

# Use of Funds Overview

ESSA CONSOLIDATED APPLICATION PROGRAMS  
MARCH 2026

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## Introduction to ESSA

This document provides general guidance from South Dakota Department of Education (SD DOE) on how local educational agencies (LEAs) may spend funds under Every Student Succeeds Act (ESSA).

ESSA, the most recent reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965, ESSA was signed into law on December 10, 2015.

This document was developed using the Council of Chief State School Officers (CCSSO) template and is intended to support the State Education Agency (SEA) in providing clear spending guidance to Local Education Agencies (LEAs). It reflects a review of relevant statutory provisions and was developed in collaboration with South Dakota Department of Education (SD DOE) Title program staff.

This Use of Funds Overview is not intended to address every technical rule or compliance requirements. Instead, it focuses on allowable activities and key federal rules that influence how LEAs may spend funds under programs included in the consolidated application.

If the LEA has questions regarding specifics to their program, they should contact the SD DOE Office of Title Programs Program Specialists.

### Frequently Used Acronyms

**LEA**- Local Education Agency

**SEA**- State Educational Agency

**ESSA**- Every Student Succeeds Act

**ESEA**- Elementary and Secondary Education Act

**SD DOE**- South Dakota Department of Education

**ED** - United States (U.S.) Department of Education

**Title I**- Title I, Part A

**TIVA, SSAE**- Title IV, Part A/Student Support and Academic Achievement

**EL**- English Learner

**CNA**- Comprehensive Needs Assessment

## General Spending Considerations

### General Spending

The spending guidance addresses the following formula programs:

- Title I, Part A | Improving Basic Programs Operated by Local Education Agencies
- Title II, Part A | Supporting Effective Instruction
- Title III, Part A | Language Instruction for English Learners and Immigrant Students
- Title IV, Part A | Student Support and Academic Enrichment
- Title V, Part B Subpart 2 | Rural and Low-Income Schools

## Reasonable, Necessary, Allocable

The Uniform Grant Guidance (UGG)<sup>1</sup>, which applies to all federal grants—including those from the United States Department of Education (ED)—requires that all costs charged to these grants be reasonable, necessary, and allocable, taking into account the amount of funding and the specific needs of the program.

(1) **Reasonable**: consistent with prudent business practice and comparable current market value

(2) **Necessary**: required to carry out the intent and purpose of the Title program; and

(3) **Allocable**: chargeable or assignable in accordance with relative benefits. In addition, costs must be aligned with generally accepted accounting principles (GAAP) and adequately documented and budgeted within the grant<sup>2</sup>.

Sections §200.421 through §200.475 of the UGG provide detailed guidance on selected items of cost; however, the absence of a specific cost does not imply that the cost is automatically allowable or unallowable<sup>3</sup>.

UGG also:

- Lists cost that may never be paid for with federal funds<sup>4</sup>. (e.g., alcohol<sup>5</sup>, most lobbying costs<sup>6</sup>).
- Lists costs supported with federal funds must satisfy<sup>7</sup>. (e.g., requires that federal funds only support allocable costs)<sup>8</sup>.
- Sets additional requirements for certain costs supported for federal funds<sup>9</sup>. (e.g., records documenting how much time the employee spends on grant activities also known as time and effort records)<sup>10</sup>.
- Sets procurement and recordkeeping requirements for federally funded goods and services<sup>11</sup>.

Activities supported by ED funds must align with the LEA's approved application<sup>12</sup>. For Title I, Part A, this is the Consolidated Application that is submitted in the Grants Management System (GMS). Refer to your LEAs approved plan for general information.

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

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

When determining whether a cost is allowable at the LEA or building level, business managers and Title staff should ask:

- How is the expenditure reasonable, necessary, and allocable under the Title program?
- What need does it address, and how does it align with the Title plans (LEA plan, Schoolwide plan, Targeted Assistance School Plan)?
- How will the expenditure be evaluated for its impact of student achievement?

Examples:

1. District-level expenditures must align with the approved Consolidated Application.
2. Schoolwide expenditures must align with the needs-driven goals outlined in the Schoolwide Plan, based on the most recent comprehensive needs assessment.
3. Targeted Assistance expenditures must align with the targeted assistance plan in GMS and the comprehensive needs assessment.

Items of costs listed below are unallowable under the federal cost principles.

- Advisory Councils §200.421
- Bad Debts §200.426
- Contributions and donations §200.434
- Entertainment costs §200.438
- Fines, penalties, damages and other settlements §200.441
- General costs of government §200.444
- Goods or services for personal use §200.445
- Lobbying costs §200.450
- Public Relations §200.421

Refer to the Allowable Cost QuickGuide for commonly unallowable or typically allowable costs.

## ESSA Maintenance of Effort

LEAs receiving ESSA funds must comply with a maintenance of effort requirement<sup>13</sup>. This ensures that LEAs maintain a consistent floor of state and local spending with respect to the public education from year-to-year.

An LEA must spend at least 90 percent of the combined fiscal effort per student or aggregate expenditures from the second preceding fiscal year. If an LEA fails to maintain effort and has also failed to do so in one or more of the five preceding years, SD DOE must reduce the amount of funds allocated under ESSA covered programs in exact proportion of the LEA's failure to meet the requirement, using the test that is most favorable to the LEA<sup>14</sup>.

The US Department of Education may waive the maintenance of effort requirements for an LEA if it determines that a waiver would be equitable due to—

- Exceptional or uncontrollable circumstances (e.g., LEA restructuring), or
- A significant decline in financial resources.

## Supplement not Supplant

All ESSA Title programs include supplement not supplant (SNS) provisions<sup>15</sup>. In general, federal funds should add to (supplement) and not replace (supplant) state and local funds.

### **Title I:**

- Compliance is determined by whether the LEA's methodology for allocating state/local funds to schools provides each Title I school the same amount it would receive without Title I<sup>16</sup>.
- This removes the need for the "three presumptions of supplanting," but Title I costs must still be allowable and serve eligible students.

### **Title II, Title IVA, and RLIS:**

- Compliance is tested using the traditional three presumptions:
  1. Are the expenditures or activities required by law.
    - a. If a district is legally obligated to provide a certain service, it cannot use federal funds to pay for those services if they were previously funded by state or local dollars.
  2. Were the expenditures or activities funded with state/local funds in the prior year.
    - a. If a district used state or local funds in the prior year to offer special services, it cannot replace those funds with federal funds in the current year.
  3. Would the expenditures or activities happen in the absence of Federal funds?
    - a. If the activity would still occur even without the federal funds, using federal funds would likely be considered supplanting.

### **Title III:**

- Only the first two presumptions are used<sup>17</sup>.

LEAs can rebut these presumptions with documentation (e.g., state or local legislative action, budget records) showing the activity would not occur without federal funds.

## Comparability

As a condition of Title I, LEAs must ensure that state and local funds are used to provide services that taken as a whole, are comparable between Title I and non-Title I schools<sup>18</sup>.

## Equitable Services

All Title Programs addressed in this document require equitable services for eligible private school students, educators and in some instances families. LEAs must engage in timely and meaningful consultation with private school officials. Funds must be used for the benefit of private school students, teachers, or personnel, not directly for private schools themselves. LEAs must reserve a portion of funds for equitable services before making program expenditures. There are some differences in requirements for the different Title Programs.

Title I must use funds to serve eligible students, teachers, personnel, and families in private schools. The funds reserved must be based on the total Title I allocation, including funds before any reservations<sup>19</sup> (admin, parental involvement, etc.)

Title II must use funds to serve eligible private school teachers and educational personnel. The funds reserved are based on the entire Title II allocation<sup>20</sup>.

Title III must use funds to serve eligible private school students, teachers, and educational personnel. Funds reserved are based on the number of eligible ELs in private schools<sup>21</sup>.

Title IVA must use funds to serve eligible students, teachers, and other personnel in private schools. Funds reserved must be based on private school student enrollment<sup>22</sup>.

Participation in REAP-Flex does not relieve an LEA of its responsibility to provide equitable services for private school students, and teachers. The total amount of funding that is required for the benefit of private school students and teachers is not affected by an LEA's participation in REAP-Flex. Funds for private school students and teachers should serve to meet the needs of the private school students and teachers.

The equitable participation requirements in Title VIII of the ESEA do not apply to funds allocated under the RLIS grant program.

## Definition of Evidence-Based

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

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

Simply put, evidence-based activities, strategies, and interventions, are those which show a strong likelihood of improving student outcomes as supported by high-quality research and which incorporate ongoing assessment to examine their effectiveness.

More information on evidence-based practices may be found within the [Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments](#).

# Using Title I, Part A Funds to Support Student Achievement

This section provides information for local educational agencies (LEAs) and schools on ways to spend Title I, Part A funds. Title I, Part A is the U.S. Department of Education’s (ED) largest K-12 grant program.<sup>23</sup> It provides supplemental funding to help low-income schools improve the academic achievement of educationally disadvantaged students. ED awards Title I funds to state educational agencies (SEAs), which then subgrant funds to LEAs. LEAs retain a portion to administer the program and must allocate the remainder to eligible schools. For convenience, this section will refer to the programs as “Title I”.

## Purpose of Title I, Part A

The purpose of this program is to provide all children “significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”<sup>24</sup> To fulfill this, states must develop accountability systems to identify and support schools with academically struggling students, and LEAs and schools must use their Title I funds to improve student outcomes, including academic achievement.

The state accountability system includes:

- Challenging academic standards in math, reading/language arts, and science,<sup>25</sup>
- High-quality academic assessments aligned to state standards<sup>26</sup>
- A system that differentiates school performance based on a variety of indicators,<sup>27</sup>
- Identification and support for low-performing schools (known as “comprehensive support and improvement” (CSI) schools and “targeted support and improvement” (TSI) schools),<sup>28</sup> and
- Reporting of achievement data and other required metrics to ED and the public.<sup>29</sup>

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

- Develop and implement support plans for low-performing schools<sup>30</sup>
- Report student achievement and other data to the SEA and the public,<sup>31</sup>
- Notify parents about teacher qualifications, assessments, and English Learner identification,<sup>32</sup>
- Collaborate with child welfare agencies to support children in foster care,<sup>33</sup>
- Provide services to students experiencing homelessness,<sup>34</sup>
- Provide services to students in local institutions for neglected or delinquent children and community day programs,<sup>35</sup>
- Allocate funds to eligible schools through a poverty-based procedure known as “ranking and serving,”<sup>36</sup>
- Develop parent and family engagement policies and activities,<sup>37</sup>
- Provide equitable services to eligible private school students<sup>38</sup>, and
- Oversee Title I implementation and activities in participating schools.<sup>39</sup>

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

- A **schoolwide model**, available to any school with at least forty percent poverty – or with a state-approved waiver for schools with poverty below forty percent.<sup>40</sup>
  - Title I funds may be used to upgrade the entire education program.<sup>41</sup>
  - All students are considered Title I participants<sup>42</sup> and
  - The school must develop a plan informed by the comprehensive needs assessment, which:
    - Considers achievement of all students,
    - Focuses on students struggling to meet academic standards, and
    - Includes other factors identified by the LEA.
- A **targeted assistance school** model, used in Title I schools that do not operate a schoolwide program.<sup>43</sup>
  - Funds must support educationally- disadvantaged students.<sup>44</sup>
  - Eligible students include those who:
    - (1) are failing or at risk of failing to meet state standards,
    - (2) participated in certain federally funded preschool programs,
    - (3) received services under the Migrant Education Program,
    - (4) reside in a local institution for neglected or delinquent children or are attend a community day program, or
    - (5) are homeless.<sup>45</sup>

## How Title I Funds May be Used

Title I funds may support a wide range of activities aimed at helping students meet state academic standards. This includes, but is not limited to:

- Providing eligible students with a well-rounded education, which ESSA defines as courses, activities, and programming in subjects such as:
  - English, reading or language arts, writing, science, technology, engineering, mathematic, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject determined by the SEA or LEA with the purpose of providing all students access to an enriched curriculum and educational experience.<sup>46</sup>
- Instructional supports and non-instructional supports such as behavior and mentoring supports, and student health and wellness, and;
- Activities to improve overall school quality

Title I should be used flexibly to meet a broad range of student needs, which can include reading and math instructional supports as well as other evidence-based strategies aligned with the school's or LEA's identified priorities.

