration in their instructional practices 2. Small group pullout English language instruction daily 3. Small group Title I support for reading within the classroom <p style="background-color: yellow;">(example of what could be written)</p>
Minutes/Hours of Services	Content Based EL: 60-90 min/day Pullout EL: 60 min/day Title I Support: 30 min, 4 times/week <p style="background-color: yellow;">(example of what could be written)</p>
Frequency of Services	Content Based EL: every day Pullout EL: every day Title I Support: 4 times/week <p style="background-color: yellow;">(example of what could be written)</p>

Classroom, District, and State Assessment - Designated Supports

- *Gray = support not available
- *Green = support is available
- *Yellow = support only available for ELs with an IEP

Supports	Classroom	SD-ELP (ACCESS)	SD Content	District Assessment
Text to Speech/Speech to Text*				
Read aloud test items and choices				
Repeat/Simplified Directions				
Translated test directions				
Bilingual dictionaries or access to computer translation programs*				
Small group or individual test setting				
Scribe				
Additional Breaks/Flexible Schedule				
Provide word banks, sentence starters, outlines or study guides				
6-8 key vocabulary words per topic				
Allow notes/and or reference sheet on tests				
Open book test with pages identified				
Allow oral answers				
Allow alternative forms of assessment (NWEA-lower tier/ALT ACCESS)				
Extended Time				
Human Repeat of Responses (RP)				
Manual Control of Items (MC)				
Repeat Item Audio(RA)				
Visuals (graphs, pictures, charts, etc.)				

Adapted assignments to match language proficiency level goals				
Give directions in incremental steps, with clarification of new vocabulary				
Color Contrast				
Other (specify):				

Language Acquisition Reviewed by the Following Team Members:			
Role	Name	Signature	Date
Parent/Guardian			
Student			
Principal			
Content Area Teacher(s)			
Content Area Teacher(s)			
EL Teacher			
EL Coordinator			
Interpreter			

Notes/Thoughts/Questions

Title IV, Part A - Student Support and Academic Enrichment Grants

The purpose of Section 4101 is to improve students' academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—

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

All LEAs receive a minimum of \$10,000 of Title IV, Part A funds; Funds are automatically transferred to REAP-IIA funds within the consolidated application of LEAs receiving the minimum amount.

LEAs receiving \$30,000 or more must meet the budgetary requirements, spending a minimum of 20% for well-rounded educational opportunities, a minimum of 20% for safe and healthy student activities, and a portion for effective use of technology activities.

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

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

LEAs that receive less than \$30,000 in SSAE funds do not have to conduct a formal needs assessment, but are encouraged to consider the needs above, as well as the following: when deciding how to spend SSAE funds:

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

US Department of Education's guidance about identifying local needs on pp. 15-16 of ED's SSAE guidance document: <http://www.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>.

Use of Funds Overview document found on the DOE website: <https://doe.sd.gov/title/documents/ESSASpending.pdf>.

Review Expectations: During a review, reviewers will look for evidence that the information provided in the Consolidated Application is what is being implemented in the schools.

At A Glance Activities that may be supported by Title IV

Activities to Support a Well-Rounded Education

- College and Career Guidance
- Music and Arts to Support Student Success
- Science, Technology, Engineering, and Mathematics(STEM)
- Accelerated Learning
- Other Instructional Opportunities
 - Activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education,
 - Foreign Language
 - Environmental education.
- Volunteerism and Community Involvement
- Integrating Multiple Disciplines
- Other Activities

Activities to Support Safe and Healthy Students

- Evidence-Based Drug and Violence Prevention
- School-Based Mental Health Services
- Health and Safety Activities or Programs
- Addressing Trauma and Violence
- Addressing Sexual Abuse
- Reducing Exclusionary Discipline Practices
- Positive Behavioral Interventions and Supports
- Parental Involvement
- Resource Coordinator

Activities to Support the Effective Use of Technology

- Professional Learning
- Technological Capacity and Infrastructure
- Delivering Courses through Technology
- Blended Learning
- Professional Development on Use of Technology in STEM Areas
- Access to Digital Learning Experiences

Title IV, Part B - 21st Century Community Learning Centers

The Nita M. Lowey 21st Century Community Learning Centers Program was authorized by Congress under Title IV, Part B, of the Every Student Succeeds Act (ESSA), as originated by the Elementary and Secondary Education Act (ESEA). The 21CCLC program is a competitive grant to establish or expand community learning centers that provide students with academic enrichment along with activities designed to complement the students' regular academic program outside of the traditional school day. The grant is focused on providing out-of-school time opportunities to students that attend eligible schools. The program's activities must work towards achievement of the three goals:

- Provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics;
- Offer students a broad array of additional services, such as youth development activities, service learning, nutrition and health education, physical fitness and wellness programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs and other ties to an in-demand industry sector or occupation for high school students, drug and violence prevention, counseling, art, music, recreation, technology education, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and
- Offer the families of students, served by community learning centers, opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development.

Eligibility and Funding Requirements

Eligible applicants must show they are serving students that attend public schools eligible for Title I Schoolwide Program status and/or with a poverty level of 40 percent or higher, as determined by the percent of students served Free and Reduced Lunches. 21st Century Community Learning Centers programs must be located in public school facilities or in facilities that are at least as available and accessible to the students to be served as if the program were located in a public elementary, middle, or secondary school.

Eligible applicants may be local education agencies, community-based organizations, including faith-based organizations, institutions of higher education, city, or county government agencies, for-profit corporations and other public or private entities. While all organizations are eligible to apply, they must be partnered with an eligible school to be considered for funding.

The grant cycle is 5 years. Grant awards range from \$50,000 to \$300,000 per year for each of the 5 years, contingent on annual continuation approval.

Reservations

The State of South Dakota Department of Education reserves the right to cancel this solicitation if it is considered to be in its best interest. The State reserves the right to negotiate modifications to the application. The State reserves the right to reject any and all applications received as a result of this request for applications. The State reserves the right to consider equality in the geographic areas. The State reserves the right to consider the applicant's previous experience with the 21st CCLC program. The State has the right to consider the number of children served as well as grade levels targeted. The State reserves the right to assure that the grant recipients are competent, responsible, and committed to achieving the objectives of the awards they receive. The State reserves the right to visit sites prior to awarding the grant to verify the content of the application. There will be few allowances to change the scope of grants once the grants are awarded, so be sure that the program proposed is one that can be carried out for the amount requested.

South Dakota 21CCLC <https://doe.sd.gov/21CCLC/>

Office of Elementary and Secondary Education Nita M. Lowey 21st Century Community Learning Centers <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/21st-century-community-learning-centers/>

The reviews for these programs are conducted independently of other Title I reviews.

Tribal Consultation

Background

The Every Student Succeeds Act (ESSA) is the latest reauthorization of the Elementary and Secondary Education Act of 1965. Previously known as the No Child Left Behind Act (NCLB), this reauthorization gives more freedom to states to implement standards and accountability.

The ESSA allows educational stakeholders to enter a new era of education, one that requires timely and meaningful consultation. Meaningful tribal consultation, both in process and product, is the foundation that will best support Native Students. It will be helpful when local educational agencies (LEAs) approach consultation in the context of developing a mutually respectful relationship with tribes. A key component in working with tribal representatives and supporting Native youth is trust.

Introduction

Section 8538 of the Every Student Succeeds Act (ESSA), Public Law 114-95, requires affected local educational agencies (LEAs) to consult with Indian tribes, or those tribal organizations approved by the tribes located in the area served by the LEA, prior to submitting a plan or application for covered programs. This requirement is designed to ensure timely and meaningful consultation occur on issues affecting American Indian (AI)/Alaskan Native (AN) students. This guidance is intended to serve as an overview of ESSA tribal consultation requirements and as guidance for South Dakota LEAs.