## Using Title I Funds at the LEA Level

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

- Services for Homeless Children and Youth
  - Includes support for the liaison and transportation services as required under McKinney Vento Homeless Education Act.<sup>47</sup> LEAs must reserve “such funds as are necessary,” based on an assessment of homeless children’s needs; ESSA does not specify an amount.<sup>48</sup>
- Services for Children in Local Institutions for Neglected or Delinquent Children
  - Includes children in local institutions for neglected or delinquent youth, or community day programs. LEAs must reserve “such funds as are necessary”. ESSA does not specify an amount.
- Parent and Family Engagement
  - If the LEA receives \$500,000 or more in Title I funds, it must reserve at least 1% for parent and family engagement. Of this amount, 90% must be distributed to Title I schools.
- Equitable Services for Private Schools
  - LEAs must reserve a proportional share of Title I funds to provide services for eligible private school students, based on the number of students residing in the LEA<sup>49</sup>.

In addition to required reservations, LEAs may reserve Title I funds for discretionary activities that support improved academic achievement in Title I schools. These reservations are optional but must align with Title I requirements and benefit only Title I students or schools.

- Transportation for Students in *Comprehensive support and Improvement (CSI)* Schools
  - If the LEA offers students in a CSI schools the option to transfer to another public school, it may reserve up to 5% of its Title I allocation to cover transportation costs.<sup>50</sup>
- Financial Incentives for Teachers in CSI or Targeted Support and Improvement (TSI) Schools
  - LEAs may reserve up to 5% of its Title I allocation to offer financial incentives and rewards to attract and retain qualified and effective teachers in CSI or TSI schools.
- Early childhood Education
  - LEAs may reserve funds to support early childhood education programs for eligible children. ESSA does not specify an amount, and the reservation is entirely at the LEA’s discretion.
- Transportation for Children in Foster Care
  - LEAs may reserve funds to cover additional transportation costs for children in foster care to attend their school of origin, consistent with Section 1112(c)(5). ESSA does not require a specific reservation amount.<sup>51</sup>
- Program Administration
  - LEAs may reserve a reasonable and necessary amount to administer the Title I Program.<sup>52</sup>

## District-managed initiatives in Title I schools

LEAs may reserve a portion of Title I funds to implement district-managed initiatives—programs designed and overseen by the central office, rather than individual schools. These initiatives must be intended to support the academic achievement of students in Title I schools only. These are sometimes called districtwide initiatives because they benefit all or a group of Title I schools.

Although often referred to as “districtwide” initiatives, this term can be misleading. These initiatives may be implemented across multiple schools but must only serve Title I schools and students. Title I funds cannot be used to support programs that benefit non-Title I schools or students.

Examples of Allowable District-Managed Initiatives<sup>53</sup>:

- Contracting with external school improvement providers to support low-achieving Title I schools
- Offering summer school or after-school tutoring to prepare struggling students for advanced coursework
- Purchasing supplemental instructional materials for low-achieving students, including students with disabilities and English Learners
- Hiring experts to train staff in Title I schools on analyzing student data and identifying effective interventions,
- Piloting a data dashboard to help teachers identify, monitor and address the needs of at-risk students
- Funding extended teacher collaboration time to review student data and plan targeted instructional strategies,
- Implementing Extended learning time, such as:
  - before- and after-school programs
  - Saturday school or summer school
  - Extending half-day kindergarten to a full day
  - Adding time for student learning or collaborative teacher planning within the school day
  - Lengthening the school year

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

Schools with a poverty rate of at least 40%, or those granted a waiver by the SEA,<sup>54</sup> may operate a schoolwide Title I program. To do so, the school conducts a comprehensive needs assessment and develops a schoolwide plan to address those identified needs.<sup>55</sup>

The premise of the schoolwide model is that high poverty schools should have the flexibility to design and implement comprehensive strategies for school improvement, rather than being limited to targeted, supplemental services for specific students or groups of students.

In a schoolwide program all students and staff may benefit from Title I-funded activities and use funds to support any reasonable activity designed to improve the school’s educational program, as long as it is aligned with the school’s needs assessment plan.

## Spending Options in a Schoolwide Program

In a schoolwide Title I program, funds may be used to support any reasonable activity aligned with the school's comprehensive needs assessment and schoolwide plan and be within the approved application and/or budget. This flexibility allows schools to implement strategies to improve the entire educational program and support all students, particularly those most at risk of not meeting academic standards.

Depending on its specific needs, a schoolwide program may use Title I funds to support:

### Early Learning and Transitions

- High-quality preschool or full-day kindergarten programs
- Services to support successful transitions from early learning to elementary education

### Educator Effectiveness

- Recruitment and retention of effective teachers, particularly in high-need subjects,
- Instructional coaches to provide high-quality, school-based professional development

### Expanded Learning Time

- Extended school day, week, or year
- Additional Instructional time during the school day

### Support for English Learners

- Evidence-based strategies to accelerate content knowledge acquisition

### College and Career Readiness

- Career and technical Education (CTE) programs to prepare students for postsecondary education and the workforce

### School Climate and Behavior Supports

- School-based mental health services, counseling, and mentoring, programs to build students' non academic skills
- Positive behavior interventions and supports (PBIS)
- Anti-bullying initiatives and other climate improvement strategies

### Data Use and Instructional Design-Making

- Equipment, materials, and training for compiling and analyzing student achievement data
- Tools to identify struggling students and guide instruction decisions

### Multi-Tiered Systems of Support

- Response-to-Intervention (RTI) models to identify and support students with learning or behavioral needs

### Family and Community Engagement

- Activities proven to enhance family and community engagement
- Family literacy programs and services

### Technology for Digital Learning

- Devices and software to access and collaborate using digital materials

- Related training for educators, including accessible technology for students with disabilities

#### Two-generation approaches

- Programs designed to support both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.<sup>56</sup>

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

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

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

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

- Students identified as failing, or most at risk of failing, to meet state standards,
- Students who participated in Head Start, or certain ESSA-funded preschool programs or literacy programs for young children, within the past two years (including Title I supported preschool),
- Migrant students,
- Neglected and delinquent students, and
- Homeless children.<sup>57</sup>

#### Spending Options in a Targeted Assistance Program

Targeted assistance schools must use Title I funds to help identified students meet state standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education.<sup>58</sup>

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

- Expanding learning time for eligible students, including before- and afterschool programs, and summer programs and opportunities,
- Providing early intervening services to eligible students, including services coordinated with similar activities and services carried out under IDEA,
- Providing eligible students with extra supports aligned to the school's regular education program, which may include services to assist preschool children in the transition from early childhood education programs to elementary school programs,
- Providing professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible students, and
- Implementing strategies to increase the involvement of parents of eligible students.<sup>59</sup>

Targeted assistance schools can also use Title I funds to provide eligible students with health, nutrition, and other social services<sup>60</sup> that are not otherwise available to them if:

- The school has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, if appropriate; and
- Funds are not reasonably available from other public or private sources.<sup>61</sup>

A secondary school operating a targeted assistance program may use Title I funds to provide dual or concurrent enrollment program services to eligible children.<sup>62</sup>

Targeted assistance schools must:

- Help provide an accelerated, high-quality curriculum,
- Minimize the removal of children from the regular classroom during regular school hours for instruction provided by Title I, and
- Review the progress of eligible students on an ongoing basis and revise the targeted assistance program, if necessary, to provide students additional assistance to meet state standards.<sup>63</sup>

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

Because targeted assistance programs can only serve specifically identified students, some schools choose to separate or isolate Title I programs in order to clearly demonstrate that only eligible students are participating. However, this level of separation is not required by Title I law or federal regulations. In fact, Title I encourages schools to coordinate Title I services with other programs, including the regular education program, to ensure eligible students receive cohesive and effective support.

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

*Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.*<sup>64</sup>

The law also encourages targeted assistance schools to coordinate and integrate federal, state, and local services and programs, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities.<sup>65</sup>

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

- Participate in general professional development and school planning activities, and
- Assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.<sup>66</sup>

## Parent Engagement Fiscal Uses - Title I Use of Funds

Title I emphasizes the critical role of parent and family engagement in supporting student achievement. The law ensures that LEAs and schools receiving Title I funds work in partnership with families—providing them with information, tools, and opportunities they need to make informed decisions and actively support their children’s education.

Under ESSA Section 1116, LEAs and schools must engage in meaningful outreach and implement programs, activities, and procedures for the involvement of parents and family members. such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. By following these guidelines, LEAs and schools can effectively use Title I funds to engage families to support the academic success of students while ensuring fiscal responsibility.

### Funding Requirements:

- LEAs receiving more than \$500,000 in Title I, Part A funds must reserve at least 1% of their allocation for parent and family engagement.
- Of that amount, at least 90% must be distributed to schools, prioritizing high-needs schools.
- Parents and families of children receiving services under Title I shall be involved in the decisions regarding how funds reserved are allotted for parental involvement activities.<sup>67</sup>

### Allowable Uses of Funds

Title I funds can support a wide range of activities to build the capacity of families and educators to work together effectively and to assist schools in meeting the educational goals of students. These may include:

- Improving curriculum and programs, instructional activities, counseling services, and parental involvement strategies that directly support students and strengthen school-home connections
- Increasing staff or support personnel to assist with engagement efforts or provide academic non-academic support to Title I students and their families.
- Professional development for principals, teachers, support staff, and volunteers on family and community engagement strategies
- Professional development to families and staff to build capacity for working in partnerships with schools.
- Training and education for families to support learning at home or navigate school systems.
- Events and outreach such as family literacy nights, home visits, parent leadership opportunities, or volunteer programs.
- Partnerships with community-based organizations that specialize in family engagement.
- Support for transitions, such as from early childhood to elementary school
- Transportation and childcare to remove barriers to participation in engagement activities
- Cost-effective transportation for children in foster care provide educational stability for children in foster care.
- ED discourages using Title I funds for food unless clearly justified as essential and necessary to directly support the academic mission of Title I. If used, LEAs must maintain clear documentation—such as event descriptions, attendance records, and receipts—to demonstrate the costs educational relevance.