Tribal Consultation

ESSA provides unique opportunities for states, districts, and tribes to work together to strengthen education for Native students throughout the country. This guide is designed to create a framework for consultancy between tribes and school districts as mandated by law. The South Dakota Department of Education is available to support districts as they navigate the process to increase opportunities for successful consultation and engagement with stakeholders. This resource is meant to provide tribes and districts the high-level strategies necessary to build trusting, reciprocal, and long-lasting relationships with the Native communities in their respective regions.

ESSA Tribal Consultation Requirements

ESSA requires states and some districts to consult with tribal nations and communities in the development of their education plans. The act requires tribal consultation to be *timely*, and *meaningful*, but it does not define those terms.

Timely

The law states consultation “shall not interfere with the timely submission of the plan”. This means the consultation process should begin as early as possible before the submission deadline to ensure consultation is timely and meaningful. LEAs should conduct their consultation in advance of making significant decisions regarding plans or applications for covered programs.

To support timely and meaningful consultation now and in the future, regularly scheduled meetings ensure initial feedback is incorporated and tribal leaders continue to have a voice in the ongoing implementation and review process of the plan. Collaboration vs. consultation is of more value when putting emphasis on the inclusion of tribal input and feedback. Given that tribes may receive multiple requests for consultation, LEAs should consider arranging for informational meetings prior to consultation.

Meaningful

Consultation is meaningful when it occurs at the earliest possible date, prior to the development of a program, initiative, or policy to ensure that tribal views are respected and included in such plans. Tribal consultation is most effective when it is seen and understood as a process for continuous input and discussion.

Meaningful consultation is based on open communication and coordination that acknowledges and considers the views of all participants, and then seeks agreement on how to provide continuing assistance. The process of tribal consultation is equally important as the product. If tribal input is not reflected in how educational programs and services are administered to students, then we have missed a fantastic opportunity to support our AI/AN students.

Districts should work collaboratively with tribes to develop a common understanding of “meaningful” consultation, which is a requirement by ESSA, but not defined.

- An LEA should provide Indian tribes, or those tribal organizations approved by the tribes located in the area served by the LEA, an opportunity to provide input and feedback to the LEA on plans for any covered program.
- An LEA should consider providing a list of issues or questions on which the LEA seeks input, or provide draft plans for this purpose, in advance of the consultation.
- An LEA should consult before it makes a final decision on significant and substantive issues related to the content of the plans.
- An LEA should consider providing written responses to tribal input received during consultation to explain how input was considered.

Affected LEAs

An affected LEA under Section 8538 is one that *either*:

- 1) Has 50 percent or more of its student enrollment made up of American Indian (AI)/Alaskan Native (AN) students; *or*
- 2) Received an Indian Education Formula grant, from the US Department of Education, under ESEA Title VIII (Impact Aid) in the previous fiscal year that exceeded \$40,000; **and**
- 3) Include a tribe located in the area served by the LEA.

The location of the tribe and the area that the LEA serves will determine who the LEA must consult with, not the representation of the students.

- If there is an Indian reservation located in the jurisdiction or bordering the jurisdiction of the affected LEA, the LEA must consult with that tribe, or with a tribal organization approved by the tribe.

The Bureau of Indian Affairs (BIA) publishes an official list of federally recognized tribes each year. This list is available at the Title VI community of practice website under “Additional Resources”: <https://www.bia.gov/service/tribal-leaders-directory/federally-recognized-tribes>. To find tribal addresses, see the list at the National Congress of American Indians (NCAI) website: <http://www.ncai.org/tribal-directory> or see Appendix 1.

Covered Programs

Affected LEAs are required by ESSA to consult with tribes on plans or applications for programs covered under the following:

- Title I, Part A (Improving Basic Programs Operated by State and Local Education Agencies)
- Title I, Part C (Education of Migratory Children)
- Title I, Part D (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk)
- Title II, Part A (Supporting Effective Instruction)
- Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement Act)
- Title IV, Part A (Student Support and Academic Enrichment Grants)
- Title IV, Part B (21st Century Community Learning Centers)
- Title V, Part B, Subpart 2 (Rural and Low-Income School Programs)
- Title VI, Part A, Subpart 1 (Federal Indian Education Formula Grants to Local Education Agencies)

Appropriate Officials

The term “appropriate officials” means:

- Tribal officials who are elected; or

- Appointed tribal leaders or officials designated in writing by an Indian tribe for the specific consultation purpose under Section 8538.

There are many stakeholders that should be included in the tribal consultation process. Affected LEAs and their chosen representatives should begin the conversation with a tribal nation near your district. This may be the tribal education directors or tribally elected officials but should be up to the tribes to choose who represents their voices in the process of consultation. Tribal parents and local parent advisory committees should also be represented in the collaboration and consultation processes.

Consultation Process

Consultation occurs when affected school district meets or exchanges written correspondence with a tribal leader (and/or their designee) to solicit a Tribe's official input, comments, and recommendations on programs and resources affecting American Indian/Alaskan Native students. However, consultation may also be initiated by tribal leaders or their designees.

Consultation shall occur on a regular basis and may occur on an "as-needed" basis as well when the Indian tribes and/or LEAs raise issues that need to be addressed regarding the use of federal funds and programs administered by an LEA. When decisions about policy or programming are reached, communication between consultation entities is crucial.

For the consultation process to be successful, all parties should be informed of dates for upcoming meetings, including both tribal consultation meetings and information or input meetings that are open to the public. Consultative parties should be provided with information on proposed programs, formats and submission agreements, and notified of significant changes in plans.

As part of meaningful consultation, tribes should be provided with, or should be able to receive on request:

- Dates for upcoming meetings, including tribal consultation meetings and information or input meetings that are open to the public.
- Deadlines for plan development and submission.
- Information on proposed programs.
- Formats and submission information for tribal input.
- Notification of significant changes in plans.
- A final copy of plans or applications.
- Contact information for district personnel or members of committees.
- Presentations from state or local representatives about existing programs so that tribes have clarity regarding how the programs operate in the local, district or state context.
- Information on the evidence on which planned activities are based.

Required Documentation

Each LEA must maintain in their records and, for State-administered ESEA programs, provide to the State Education Agency (SEA), a written affirmation signed by the appropriate officials of the participating tribes (or tribal organizations approved by the tribes) that the required consultation occurred. If tribal officials do not provide such affirmation within a reasonable period of time, the LEA must forward to the SEA documentation that consultation has taken place (US Dept. of Education).

LEA *Confirmation of Tribal Consultation* is due as an annual upload to the GMS as part of the Consolidated Application which will be due on July 1st of each year.

The South Dakota Department of Education has developed Guidance for ESSA Tribal Consultation and a form for the required *Confirmation of Tribal Consultation*. This form and the guidance document can be found at <https://sddoe.mtwgms.org/SDDOEGMSWeb/PageRefDocs/Tribal-Confirmation.pdf>. See also Appendix 3 for a copy of the form. This form must be kept at the LEA office, and uploaded to the GMS Consolidated Application Tribal Consultation Tab. If a LEA or Tribe has another type of documentation to show that this consultation has occurred, it may be substituted for the supplied form.

Combined Consultation

An LEA may coordinate or consolidate the required ESEA consultation with the parent activities required under the Indian Education formula grant program, the Impact Aid program, and the Johnson O'Malley program. An LEA may only do so, however, if the activity in question – i.e., the consultation – meets all the requirements of each program. The LEA should involve the local tribe or tribes in planning the best approach that satisfies the needs of the tribe(s) and the LEA in a time-effective manner, and that meets the requirements of the various programs.