## Using Title I Funds in Schools Identified for Support and Improvement

Under ESSA, states are required to identify two categories of low-performing schools:

- *Targeted support and improvement (TSI) schools*- Schools with one or more consistently underperforming student subgroups.<sup>68</sup>
- *Comprehensive support and improvement (CSI) schools*- which include:
  - The lowest-performing five percent of Title I schools in the state,
  - Any public high school failing to graduate one-third or more of its students, and
  - Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as students in the lowest-performing five percent of Title I schools, and has not improved after the school has implemented a TSI plan.<sup>69</sup>

TSI and CSI schools that receive Title I funds have the same Title I, Part A spending options as any other Title I school and may use the funds to support their school improvement efforts. Title I funds may be used to implement strategies and activities identified in a TSI or CSI plan as long as the costs are otherwise allowable under Title I.

Section 1003 school improvement funds, by contrast, must be used for activities, strategies, or intervention that meet one of the top three tiers of evidence under ESSA. In other words, Section 1003 funds can only be used to fund activities, strategies or interventions based on a study that demonstrates it has a statistically significant effect on improving student outcomes.<sup>70</sup>

### Other Spending Rules Title I

- LEAs receiving Title I funds must comply to the Maintenance of Effort requirement<sup>71</sup>.
- LEAs that receive Title I funds must follow Title I Supplement not Supplant requirement<sup>72</sup>.
- LEAs that receive Title I funds are subject to an Equitable Services requirement<sup>73</sup>.

Reference General Spending Consideration Section for additional information on the three areas noted.

# Using Title II, Part A Funds to Support Student Achievement

This section provides information about how local educational agencies (LEAs) can spend Title II, Part A funds. Title II, Part A is a U.S. Department of Education (ED) grant program that provides supplemental funding to help support effective instruction. ED awards Title II, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs.

For convenience, this section will refer to the program as “Title II.” More information about Title II can be found on the [SD DOE website](#).

## Purpose of Title II, Part A

In general, Title II funds can be used to provide supplemental activities that strengthen the quality and effectiveness of teachers, principals, and other school leaders.<sup>74</sup> The purpose of Title II is to:

1. Increase student achievement consistent with state standards,
2. Improve the quality and effectiveness of teachers, principals, and other school leaders,
3. Increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools, and
4. Provide low-income and minority students greater access to effective teachers, principals, and other school leaders.<sup>75</sup>

## How Title II Funds May be Used

LEAs can use Title II funds for a wide range of activities to support the quality and effectiveness of teachers, principals and other school staff. Activities supported with Title II funds must: Be consistent with the purpose of Title II, and address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students.<sup>76</sup>

LEAs must prioritize Title II, Part A funds to schools that: Are implementing comprehensive support and improvement activities and targeted support and improvement activities, and have the highest percentage of children counted under section 1124(c)<sup>77</sup> (these are primarily low- income children ages 5-17 and includes those participating in neglected or delinquent facilities)<sup>78</sup>

Title II requires LEAs to consult meaningfully with a wide array of stakeholders on the LEA’s plan for carrying out Title II activities.<sup>79</sup> LEAs must also conduct ongoing consultation with those stakeholders to update and improve activities supported with Title II funds.<sup>80</sup>

- **Evaluation and Support Systems**— to develop or improve evaluation and support systems for teachers, principals, or other school leaders that are: based in part on student achievement, include multiple measures of performance, and provide clear, timely, and useful feedback.<sup>81</sup>
- **Recruiting, Hiring, and Retaining Effective Teachers; Implementing Supports for Principals and Other School Leaders initiatives** —to recruit, hire, and retain effective teachers.
- **Teacher Residency**— to establish, improve, or support school-based residency programs for teachers

- **Supporting Educator Diversity**—
  - Providing financial support to educator recruitment programs within the community to improve hiring and retention of a diverse workforce,
  - Offering career advancement opportunities for current staff members, such as paraprofessionals, who have worked in the community for an extended period of time, to support their efforts to gain the requisite credentials to become classroom instructors,
  - Partnering with preparation providers including local community colleges, Institutions of Higher Education (IHEs), Minority Serving Institutions, and alternative route providers, to build a pipeline of diverse candidates,
  - Providing ongoing professional development aimed at cultural competency and responsiveness and equity coaching, designed to improve conditions for all educators and students, including educators and students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientations,
  - Providing time and space for differentiated support for all teachers, including affinity group support,
  - Supporting leadership and advancement programs aimed to improve career and retention outcomes for all educators, including educators from underrepresented minority groups, and
  - Developing and implementing other innovative strategies and systemic interventions designed to better attract, place, support, and retain culturally competent and culturally responsive effective educators, especially educators from underrepresented minority groups, such as having personnel or staff-time dedicated to recruiting diverse candidates of high-quality who can best teach to the diversity of the student population.<sup>128</sup>
- **Recruiting from Other Fields**—recruit qualified individuals from other fields to become teachers, principals, or other school leaders.<sup>82</sup>
- **Class Size Reduction**—reduce class size to a level that is evidence-based, to the extent the SEA in consultation with the LEAs) determines such evidence is reasonably available<sup>83</sup>.
- **Personalized Professional Development**—personalized professional development for teachers, instructional leadership teams, principals, or other school leaders. The evidence-based professional development must focus on improving teaching and student learning and achievement, including supporting efforts to train, for teachers, principals, or other school leaders in specific areas.
- **Increasing Teacher Effectiveness for Students with Disabilities and English Learners**—develop programs and activities that increase teachers’ ability to effectively teach children with disabilities and English learners, which may include the use of multi-tiered systems of support and positive behavioral intervention and supports.<sup>84</sup>
- **Supporting Early Education**—to provide program to provide programs and activities to increase the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing.<sup>85</sup>
- **Supporting Effective Use of Assessments**— to provide training, technical assistance, and capacity-building to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom- based assessments, and using data

from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate.<sup>86</sup>

- **Supporting Awareness and Treatment of Trauma and Mental Illness, and School Conditions for Student Learning**—providing in-service training for school personnel in: The techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness, the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate, forming partnerships between school-based mental health programs and public or private mental health organizations, and Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.<sup>87</sup>
- **Supporting Gifted and Talented Students**—to provide training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as: Early entrance to kindergarten, enrichment, acceleration, and curriculum compacting activities (techniques relating to differentiated instruction), and dual or concurrent enrollment programs in secondary school and postsecondary education.<sup>88</sup>
- **School Library Programs**—to support the instructional services provided by effective school library programs.<sup>89</sup>
- **Preventing and Recognizing Child Sexual Abuse**—to provide training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.<sup>90</sup>
- **Supporting Science, Technology, Engineering, and Mathematics (STEM)**—to develop and provide professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science.<sup>91</sup>
- **Feedback Mechanisms to Improve School Working Conditions**—to develop feedback mechanisms to improve school working conditions. This can include periodically and publicly reporting feedback on educator support and working conditions.<sup>92</sup>
- **Supporting Postsecondary and Workforce Readiness**—to provide high-quality professional development for teachers, principals, or other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning (if appropriate), which may include providing common planning time, to help prepare students for postsecondary education and the workforce.<sup>93</sup>
- **Other Activities**—on other activities that meet Title II purposes (see “Purpose of the Title II Program” above) and are evidence-based to the extent the SEA (in consultation with LEAs) determines that such evidence is reasonably available.<sup>94</sup>

## Other Spending Rules Title II

- LEAs receiving Title II funds must comply with the Maintenance of Effort requirement<sup>95</sup>.
- LEAs that receive Title II funds must follow Title I Supplement not Supplant requirement.
- LEAs that receive Title II funds are subject to an Equitable Services requirement.

Reference General Spending Consideration Section for additional information on the three areas noted.

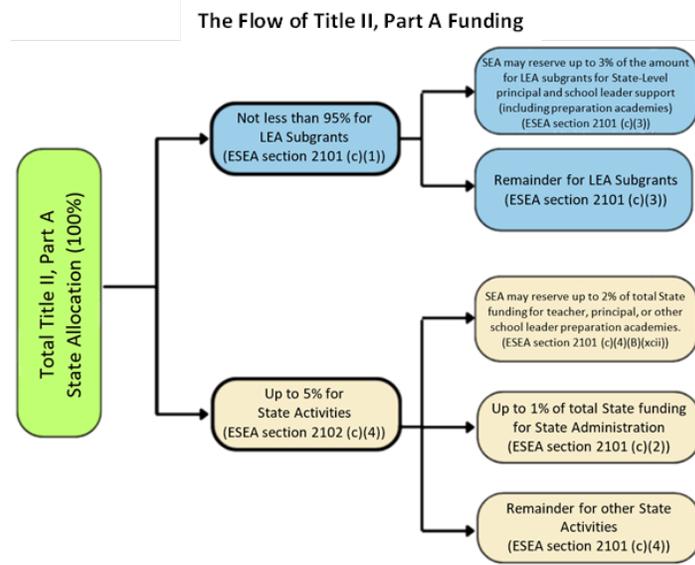
The Title II statute is silent on how much money LEAs may use for administrative costs. Generally, ED has advised LEAs may use a necessary and reasonable amount.

State Educational Agency (SEA) Allocations:

South Dakota is eligible to receive a Title II, Part A allocation from ED annually. This allocation is determined by the most current data from the U.S. Census Bureau. Specifically, 20 percent of the state’s allocation is based on the number of children ages 5-17 compared to this population in all States; and 80 percent of the state’s allocation is based on the number of individuals ages 5-17 from families with incomes below the poverty line compared to this population in all States.<sup>110</sup> Additionally, ED ensures that each State receives a Title II, Part A allocation that is at least 0.5 percent of the amount available to all States.<sup>112</sup>

Local Educational Agency (LEA) Allocations

After an SEA receives its Title II, Part A allocation, it may reserve up to five percent of the award for Administrative Activities, Preparation Academies, and State Activities. At least 95 percent of the SEA’s total allocation must be reserved for subgrants to LEAs. Of this 95 percent, up to three percent can be used by the SEA for State activities that benefit principals and other school leaders, leaving 92.15 percent of the total allotment for general LEA subgrants.<sup>111</sup> For example, if the total allocation is \$1,000,000, the 95 percent reservation is \$950,000. Three percent of \$950,000 is \$28,500. That leaves \$921,500 of the total allocation, or 92.15 percent, available for LEA subgrants.



## Using Title III, Part A Funds to Support English Learners

This section provides information about how LEAs can spend Title III, Part A funds. Title III, Part A is a (ED) grant program that provides supplemental funding to help support English learners (ELs) and immigrant students. ED awards Title III, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs. For convenience this section will refer to the program as “Title III.” For more information about Title III please visit the following [SD DOE website](#).

### Purpose of Title III, Part A

#### In General

LEAs must use Title III funds for effective approaches and methodologies for teaching ELs and immigrant children and youth for the following:

1. Developing and implementing new language instruction educational programs and academic content instructional programs for English learners (ELs) and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.
2. Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for ELs and immigrant children and youth.<sup>96</sup>
3. Implementing schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.
4. Implementing LEA-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.