USED Resources

The US Department of Education has published a Dear Colleague letter and a frequently asked questions document on ESSA tribal consultation which you can find on the SD Title website at: <https://oese.ed.gov/files/2023/05/Final-TC-FY25Budget5123.pdf>. The US Department of Education may offer assistance or provide other information upon request. Please contact the Office of Indian Education at IndianEducation@ed.gov.

Review Expectations: The LEAs that are required to provide consultation will have these documents uploaded into the GMS prior to the review. The DOE reviewer will provide Technical Assistance if necessary.

Appendix 1

National Congress of American Indians 2020 Tribal Directory for South Dakota

Cheyenne River Sioux Tribe [Great Plains]

Harold C. Frazier (Chairman)

Tel: 605.964.4155

PO Box 590

Fax: 605.964.4151

Eagle Butte, SD 57625-0590

Recognition Status: Federal

Website: <http://www.sioux.org>

Crow Creek Sioux Tribe [Great Plains]

Lester Thompson, Jr. (Chairman)

Tel: 605.245.2221

PO Box 50

Fax: 605.245.2789

Fort Thompson, SD 57339-0050

Recognition Status: Federal

Website: <http://sdtribalrelations.com>

Flandreau Santee Sioux Tribe [Great Plains]

Anthony Reider (President)

Tel: 605.997.3891

PO Box 283

Fax: 605.997.3878

Flandreau, SD 57028-0283

Recognition Status: Federal

Website: <http://www.santeesioux.com>

Lower Brule Sioux Tribe [Great Plains]

Boyd Gourneau (Chairman)

Tel: 605.473.5561

187 Oyate Circle

Fax: 605.473.5606

Lower Brule, SD 57548-0187

Recognition Status: Federal

Website: <https://www.lowerbrulesiouxtribe.com/>

Oglala Sioux Tribe [Great Plains]

Julian Bear Runner (President)

Tel: 605.867.5821

PO Box 2070

Fax: 605.867.6076

Pine Ridge, SD 57770-2070

Recognition Status: Federal

Website: <http://oglalalakotanation.info/index.html>

Rosebud Sioux Tribe [Great Plains]

William Kindle (President)

Tel: 605.747.2381

PO Box 430

Fax: 605.747.2243

Rosebud, SD 57570-0430

Recognition Status: Federal

Website: <http://www.rosebudsiouxtribe-nsn.gov>

Sisseton-Wahpeton Oyate of the Lake Traverse Reservation [Great Plains]

Donovan White (Chairman)

Tel: 605.698.3911

PO Box 509

Fax: 605.698.7907

Agency Village, SD 57262-0509

Recognition Status: Federal

Website: <http://www.swo-nsn.gov>

Standing Rock Sioux Tribe [Great Plains]

Mike Faith (Chairman)

Tel: 701.854.8500

PO Box D

Fax: 701.854.8595

Fort Yates, ND 58538-0522

Recognition Status: Federal

Website: <http://www.standingrock.org>

Yankton Sioux Tribe [Great Plains]

Robert Flying Hawk (Chairman)

Tel: 605.384.3641 or 605.384.3804

PO Box 1153

Fax: 605.384.5687

Wagner, SD 57380-1153

Recognition Status: Federal

Website: <https://www.yanktonsiouxtribe.net/>

Appendix 2

Tribal Education Directors

As of October 2020

Cindy Young

Rosebud Sioux Tribe
PO Box 40
Rosebud SD 57570
605.828.1322
605.491.5751
rstedcy@gwtc.net
cindy.young@rst-nsn.gov

Emma Jean (EJ) Blue Earth

Standing Rock Sioux Tribe
PO Box D
Fort Yates ND 58538-0522
701.426.6035 OR: 701.854.8809
ejblueearth@standingrock.org

Dr. Sherry Johnson

Sisseton-Wahpeton Oyate
PO Box 509
12554 BIA Hwy 711
Agency Village, SD 57262-0509
605.698.8298 OR 605.419.1691
SherryJ@swo.nsn.gov