#### Definition of English Learner and Immigrant Children and Youth Under ESSA

In South Dakota, an English learner is classified according to the Federal government definition as described in ESEA Section 3201(5). An English learner student is classified as one:

- 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 a Native American or Alaska Native, or a native resident of outlying areas; - AND -  
(II) who comes from an environment where language other than English 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 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 achieve successfully in classrooms where the language of instruction is English; -
- OR –
- (iii) the opportunity to participate fully in society.<sup>97</sup>

Under ESSA, the term “immigrant children and youth” means individuals who—

- A. Are aged 3 through 21;
- B. Were not born in any State; and
- C. Have not been attending one or more schools in any one or more States for more than 3 full academic years.<sup>98</sup>

## How Title III Funds May be Used

Title III includes two types of subgrants to LEAs. First, are “formula” subgrants available to LEAs (or a consortium of LEAs) that generate at least \$10,000 under a formula established in the Title III law. These subgrants must be used to support ELs in learning English and meeting state academic standards. (See Section I below – these funds will be referred to as “Title III EL funds.”) Second, are “targeted” subgrants SEAs might award to LEAs that experience a significant increase in immigrant children and youth and should provide immigrant children with enhanced instructional opportunities. (See Section II below – these funds will be referred to as “Title III Immigrant funds.”)

## Using Title III EL Funds

LEAs must use Title III EL funds to assist ELs in learning English and meeting state academic standards.<sup>99</sup>

### Title III Funding Requirements:

LEAs must use Title III EL funds for three activities:

1. Providing **effective language instruction educational programs (LIEPs)** that meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement.<sup>100</sup>
2. Providing **effective professional development** to classroom teachers (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:
  - Designed to improve the instruction and assessment of ELs,
  - Designed to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs,
  - Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers, and
  - Of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom.<sup>101</sup>
3. Providing and implementing other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which must include parent, family, and community engagement activities, and may include strategies that serve to coordinate and align related programs.<sup>102</sup>

As with all Title III costs, these three required Title III EL activities – effective LIEPs, effective professional development, and effective parent, family, and community engagement activities – must be supplemental to state and locally funded programming the LEA is delivering to meet its civil rights obligations to EL students.

### **Authorized Uses of Title III Funds at the LEA- Level**

In addition to spending on the required three activities above, LEAs may spend their Title III EL funds on other supplemental activities, including:

- Upgrading program objectives and effective instructional strategies,<sup>103</sup>
- Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures,<sup>104</sup>
- Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators,<sup>105</sup>
- Developing and implementing effective preschool,<sup>106</sup> elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services,<sup>107</sup>
- Improving the English language proficiency and academic achievement of ELs,<sup>108</sup>
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children,<sup>109</sup>
- Improving the instruction of ELs, which may include ELs with a disability, by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs,<sup>110</sup>
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education,<sup>111</sup> and
- Carrying out other activities that are consistent with the purposes of Title III subgrants.<sup>112</sup>

If an LEA uses its Title III EL funds for one of the above authorized activities, it must ensure the funds are supplemental, including the requirement that the funds not be used to meet its civil rights obligations under Title VI of the Civil Rights Act and the EEOA.

### **Using Title III Immigrant Funds**

LEAs that have experienced a significant increase in immigrant children and youth might receive an “immigrant subgrant” from their SEA. These Title III immigrant funds must be used to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, and may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children,
- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth,
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth,

- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program,
- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services,
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education, and
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.<sup>113</sup>

## Other Spending Rules Title III

Reference General Spending Consideration Section for additional information on:

- LEAs receiving Title III funds must comply to the Maintenance of Effort requirement<sup>114</sup>.
- LEAs that receive Title III funds must follow Title I Supplement not Supplant requirement.
- LEAs that receive Title III funds are subject to an Equitable Services requirement.

LEAs may use up to two percent of their Title III funds for direct administrative costs.<sup>115</sup> Indirect costs are not part of the two percent cap.<sup>116</sup>

### Supplement not Supplant Title III Requirement

Title III is subject to a strict “supplement not supplant” (SNS) requirement that affects how Title III funds are spent.<sup>117</sup> Supplement not supplant requires Title III funds add to (supplement) and not replace (supplant) other federal, state, and local funds. Whether a cost complies with supplement not supplant is situation specific, but in general there are three issues to consider:

1. Compliance with supplement not supplant is tested using two “presumptions,”
2. An LEA may not use Title III funds to meet its civil rights obligations to EL students, and
3. In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I, Part A.

#### ***Issue 1: Compliance with SNS is tested using two presumptions***

The federal government presumes Title III supplanting in the following two situations:

1. An LEA uses Title III funds to provide services the LEA is required to make available under other laws, or
2. An LEA uses Title III funds to provide services the LEA paid for with state or local funds the prior year.<sup>118</sup>

These presumptions can be rebutted and possibly overcome if the LEA can show it could not have provided the services in question with state or local funds.<sup>119</sup>

#### ***Example: Presumed Supplanting Violation***

Paying for an interventionist that provides intensive small-group intervention to EL students with Title III funds would violate the second presumption of supplanting if the LEA paid for this interventionist with

local funds the prior year. **NOTE:** The LEA may be able to rebut this presumption of supplanting if it can show it did not have local funds available to pay for the interventionist.

***Issue 2: An LEA may not use Title III funds to meet its civil rights obligations to EL students***

Under federal law, specifically Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA), LEAs have legal obligations to ensure that ELs can meaningfully and equally participate in educational programs and services.<sup>120</sup> ED guidance explains that to meet these civil rights obligations to EL student’s 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 U.S. 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,
- Continue to 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.<sup>121</sup>

Because Title III funds may not be used to meet legal obligations, including civil rights obligations, Title III may not be used to meet the obligations in the above list.

***Example: Impermissible Title III Spending on Civil Rights Obligations***

An LEA may not use Title III funds to identify EL students because identifying EL students is a civil rights obligation under Title VI and the EEOA.<sup>122</sup>

***Example: Permissible Title III Supplemental Spending***

An LEA that meets its civil rights obligations on staffing may use Title III funds to hire extra staff. For example, ED guidance states that an LEA may use Title III funds to hire a specialist on EL students with interrupted formal education or English learners with disabilities to provide *supplemental* support to these unique populations; an LEA could also use Title III funds to hire staff that would provide

supplemental LEA-wide instructional support to teachers of ELs. ED guidance also notes that determinations about the supplement - not supplant requirement in Title III are always fact-specific.<sup>123</sup>

***Issue 3: In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I***

ED guidance permits LEAs to use Title III funds to pay for:

- EL parental notification regarding language instruction educational programs (LIEPs) and related information (ESEA Section 1112(e)(3)),
- Parental participation (e.g., regular EL parent meetings) (ESEA Section 1116(f)), and
- Reporting to the State on the number and percentage of ELs achieving English language proficiency (ESEA Section 1111(h)(2)).<sup>124</sup>

ED's guidance states that LEAs may only use Title III funds for activities that moved from Title III to Title I *if* they ensure that:

1. The activity being supported is consistent with the purposes of Title III and meets federal guidelines for "reasonable and necessary costs,"<sup>125</sup>
2. The activity being supported is supplemental to the LEA's civil rights obligations to ELs under Title VI of the Civil Rights Act and the EEOA, and
3. The LEA can demonstrate it is also using Title III funds to conduct activities required under Title III.<sup>126</sup> (See below for more information about required Title III EL activities).

Please note LEAs may not use Title III funds for Title I, Part A activities that are *also* used to meet civil rights obligations. For example, under Title VI of the Civil Rights Act of 1964 and the EEOA, LEAs must track EL student progress in achieving English language proficiency. LEAs often use the annual English language proficiency (ELP) assessment, which is now required under Title I,<sup>127</sup> to meet this civil rights obligation. If an LEA uses the annual ELP assessment to meet its civil rights obligations, Title III funds could not be used to pay for costs related to administering the ELP assessment.<sup>128</sup>

## Using Title IVA, Part A Funds for Student Support and Academic Enrichment (SSAE)

This section provides information about how local educational agencies (LEAs) can spend funds under Title IV, Part A, subpart 1. Title IV, Part A is a U.S. Department of Education (ED) grant program that provides supplemental funding to help provide students with a well-rounded education, improve school conditions, and improve the use of technology. ED awards Title IV, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs.

ED's SSAE guidance for LEA requirements on identifying local needs, effective spending, and implementation can be found within [Non-Regulatory Guidance for Student Support and Academic Enrichment Grants](#).

### Purpose of Title IV, Part A/SSAE

The SSAE program under ESSA (Title IV, Part A) provides flexible funding for Local Education Agencies (LEAs) to support activities in three broad areas:

1. Well-Rounded Educational Opportunities<sup>129</sup>
2. Safe and Healthy Students<sup>130</sup>
3. Effective Use of Technology<sup>131</sup>

LEAs must align fund usage with identified needs and stakeholder input. LEAs receiving an allocation of \$30,000 or more, must conduct a comprehensive needs assessment at least once every three years to determine priorities across the three program areas or if funds are more conducive in another Title program. LEAs must develop objectives and intended outcomes for their Title IV, Part A programs and activities, and use them to evaluate and report on the effectiveness of programs and activities.

LEA's should consider the following when deciding which programs and activities to support: LEA needs, school needs, objectives and intended outcomes, stakeholder input, and funding floors and ceilings on certain activities. LEAs also must prioritize funds to schools that: have the greatest needs as determined by the LEA, have the highest percentages or numbers of low-income children, are identified for comprehensive support and improvement under Title I, are implementing targeted support and improvement plans under Title I, or are identified as a persistently dangerous school under Section 8532.

### How Title IV, Part A/SSAE Funds May be Used

#### General Spending Requirements

If LEA receives \$30,000 or more it must spend 20% for well-rounded education, 20% for safe and healthy students, and a portion must support effective use of technology. Note: Technology Infrastructure Cap is no more than 15% of technology funds may be used on infrastructure (devices, software, etc.)

#### Allowable Uses of Funds

1. Well-Rounded Education

Support programs and activities that provide students with access to a various and enriching curriculum such as:

- College and career counseling
- STEM and computer science
- Arts and music education
- Civics and history
- Accelerated learning and dual credit
- Foreign language instruction

## 2. Safe and Healthy Students

Programs and activities that promote safe, supportive learning environment and students' physical and mental well-being such as:

- Mental health services and counseling
- Drug and violence prevention
- Health and safety education (e.g., bullying, trauma, abuse prevention)
- Physical activity, nutrition, and wellness programs
- Positive behavioral interventions and supports (PBIS)
- School-based mental health partnerships and trauma-informed training
- Community partnerships and site coordinators

## 3. Effective Use of Technology

Programs and Activities that improve the use of technology in classrooms to enhance academic achievement and digital literacy such as:

- Personalized learning tools
- Professional development for technology integration
- Access to digital content and learning resources
- Software and applications to improve instruction

## Other Spending Rules Title IV, Part A

Reference General Spending Consideration Section for additional information on:

- LEAs receiving Title IV-A funds must comply with the Maintenance of Effort requirement<sup>132</sup>.
- LEAs that receive Title IV-A funds must follow Title I Supplement not Supplant requirement.
- LEAs that receive Title IV-A funds are subject to an Equitable Services requirement.

LEAs may use up to two percent of their Title IVA funds for direct administrative costs.

ED's Non-Regulatory Guidance for Student Support and Academic Enrichment Grants provides additional information on identifying local needs.

## Title V- Flexibility and Accountability

### Title V- Subpart A- Funding Transferability for State and LEAs<sup>133</sup>

This part may be noted as the State and Local Transferability Act. The purpose of this part is to allow States and LEAs the flexibility to target federal funds to the programs and activities that most effectively address the unique needs of State and localities.

The transferability authority allows for Title II, Part A and Title IVA, Part A funds to be transferred and become funds of the receiving program, which must follow all requirements of the receiving program. The equitable service requirement is based on the receiving program. SDDOE refers to this as transferring of Title funds.

Under this part an LEA may transfer funds allocated under Title II, Part A and/or Title IV, Part A into one or more of the following ESEA programs:

- Title I, Part A | Improving Basic Programs
- Title II, Part A | Supporting Effective Instruction
- Title IV, Part A | Student Support and Academic Enrichment

This authority is for funds to be transferred from one program to another, when transferring funds the funds transferred become part of the receiving program. When transferring is done, funds must meet all statutory and regulatory requirements of the receiving program, the original program's requirements no longer apply after the transfer. Equitable services requirements apply based on the receiving program.

### Part B-Rural Education Achievement Program (REAP)

This part may be cited as the "Rural Education Achievement Program".

The purpose of this part is to address the unique needs of rural school districts that frequently-

- Lack the personnel and resources needed to compete effectively for Federal competitive grants; and
- Receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

Title V, Part B is made up of:

- Subpart 1- The Small, Rural School Achievement (SRSA) program, which awards funds directly to LEAs by the U.S. Department of Education (ESEA, Title V, Part B subpart 1);
- Subpart 2- The Rural and Low-Income Schools (RLIS) Program (ESEA, Title V, Part B, Subpart 2). It provides Grants to the South Dakota Department of Education, which awards subgrants to eligible rural LEAs.

## Subpart 1-- Small, Rural, School Achievement Program (SRSA)

Small, Rural, School Achievement Program (SRSA) is a formula grant program that provides additional federal funding to eligible small, rural LEAs. SRSA funds are awarded directly to the eligible LEA by the U.S. Department of Education.

SRSA provides eligible LEAs with flexibility to support local priorities using a single federal funding stream. An LEA is eligible to participate in SRSA grant programs, if-

- Considered small
  - The total number of students in average daily attendance (ADA) at all of the schools served by the LEA is fewer than 600; or Each county in which a school served by the LEA is located has a total population density of fewer than 10 persons per square mile; and
- Considered rural
  - All of the schools served by the LEA are designated with a locale code of 41, 42, or 43 as determined by the U.S. Departments National Center for Education Statistics (NCES) .

SRSA is a federal formula grant that provides additional Title V funds to eligible small, rural LEAs, with eligibility based on student enrollment, population density and NCES rural local designations.

### **The SD DOE does not allocate, subgrant or control the SRSA funds.**

LEAs eligible to participate in the SRSA grant program are also eligible for flexibility in funds through Alternative Fund Use Authority (AFUA), which may be referred to as REAP-Flex. This authority provides flexibility without the transfer of funds from one program to another. Rather it gives an eligible LEA the ability to use Title II-A and Title IV-A funds to support local activities under Title I-A, Title II-A, Title III, Title-IVA and Title IV-B funds to assist in addressing local academic needs. With the flexibility the funds retain their original program identity and do not become funds of the selected programs. In comparison, funds that are transferred become a part of the selected program and are subject to the selected program requirements.

An LEA may receive Small, Rural School Achievement (SRSA) funds directly from the U.S. Department of Education and may also elect to exercise REAP-Flex for its Title II-A and Title IV-A funds administered by the SD DOE. These are two distinct actions authorized under the same subpart of Title V.

An LEA that meets the eligibility requirements must annually notify the SEA of its intent to exercise or not exercise REAP-Flex authority for the applicable fiscal year.

### **How REAP-Flex Funds May be Used**

Eligible LEAs may use REAP-Flex authority to spend all or part of its Title II-A and Title IV-A funding for local activities under the following programs

- Title I, Part A
- Title II, Part A
- Title IV, Part A
- Title IV, Part B

## Other Spending Rules REAP-Flex

When using REAP-Flex, LEAs must still comply with statutory and regulatory requirements of the original funding source (Title II-A or Title IV-A), federal cost principles (2CFR Part 200), Equitable services requirements, Civil rights and non-discrimination requirements and any applicable state requirements. The funds remain subject to the requirements of the original funding source and applicable federal cost principles.

- LEAs receiving Title REAP-Flex authority must comply to the Maintenance of Effort requirement<sup>134</sup>.
- LEAs that receive REAP-Flex authority must follow Title I Supplement not Supplant requirement.
- LEAs that receive REAP-Flex authority are subject to an Equitable Services requirement<sup>135</sup>.

Reference General Spending Consideration Section for additional information on spending considerations.

## Subpart 2—Rural and Low-Income School Program (RLIS)

Rural and Low-Income Schools (RLIS) is federally funded formula grant program that provides financial support to eligible rural LEAs that serve low-income students. For convenience this section will refer to the program as “RLIS”.

The U.S. Department of education awards RLIS funds to the SD DOE according to a funding formula. The SD DOE, in turn, makes subgrant s to eligible LEAs.

### Purpose of RLIS

RLIS funds are intended to help rural districts improve student academic achievement by supporting locally identified strategies aligned to their needs and improvement plans.

An LEA shall be eligible to receive a grant under RLIS if-

- Considered low-income
  - 20 percent or more of the children ages 5 through 17 served by the LEA are from families with incomes below the poverty line; and
- Considered Rural
  - All of the schools served by the agency are designated with a locale code of 32, 33, 41, 42, or 43, as determined by the secretary; or

### How RLIS Funds May be Used

RLIS funds may be used to support local activities under one or more of the following ESEA programs or areas:

- Title I, Part A
- Title II, Part A
- Title IV, Part A
- Parental Involvement Activities



Funds must be supplemental and not supplant state or local funds. Equitable Services are not required under RLIS.

SRSA and RLIS provide supplemental funding for eligible rural LEAs, while REAP-Flex provides flexibility in the use of certain existing federal formula funds. Each carries distinct statutory requirements and limitations and should be applied intentionally based on local needs, program intent, and applicable compliance obligations.

If an LEA qualifies for both SRSA and RLIS funds in the same year, it cannot receive both and must choose which one to receive.

## Title Programs Allowable Costs QuickGuide

This tool is designed to aid Local Education Agencies (LEAs) in determining if potential expenditures are an allowable use of funds within the various programs under Elementary and Secondary Education Act (ESEA). Specifically, this document brings attention to costs often associated with:

Title I, Part A

McKinney-Vento

Title I, Part C (Education of Migratory Students)

Title II, Part A

Title III, Part A (English Language Learners)

Title IV, Part A (Student Support and Academic Enrichment)

**This document does not provide an exhaustive list of all allowable costs.**

**Special rules may apply to an expenditure. Details are provided in the list following the table which outline the conditions for each expenditure.**

If questions remain after referencing this guide and the *Use of Funds Overview ESSA Consolidated Application Programs* document, please reach out to South Dakota Department of Education (605) 773-3134.

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Expenditure		Allowable under Title I, Part A (TIA)	Allowable under McKinney-Vento (MV)	Allowable under Title I, Part C (TIC)	Allowable under Title II, Part A (TIIA)	Allowable under Title III, Part A (TIIIA)	Allowable under Title IV, Part A (TIVA)	Never Allowable under ESEA
1	<u>Advanced Placement / Accelerated Learning Student Exam Fees</u>	X	X				X	
2	<u>Alcohol</u>							X
3	<u>Amusement / Water Park Admission Tickets or Passes</u>							X
4	<u>Appliances</u> (stoves, refrigerators, washer/dryers)	X	X				X	
5	<u>Award Night Banquets / Programs / Recognition Luncheons</u>							X
6	<u>Awards for Student Recognition / Participation</u>	X				X		
7	<u>Capital Improvements (Construction, Renovations, etc.)</u>							X
8	<u>Child Care</u>	X		X		X		
9	<u>Computers / Tablets for Classroom / Student Use</u>	X	X	X		X	X	
10	<u>Conference Registration</u>	X	X	X	X	X	X	

Expenditure		<i>Allowable under Title I, Part A (TIA)</i>	<i>Allowable under McKinney-Vento (MV)</i>	<i>Allowable under Title I, Part C (TIC)</i>	<i>Allowable under Title II, Part A (TIIA)</i>	<i>Allowable under Title III, Part A (TIIIA)</i>	<i>Allowable under Title IV, Part A (TIVA)</i>	<i>Never Allowable under ESEA</i>
11	<u>Curriculum</u>	X		X		X	X	
12	<u>Decorations</u>							X
13	<u>Dual Credit / Dual Enrollment Course Participation Fees</u>	X	X	X		X	X	
14	<u>Employee Awards</u>							X
15	<u>Family Training / Educational Services or Workshops</u>	X	X	X		X	X	
16	<u>Field Trips (Educational)</u>	X	X	X		X	X	
17	<u>Food at Parent Engagement Nights</u>	X		X		X		
18	<u>Fundraiser Supplies / Materials</u>							X
19	<u>Furniture</u>	X						
20	<u>Gift Cards</u>		X					

Expenditure		Allowable under Title I, Part A (TIA)	Allowable under McKinney-Vento (MV)	Allowable under Title I, Part C (TIC)	Allowable under Title II, Part A (TIIA)	Allowable under Title III, Part A (TIIIA)	Allowable under Title IV, Part A (TIVA)	Never Allowable under ESEA
21	<u>Gifts / Greeting Cards</u>							X
22	<u>Graduation Activities / Materials</u>		X					
23	<u>Gratuities / Tips / Delivery Charges</u>							X
24	<u>Hiring Incentives for Hard-to-Fill-Positions</u>	X			X			
25	<u>Personal Supplies (including emergency clothing)</u>	X	X	X				
26	<u>Instructional Materials (e.g. teacher guides)</u>	X		X		X		
27	<u>Instructional Coaches or Professional Consultant Services</u>	X			X	X	X	
28	<u>Mailings</u>	X		X		X		
29	<u>Office Equipment</u>	X				X		
30	<u>Per-Diem for Mileage, Lodging, &amp; Meals</u>	X		X	X	X		

Expenditure		Allowable under Title I, Part A (TIA)	Allowable under McKinney-Vento (MV)	Allowable under Title I, Part C (TIC)	Allowable under Title II, Part A (TIIA)	Allowable under Title III, Part A (TIIIA)	Allowable under Title IV, Part A (TIVA)	Never Allowable under ESEA
31	<u>P.E Class Equipment</u>	X					x	
32	<u>Preschool Enrollment Fees</u>	X		X				
33	<u>Preschool Teacher Salary / Benefits</u>	X		X				
34	<u>Professional Development &amp;/or Training</u>	X	X	X	X	X	X	
35	<u>Raffle / Door Prizes</u>							X
36	<u>Salary Differentials</u>	X			X			
37	<u>Salary / Benefits</u>	X	X	X	X	X		
38	<u>School Promotional Merchandise (clothing with school logo, ball caps, etc.)</u>							X
39	<u>School Supplies (e.g. textbooks, folders, dry erase boards, headphones, manipulatives)</u>	X	X	X		X	X	
40	<u>School Uniforms</u>		X					

Expenditure		<i>Allowable under Title I, Part A (TIA)</i>	<i>Allowable under McKinney-Vento (MV)</i>	<i>Allowable under Title I, Part C (TIC)</i>	<i>Allowable under Title II, Part A (TIIA)</i>	<i>Allowable under Title III, Part A (TIIIA)</i>	<i>Allowable under Title IV, Part A (TIVA)</i>	<i>Never Allowable under ESEA</i>
41	<u>SMART Boards or Projectors</u>	X				X	X	
42	<u>Software Licenses</u>	X		X		X	X	
43	<u>Stipends</u>	X		X	X	X		
44	<u>Substitute Teachers</u>	X			X	X		
45	<u>Summer School Teachers (Salary / Benefits / Stipends)</u>	X	X	X		X	X	
46	<u>Translation Services</u>	X				X	X	
47	<u>Transportation (Family)</u>	X				X		
48	<u>Transportation (Student)</u>	X	X	X		X		
49	<u>Tutoring</u>	X	X	X		X		
50	<u>Yearbooks or Class Rings</u>							X

All expenditures must be **reasonable, necessary, and allocable** in order to be approved.