Brian Wagner

Lower Brule Sioux Tribe &
Crow Creek Sioux Tribe
190 Oyate Circle
Lower Brule, SD 57548
605.473.5561 OR 605.730.3146
bdwag45@yahoo.com

Dana Brave Eagle

Oglala Sioux Tribe
PO Box 2070 OR: PO 662, Kyle, SD 57752
Pine Ridge SD 57770-2070
605.867.5821 OR: 605.455.2666
dayna@oglala.org

Dr. Cherie Farlee

Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte SD 57625-0590
605.365.6629 OR: 605.964.3303
cheriefarlee072047@gmail.com

Flandreau Santee Sioux Tribe Educ. Dept.
PO Box 283
Flandreau, SD 57028
605.573.4197

Jolene Arrow

Yankton Sioux Tribe
PO BOX 1153
Wagner, SD 57380
Ph: 605.384.3641 OR 605.384.3095
Fax: 605.384.5687
Jolene.arrow@k12.sd.us

Appendix 3

Please see the next page.

FY 20__ Confirmation of Tribal Consultation For School Year Ending June 30, 20__

This form affirms that the requirements for tribal consultation, as set forth under section 8538 of the Elementary and Secondary Education Act of 1965(ESEA) as amended by the Every Student Succeeds Act(ESSA), have occurred between the Local Education Agency(LEA) and Tribal Leader/Representative.

This is an official document that should be used by districts and tribal leaders to document all consultations. A separate signature is required for each official tribal representative present.

The Tribal Official(s) agree that timely and meaningful consultation occurred and that the LEA provided the opportunity to provide input and to contribute to the LEA Consolidated Application plan.

Name and Title of Tribal Official

Contacted: _____

Tribal Official Signature

Date

The Tribal Official(s) agree that timely and meaningful consultation occurred and that the LEA provided the opportunity to provide input and to contribute to the LEA Consolidated Application plan.

Name and Title of Tribal Official

Contacted: _____

Tribal Official Signature

Date

Check if the Tribal Official(s) and/or tribal agency did not respond to the LEA's repeated good-faith attempts for tribal consultation.

List Tribal Official(s) and/or tribal organizations that did not respond to the LEA's repeated attempts for Indian tribal consultation.

1. _____

2. _____

3. _____

LEA Affirmation and Signature

We agree that timely and meaningful consultation occurred before the LEA submitted plans or applications for the following Title programs under ESEA as amended by ESSA.

We agree that we have participated in meaningful and timely discussion on each Title under ESSA and the LEA has chosen to participate in the programs marked below.

- Title I, Part A (Improving Basic Programs Operated by State and Local Education Agencies)
- Title I, Part C (Education of Migratory Children)
- Title I, Part D (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk)
- Title II, Part A (Supporting Effective Instruction)
- Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement Act)
- Title IV, Part A (Student Support and Academic Enrichment Grants)
- Title IV, Part B (21st Century Community Learning Centers)
- Title V, Part B, Subpart 2 (Rural and Low-Income School Programs)
- Title VI, Part A, Subpart 1 (USED Indian Education Formula Grants to Local Education Agencies)

We agree that timely and meaningful consultation shall continue throughout implementation and assessment of services provided under section 8538.

Name of

LEA: _____

LEA Signature

Date

Tribal Official Signature

Date

Tribal Official Signature

Date

This form must be kept at the LEA office, and uploaded to the GMS Consolidated Application Tribal Consultation Tab.

If such Tribal officials do not provide such affirmation within a reasonable period of time, the affected LEA shall forward documentation that such consultation has taken place to the SD DOE as an upload to the GMS Tribal Consultation Tab.

Notes/Thoughts/Questions

The contents of this handbook were developed under a grant from the U.S. Department of Education. However, the contents do not necessarily represent the policy of the U.S. Department of Education and you should not assume endorsement by the Federal Government. 60 copies printed at a cost of approximately \$22.00 per book.