- (1) **Reasonable:** consistent with prudent business and comparable current market value
- (2) **Necessary:** required to carry out the intent and purpose of the Title program; and
- (3) **Allocable:** chargeable or assignable in accordance with relative benefits received. In addition costs must be aligned with generally accepted accounting principles (GAAP) and adequately documented and budgeted within the grant.

## 1. Advanced Placement / Accelerated Learning Student Exam Fees

TIA: Schools can use Title I, Part A funds to cover exam fees for Title I students, but should use other available funding sources first. <sup>ESEA Sections 1114 & 1115; 2 CFR § 200.403</sup>

MV: McKinney Vento funds can cover testing fees for students qualifying as McKinney Vento, such as fees for AP and IB testing; fees for college entrance exams such as SAT or ACT; and GED testing for school-age students. <sup>ESEA section 1113(c)(3)(C)(ii)</sup>

TIVA: Schools can use Title IV, Part A funds to cover the cost of test fees (in whole or in part) for Advanced Placement and other accelerated credit assessments for students from low-income backgrounds. <sup>ESEA Section 4107(a)(3)(D)(i)</sup>

## 2. Alcohol

General: Costs of alcoholic beverages are unallowable <sup>2 C.F.R. § 200.423</sup>

## 3. Amusement / Water Park Admission Tickets or Passes

General: ESEA funds and other federal grant funds may not be used for social activities or entertainment with no specific and direct programmatic purpose. <sup>2 CFR 200.438</sup>

## 4. Appliances (stoves, refrigerators, washer/dryers)

TIA: May be allowable if purchased for a CTE course. CTE course items should be industry/commercial grade. <sup>ESEA § 1114 and 1115; 2 CFR § 200.403 & § 200.439</sup>

MV: May be allowable if purchased for a program teaching independent living skills or under the provision of other extraordinary or emergency assistance needed to enable homeless children and youths to attend school and participate fully in school activities or under the provision of services and assistance to attract, engage, and retain homeless children and youths. Washer and dryer must remain within the school setting and if MV funds are used, the washer and dryer must only be used by students identifies as homeless. <sup>42 USC 11433(d)</sup>

TIVA: May be allowable if purchased for a CTE course. CTE course items should be industry/commercial grade. <sup>ESEA § 4107(a)(3): 2 CFR § 200.403 & § 200.439</sup>

## 5. Award Night Banquets / Programs / Recognition Luncheons

General: Banquets/ceremonies are not "necessary" or "reasonable" and do not meet the purpose of ESEA program goals. <sup>2 CFR § 200.403</sup>

## 6. Awards for Student Recognition / Participation

TIA: Certificates, ribbons, and nominal educational items such as pencils and bookmarks are allowable to reward student performance and behavior if included in a school's Title I plan (e.g. PBIS reward system). Toys, trinkets, school logo gear, etc., are not allowable uses of federal funds, but could be donated by the community. Attendance incentives would be equivalent to paying students to attend class or school activities and are not allowed. <sup>2 CFR 200.403</sup>

TIIA: Awards for recognition and incentives tied to instructional strategies and activities ARE allowed as follows:

- Items of minimal cost such as certificates, ribbons, or instructional items to be used in the classroom (pens/pencils) are acceptable for participation in program activities or awards of recognition. They must be tied specifically to Title III EL funded supports <sup>ESEA Section 3115(c) (2)</sup>

TIVA: Awards for recognition and incentives tied to instructional strategies and activities are allowed as follows:

- Items of minimal cost such as certificates, ribbons, or instructional items to be used in the classroom (pens/pencils) are acceptable for participation in program activities or awards of recognition. They must be tied specifically to SSAE activities. <sup>Section 4102</sup>

Awards or incentives otherwise are unallowable.

- Gift cards, or items that appear to be gifts, souvenirs, memorabilia, promotional items (t-shirts, caps, tote bags, imprinted pens, key chains, etc.), door prizes, movie tickets, gift certificates, passes to amusement parks are unallowable.

## 7. Capital Improvements (Construction, Renovations, etc.)

General: Capital Improvements such as building construction or bathroom renovations are generally not an allowable use of ESEA funds. There are very rare, specific, exceptions where Title I Part A funds could apply; consult with your SD DOE Title I Representative if your district is considering this type of request. <sup>2 CFR § 200.439</sup>

This includes the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling improving, or extending school facilities, and the inspection and supervision of the construction of school facilities.

## 8. Child Care

TIA: Funds reserved for parent and family engagement activities may be used to provide child care to increase participation for eligible families during parent and family engagement events. This could include paying stipends to staff assigned to care for children during the conferences/meeting/family activity but does not extend to reimbursing families or individuals who choose to hire their own sitter or outside daycare program.

TIIA: Childcare is allowable if tied specifically to Parent Engagement activity funded through Title III A <sup>ESEA Section 1116(c)(2) and (e)(6)</sup>

## 9. Computers / Tablets for Classroom / Student Use

TIA: If purchased in a Targeted Assistance Program, the computers/tablets can only be used for the Title I program or by Title I eligible students. If devices will be used to serve the purpose of another program, the cost must be prorated accordingly. <sup>ESEA Sections 1114 & 1115</sup>

TIIA: Title III funds may be used to improve instruction for ELLs and Immigrant Students by providing for:

- o the acquisition or development of educational technology or instructional materials;
- o access to, and participation in, electronic networks for materials, training, and communication; and,
- o the incorporation of the resources described into curricula and programs funded under Title III.
- o all equipment and materials that are for the exclusive use of ELLs and Immigrant Students and must be supplemental. <sup>ESEA Section 3115(c) (2)</sup>

TIVA: Can be used to purchase devices, software, digital tools, technology training for staff, and infrastructure. Costs for technology infrastructure cannot exceed 15% of the total Title IV, Part A allocation. <sup>ESEA Section 4109(b)</sup>

## 10. Conference Registration

TIA: Title I funds can pay for professional development that align with the schoolwide or targeted assistance program plan, which might include conferences, workshops, or trainings that support student achievement or family engagement. <sup>ESEA Section 1116(e)(3)(A)</sup>

TIIA: Professional development (over-time) and select trainings (short-term or one-day workshops) are permissible. <sup>ESEA Section 2103(a)</sup>

TIIA: Provide effective professional development opportunities for all teachers, principals, and administrators, including early education teachers and other school or community-based organization personnel who work with EL students. <sup>ESEA Section 3115(c) (2)</sup>

TIVA: Professional development and trainings designed to improve student achievement are allowable. <sup>ESEA Section 4107(c)(3)(A)</sup>

## 11. Curriculum

TIA: Allowable on supplemental curriculum only, and only for Title I students. <sup>ESEA Section 1118(b)(1); [20 U.S.C. § 6321(b)(1)]</sup>

TIIIA: Title III funds may be used to identify, acquire, and upgrade curricula, instructional materials, and educational software, and assessment procedures. Must be supplemental. <sup>ESEA Section 3115(c) (2)</sup>

TIVA: Curriculum that supports either (1) a well-rounded education, (2) safe and healthy schools, or (3) effective use of technology, can be paid for using Title IV, Part A funds. <sup>ESEA Section 4107(a)</sup>

## 12. Decorations

General: Costs of decoration are unnecessary for meeting program objectives and are unallowable. <sup>2 CFR § 200.403 & § 200.404</sup>

## 13. Dual Credit / Dual Enrollment Course Participation Fees

TIA: Allowable for low-income or Title I eligible students. <sup>ESEA § 1114 and § 1115</sup>

MV: Allowable for McKinney-Vento students. <sup>42 U.S.C. § 11433(d)(7) and (10)</sup>

TIIIA: May be allowable if the curriculum supports English language proficiency and academic achievement for ELs, and is tied to program goals. <sup>3115(c)(1) and (2)</sup>

TIVA: Allowable for dual / concurrent enrollment programs and early college high-school opportunities. <sup>ESEA Section 4107(a)(3)(D)</sup>

## 14. Employee Awards

General: Employee awards are often categorized as entertainment or personal benefit and are unallowable. <sup>2 CFR § 200.438</sup>

## 15. Family Training / Educational Services or Workshops

TIA: Classes that help parents support their child's education are allowable. Examples include Literacy Nights, Homework Help Workshops, etc. <sup>ESEA Section 1116(e)(2) & (5)</sup>

MV: Funds may be used for parental involvement specifically oriented to reaching out to parents of homeless students. <sup>ESEA Section 1113(c)(3)(A)</sup>

TIIIA: Funds may be used for family literacy services, parent outreach, and training activities designed to assist parents in becoming active participants in the education of their children. Examples include ESL classes for parents, literacy and digital literacy classes tied to school engagement. <sup>ESEA Section 3115(d)(6)</sup>

TIVA: Allowable classes / workshops include those which support digital literacy or student wellbeing. Examples include Family STEAM Nights, Online Safety Workshops, and nutrition or health classes connected to student wellbeing. <sup>ESEA Section 4108(3)(B); Section 4109(a)(4)</sup>

## 16. Field Trips (Educational)

General: Field trips must have prior written approval from SD DOE, be clearly identified in the approved program budget. Justification for field trips must include the cost, destination, and educational objectives to be accomplished of each trip. Costs must be reasonable and trips must have a reasonable and necessary purpose. Field trips for social, entertainment, or recreational purposes are unallowable.

TIA: Field trips must be educational and support program goals; field trips for entertainment are not allowable. Title I cannot pay for non-Title I students to attend a field trip in a Targeted Assistance School Program. ESEA Section 1114 and 1115; 2 CFR § 200.403 & § 200.404

MV: The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic standards as the State establishes for other children and youths. 42 USC 11433(d)(1)

TIIIA: Field trips funded with Title IIIA are allowable if:

- directly supports English language acquisition or academic achievement specifically for ELs,
- is part of a Title III-funded supplemental instructional program
- has a clear, documented educational purpose ESEA Section

TIVA: Field trips funded with Title IV must be instructionally focused on program goals. ESEA § 4107 and § 4109; 2 CFR § 200.403 & § 200.404 3115(c) (2)

## 17. Food at Parent Engagement Nights Students/children

TIA: Food is not automatically allowable, it depends on several factors. **Low cost, light meals or refreshments only.** Food for *family activities* is permitted only if the training/activity runs over a normal mealtime and is **longer than 2 hours**. Food for *staff activities* is permitted only if the training runs over a normal mealtime and is **longer than 3 hours**.

*If a school is planning to provide food for family engagement activities, the LEA must be able to provide a clear explanation of how the purchase of food supported the academic mission of the Title I program. LEAs must be able to provide adequate documentation such as attendance sheets or photos, an explanation and description of the events, and receipts and cancelled checks to support the purchase of food. Schools may provide (1) nutritional snacks for students in extended day or after school programs, (2) nutritional snacks for children in child care while parents are participating in grant activities, or (3) food necessary to conduct nutrition education programs for parents.*

ESEA Section 1116(e)(2); 2 CFR § 200.403 & § 200.404 & § 200.432

TIIIA: Cost of food may be an allowable expense for a family engagement activity if:

- Parent engagement workshop for families of ELs
- Family literacy night or other training that helps parents support EL students' English development
- Food is reasonable and necessary
- Food costs must be directly related to the activity with budget justification
- Event could not reasonably occur without it. ESEA Section 3115(c) (2) (2 CFR § 200.432)

TIVA: Cost of food may be allowable, expenses must be reasonable, necessary and allocable to meet the intent and purpose of the program.

**Students and Children:**

Schools may provide nutritional snacks for students in after-school programs, or in cases where childcare is provided while parents are participating in grant related activities. Schools may not provide full meals for students under any circumstance. The LEA should investigate the availability of national school lunch program (NSLP)

**Staff Development:**

Food provided at staff development activities is not allowable federal educational program costs.

18. Fundraiser Supplies / Materials

General: Fund raising and investment management costs are unallowable. 200.422

19. Furniture

TIA: In most cases furniture is not allowed due to supplanting, since the LEA provides general classroom and administrative furniture. Furniture may be allowable if the cost is reasonable, necessary and directly supports the implementation of the Title I program. <sup>2 CFR § 200.403 & § 200.439; ESEA Sections 1114 or 1115</sup>

TIVA: Furniture is generally not allowed with Title IVA funds. It may be allowed in certain circumstances if specifically for the purpose of the federal program.

20. Gift Cards

MV: Purchasing gift cards with McKinney Vento funds may be allowable if certain conditions are met. Gift cards may only be used to provide emergency assistance (clothing, hygiene products) necessary for homeless children/youth to attend and participate in school. Gift cards must be restricted use (only valid at specific stores), treated like cash and tracked carefully, and there must be clear internal controls (receipts, logs, documentation). <sup>McKinney-Vento Act – 42 U.S.C. § 11433(d)(7) & (12) & (13); 2 CFR § 200.302 & § 200.403</sup>

21. Gifts / Greeting Cards

General: Using federal funds for gifts and greetings cards, flowers, plaques or retirement / farewell items is not allowed. <sup>2 CFR § 200.421</sup>

## 22. Graduation Activities / Materials

TIA: Title I funds cannot be used for caps and gowns, diplomas, graduation parties or celebrations, class rings, yearbooks or photos. These are considered general education expenses or personal items, not directly tied to the intent of Title I, which is to improve academic outcomes for disadvantaged students. <sup>20 U.S.C. § 6311–6339</sup>

MV: The law defines enrollment as “attending classes and participating fully in school activities,” and graduation is a school activity. Therefore, barriers to participating in graduation caused by fees must be removed. This might be waiving the fee or using McKinney-Vento or other funds to pay the fee. <sup>42 U.S.C. §(g)(1)(I)</sup>

## 23. Gratuities / Tips / Delivery Charges

General: Costs of entertainment, including amusement, diversion, and social activities and any associated costs, such as meals, lodging, rentals, and transportation, and gratuities, are unallowable. <sup>2 CFR § 200.438</sup>

## 24. Hiring Incentives for Hard-to-Fill-Positions

General: Incentives and bonuses are not the same. Bonuses are one-time payouts, incentives are paid out over a period of time. Any federally-funded incentives must be paid out and tracked according to a plan/procedure(s) established by the LEA; this plan/procedure(s) may be considered by SD DOE when determining if a district may use federal funds for this purpose.

TIA: Hiring incentives may be an allowable use TIA funds when they are necessary to attract qualified staff to hard-to-fill positions as long as the cost is supplemental and directly tied to Title I program goals. These funds should only be used if all other funding options have been exhausted. Hiring bonuses are not allowed. <sup>ESEA Sec 1114 & 1115</sup>

TIIA: Title II Part A funds may be used to provide signing incentives, bonuses, and other financial incentives to assist with recruiting and retaining effective teachers, particularly in high-need subjects and schools. <sup>ESEA § 2103(b)(3)(B)</sup>

## 25. Personal Supplies (including emergency clothing)

TIA: A school district may use TIA funds reserved to support MV students facing non-academic barriers such as lack of appropriate clothing or hygiene items if necessary to enable MV students to participate fully in school. <sup>ESEA § 1113(c)(3)(A), ED Homeless Guidance (M-6), 2 CFR § 200.403</sup>

MV: Funds may be used to purchase items of clothing, particularly if necessary to meet a school’s dress or uniform requirement; Clothing and shoes necessary to participate in physical education classes; eyeglasses and hearing aids. <sup>ESEA section 1113(c)(3)(C)(ii)</sup>

## 26. Instructional Materials (e.g. teacher guides)

TIA: Funds may be used to purchase materials needed to implement the instructional activities aligned to the goals of the Title I program. Any instructional materials (teacher guides, workbooks, curriculum resources, etc.) must be supplemental, reasonable and necessary. ESEA §§ 1114(b)(7)(A)(iii)(III) and 1115(b)(2)(D), and 2 CFR § 200.403

TIIIA: Increase the English proficiency of ELLs by providing effective, supplemental language instruction educational programs, including the instructional use of both English and a child's home language, demonstrating the effectiveness of the programs in increasing English proficiency and student academic achievement in the core academic subjects. ESEA Section 3115(c) (2)

TIVA: If all other means of funding are exhausted, this might be an allowable use of this federal funding if it also fits the program goals.

## 27. Instructional Coaches or Professional Consultant Services

TIA: Instructional coaches funded with TIA must be focused on improving instruction for Title I identified students, meaning that all students should be supported in a SW program and only students receiving Title I services in TAS programs. ESEA § 1114(b)(7)(A)(iii)(IV) and ESEA § 1115(b)(2)(C)(iii)

TIIA: Allowable for support of professional growth of teachers/principals and to improve instructional practices across the school. ESEA § 2103(b)(3)(B)(iii)

TIIIA: Instructional Coach or Professional Consultant are allowed if:

- Instructional coach works specifically to support ELs
- Duties are directly tied to TIII purposes
  - Improving instruction for ELs
  - Supporting teachers with strategies for English language development
  - Coaching on content area instruction tailored for ELs
- Positions MUST be supplemental ESEA Section 3115(c) (2)

TIVA: LEAs may use these funds to support instructional coaching if the coach's responsibilities directly align with the program's content areas such as improving well-rounded instruction, integrating safe and supportive practices, or supporting effective use of technology. ESEA §§ 4104(b)(3)(B) and 4106(e)(1)(C)

## 28. Mailings

TIA: Items mailed with the purpose of supporting allowable TIA activities are allowable, such as Title I surveys, notices about the Annual Title I Meeting or other Title I meetings, and Parents' Right to Know letters. ESEA § 1116 and 2 CFR § 200.403

TIIIA: Allowable if mailing is specifically to support TIII programs aimed at improving ELs English proficiency and academic achievement  
ESEA Section 3115(c) (2)

## 29. Office Equipment

General: Purchasing office equipment that is required for the daily operation of a school or LEA facility is unallowable because such purchases are not considered supplemental in nature. Office equipment purchased exclusively for use in an LEA's Title I office may be allowable if it is reasonable and necessary.

TIA: Items purchased for general school or administrative use are not allowed. Select items such as a printer for use solely in the Title I intervention room or a computer used by the Title I teacher may be allowed if documented in the Title I plan. The LEA must keep inventory records. <sup>2 CFR §§ 200.313 and 200.403</sup>

TIIIA: Allowable if:

- Equipment is used specifically to support TIII programs aimed at improving ELs English proficiency and academic achievement
- Are part of a supplemental instructional program
- The purchase does not supplant state or local funds already used for core instructional technology
- Clear documentation that the equipment will be used directly with EL students for Title III-funded activities
- LEA can track and inventory the equipment showing its exclusive or primary use for Title III purposes <sup>ESEA Section 3115(c)(2)</sup>

## 30. Per-Diem for Mileage, Lodging, & Meals

TIA: Per-diem may be funded with TIA when Title I staff are traveling for allowable Title I-related activities such as PD or conferences. <sup>2 CFR § 200.474, ESEA § 1114(b)(7)(A)(iii) and § 1115(b)(2)(D)</sup>

TIIA: Title II-A funds may pay per diem when staff attend allowable professional development activities that improve instruction and leadership. <sup>ESEA § 2103(b)(3)(D) and 2 CFR § 200.474</sup>

TIIIA: Per-Diem is allowed if:

- Directly related to TIII activities, such as:
  - Attending professional development focused on ELs
  - Participating in TIII program planning or implementation meetings
  - Receiving training on instructional strategies for ELs
- Traveler is:
  - A staff member who works specifically on TIII activities
- Cost:
  - Follow federal cost principles <sup>2 CFR Part 200, Subpart E</sup>

- Adhere to district/LEA travel policies
- Are reasonable, necessary, and properly documented<sup>ESEA Section 3115(c)(2)</sup>

### 31. P.E Class Equipment

TIA: Only allowable under very limited and specific circumstances. Equipment must be supplemental, directly support Title I students, and be part of a strategically designed Title I intervention such as kinesthetic learning. Paying for general-use PE equipment for the whole school or replacing/upgrading standard gym equipment is not allowable.<sup>2 CFR § 200.403 and ESEA § 1115</sup>

### 32. Preschool Enrollment Fees

TIA: Allowable when a *Title I-eligible child* is enrolling at a preschool *operated or supported by Title I funds* and the enrollment fee is part of ensuring access for kids at most risk of failing to meet academic standards. Fees unrelated to instruction or access, such as security deposits, are unallowed.<sup>ESEA § 1115(b)(1)(A) and USDE Title I Preschool Guidance Section E-1</sup>

### 33. Preschool Teacher Salary / Benefits

TIA: Funds may be used to pay for a preschool teacher when the preschool program is a Title I-funded program.<sup>ESEA § 1115(b)(1)(A) and 2 CFR § 200.430</sup>

### 34. Professional Development and/ or Training

TIA: To be an allowable use of funds in a Title I school operating a schoolwide program, professional development must address the needs of the school as identified in the school’s comprehensive needs assessment and articulated in its schoolwide plan. To be an allowable use of funds in a Title I school operating a targeted assistance program, professional development must be related to the needs of participating Title I students and may be provided only to the teachers of those students.<sup>ESEA §§ 1114(b)(7)(A)(iii)(IV) and 1115(c)(1)(F)</sup>

MV: Professional development and other activities for educators and specialized instructional support personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under this part, and the specific educational needs of runaway and homeless youths.<sup>42 U.S.C. §11432(g)(1)(J)(iv)</sup>

TIIA: This funding can be used to pay for high quality professional development and some select trainings.<sup>ESEA Section 2103(b)(3)(B)</sup>

TIIIA: Professional development activities for teachers serving English learners are not only allowable under Title III but required for subgrantee local educational agencies.

- Title III subgrantees are required “to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel.”<sup>ESEA, Section 3115(c)(2)</sup>

TIVA: Title IV-A funds may be used to provide professional development aligned with well-rounded education, safe and healthy schools, or the effective use of technology, as outlined in ESEA Sections 4107, 4108, and 4109.

### 35. Raffle / Door Prizes

General: ESEA funds may not be used for gifts, door prizes, or raffle items, as these are considered unallowable promotional or donation expenses. <sup>2 CFR §§ 200.421 and 200.434</sup>

### 36. Salary Differentials

TIA: Recruitment bonuses may be paid using TIA funds when they are necessary to attract qualified staff to hard-to-fill positions as long as the cost is supplemental and directly tied to Title I program goals. <sup>ESEA Sec 1114 & 1115</sup>

IIIA: Title II Part A funds may be used to provide signing bonuses or other financial incentives to assist with recruiting and retaining effective teachers, particularly in high-need subjects and schools. <sup>ESEA § 2103(b)(3)(B)</sup>

### 37. Salary / Benefits

TIA: Salaries and benefits may be paid for if the position is necessary, supplemental, and aligned to the allowable uses under ESEA §§ 1114, 1115, and consistent with cost principles in 2 CFR § 200.430. This applies to Title I program staff only.

MV: Funds may be used to fund all or part of the homeless liaison's salary even if that person has no Title I duties. <sup>(ESEA section 1113(c)(3)(C)(ii)(II))</sup>

IIIA: Salaries and benefits may be paid for in the case of class size reduction (CSR) if the position is necessary, reasonable, and aligned to the allowable uses under ESEA § 2103, and consistent with cost principles in 2 CFR § 200.430.

IIIAA: Supplemental language instruction educational services for ELLs and immigrant students. Title III funds may be used to hire staff up to the maximum 2% permitted for administrative costs. Trained supportive personnel may only be funded under Title III to provide specific services to ELLs before- or after-school or during an extended day. Trained supportive personnel, including Teaching Assistants, may be funded under Title III to provide supplemental language instructional education services. Secretarial or clerical positions may be funded under Title III to support Title III activities, programs, and services beyond the regular school hours. Title III cannot pay for the EL teacher or any of the core program requirements – must be supplemental. <sup>ESEA Section 3115(c)(2)</sup>

### 38. School Promotional Merchandise (clothing with school logo, ball caps, etc.)

General: School logo gear is considered to be a promotional cost and is therefore unallowable use of funds. <sup>2 CFR §§ 200.421 and 200.434</sup>

### 39. School Supplies (e.g. textbooks, folders, dry erase boards, headphones, manipulatives)

TIA: Allowable if the supplies are supplemental, necessary to carry out the Title I program, and are included in the Title I plan. <sup>ESEA §1114(b)(7)(A)(iii)(I), ESEA §1115(b)(2)(B)</sup>

MV: Funds may be used to purchase school supplies such as backpacks, notebooks, etc. <sup>ESEA Section 1113(c)(3)(C)(ii)</sup>

TIIIA: Title III funds may be used to identify, acquire, and upgrade curricula, instructional materials, and educational software, and assessment procedures.

- Supplies and materials must be supplemental and listed in clearly defined categories. <sup>ESEA Section 3115(c)(2)</sup>

TIVA: If all other means of funding are exhausted, this might be an allowable use of this federal funding if it also fits the program goals.

### 40. School Uniforms

MV: Items of clothing, particularly if necessary to meet a school's dress or uniform requirement. <sup>ESEA Section 1113(c)(3)(C)(ii)</sup>

### 41. SMART Boards or Projectors

TIA: Allowable if the purchase is directly tied to improving the educational outcomes for Title I eligible students and is in the approved Title I plan.

TIIIA: Allowable if:

- Equipment is used specifically to support TIII programs aimed at improving ELs English proficiency and academic achievement
- Are part of a supplemental instructional program
- The purchase does not supplant state or local funds already used for core instructional technology
- Clear documentation that the equipment will be used directly with EL students for Title III-funded activities

LEA can track and inventory the equipment showing its exclusive or primary use for Title III purposes <sup>ESEA Section 3115(c)(2)</sup>

TIVA: Smartboards are allowable purchases under federal education funding (e.g., Title IV, Part A) if they align with grant goals, support student instruction, and meet federal cost principles of being necessary, reasonable, and well-documented. They may also qualify as instructional materials when used to enhance classroom teaching and student engagement. <sup>20 U.S.C. § 7115; 2 CFR § 200.453</sup>

## 42. Software Licenses

TIA: Title I funds may be used to purchase educational software if it supports academic achievement by improving instruction, enabling personalized learning, or enhancing student engagement, provided it is evidence-based, necessary for student needs, and aligned with grant objectives <sup>(20 U.S.C. § 6314(b)(1); 2 CFR § 200.313).</sup>

TIIIA: Title III funds may be used to improve instruction for ELLs and Immigrant Students by providing for:

- the acquisition or development of educational technology or instructional materials;
- access to, and participation in, electronic networks for materials, training, and communication; and,
- the incorporation of the resources described into curricula and programs funded under Title III.
- all equipment and materials must be supplemental and are for the exclusive use of ELLs and Immigrant Students. <sup>ESEA Section 3115(c)(2)</sup>
- If the software license is part of an evidence-based program shown to improve learning outcomes.
- All equipment and materials must be supplemental and are for the exclusive use of ELLs and Immigrant Students. <sup>ESEA Section 3115(c)(2)</sup>

TIVA: Software license costs are allowable under Title IV, Part A if they directly support well-rounded education, safe and healthy students, or effective use of technology, and are reasonable, necessary, allocable to the grant, consistent with local policies, and properly documented. <sup>(§200.403) ( §200.404) ( §200.405) ( §200.453)</sup>

## 43. Stipends

TIA: Stipends are allowed if: They compensate for activities outside regular duties that directly support Title I program goals, and if they are necessary, reasonable, allocable, consistent with local policies, and properly documented. <sup>§200.403, §200.404 §200.405</sup>

TIIA: Paying for teacher stipends is allowable when compensating teachers to participate in allowable TIIA activities, such as PD outside of their contract hours or for serving as mentors/instructional coaches aligned with TIIA program goals. <sup>ESEA Section 2103(b)(3)(B); 2 CFR § 200.430</sup>

TIIIA: Stipends allowed if:

- Directly related to TIII activities, such as:
  - Attending professional development focused on ELs
  - Participating in TIII program planning or implementation meetings
  - Receiving training on instructional strategies for ELs <sup>ESEA Section 3115(c)(2)</sup>

TIVA: Stipends are allowable under Title IV, Part A if they are for activities beyond regular duties that directly support Title IV-A goals, and if they are necessary, reasonable, allocable, consistent with local policies, and properly documented in accordance with UGG.

#### 44. Substitute Teachers

TIA: Substitute teacher costs are allowable under Title I, Part A if:

- They directly support Title I activities—such as covering for teachers attending Title I-funded training or delivering supplemental Title I instruction—and are reasonable, necessary, allocable, consistent with local policies, and properly documented per UGG.<sup>20</sup>  
U.S.C. § 6314(b)(7)(A)(iii)(IV)) §200.430

TIIA: Must be for substitute teachers filling in for staff who are attending Title IIA allowable activities. <sup>ESEA Section 2103(b)(3)(B); 2 CFR § 200.430</sup>

TIIIA: Substitute pay allowed if:

Directly related to TIII activities, such as:

- Educators are attending professional development focused on ELs
- Educators are participating in TIII program planning or implementation meetings
- Educators are receiving training on instructional strategies for ELs <sup>ESEA Section 3115(c)(2)</sup>

TIVA: Substitute teacher costs are allowable under Title IV, Part A if:

- They support or enable Title IV-A funded activities and are reasonable, necessary, allocable, consistent with local policies, and properly documented under UGG.

#### 45. Summer School Teachers (Salary / Benefits / Stipends)

TIA: Summer school teacher costs are allowable under Title I, Part A if:

The program provides supplemental instruction to eligible students, aligns with the Title I plan, and meets UGG cost principles of reasonableness, allocability, consistency, and documentation. <sup>20 U.S.C. § 6314,6315 and 20U.S.C § 6321(b)</sup>

MV: The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities. <sup>42 USC 11433(d)(8)</sup>

TIIIA: Trained supportive personnel may only be funded under Title III to provide specific services to ELLs before- or after-school or during an extended day. Secretarial or clerical positions may be funded under Title III to support Title III activities, programs, and services beyond the regular school hours. If a district is already offering summer school, it must be an extension off that service <sup>ESEA Section 3115(c)(2)</sup>

TIVA: Summer schoolteacher costs are allowable under Title IV, Part A if:

The summer program directly supports Title IV-A objectives (well-rounded education, safe and healthy students, or effective use of technology) and if the costs are reasonable, necessary, allocable, consistent with local policy, and properly documented per <sup>UGG. 20 U.S. Code §§ 7111–7122</sup>

#### 46. Translation Services

TIA: Translation services are allowable under Title I, Part A if:

They support meaningful family engagement for Title I parents—especially those with limited English proficiency—and meet UGG standards for reasonableness, allocability, consistency, and documentation. <sup>20 U.S.C. § 6318(e)(5)</sup>

TIIA: LEAs may use Title III funds for the translated parental notification on ELL identification that is now required under Title I, Part A. Title III funds may be used to supplement an LEA’s activities if the LEA is already meeting its obligation to ensure meaningful communication with ELL parents in a language they can understand. Title III funds must supplement, not supplant, State, local, and other Federal funds. Title III funds cannot be used to fulfill an LEA’s obligation under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act. Title III funds may not be used to translate required state exams. <sup>ESEA Section 3115(c)(2)</sup>

TIVA: Translation services are allowable under Title IV, Part A if:

They directly support allowable program activities and ensure equitable access, and if they meet UGG requirements for reasonableness, allocability, consistency, and documentation <sup>20 U.S.C. § 7115</sup>

#### 47. Transportation (Family)

TIA: Transportation services for families are allowable under Title I, Part A if they help parents participate in Title I-funded engagement activities and meet UGG criteria for allowability, reasonableness, and documentation. <sup>20 U.S.C. § 6318(a)(3)(C)</sup>

TIIA: Transportation is allowable if tied specifically to an activity funded through Title III A <sup>ESEA Section 1116(c)(2) and (e)(6)</sup>

TIVA: Transportation services for families are allowable under Title IV, Part A if they are necessary to support family participation in Title IV-A funded activities and meet UGG requirements for reasonableness, allocability, consistency, and documentation. <sup>20 U.S.C. § 7115</sup>

#### 48. Transportation (Student)

TIA: Student transportation is allowable under Title I, Part A if it supports participation in Title I-funded services, is supplemental, and meets UGG standards for reasonableness, allocability, consistency, and documentation. <sup>(20 U.S.C. § 6314 § 6315) 20 U.S.C. § 6321(b)</sup>

MV: The provision of assistance to defray the excess cost of transportation for students under section 11432(g)(4)(A) of this title, not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 11432(g)(3) of this title.

TIIA: Transportation is allowable if tied specifically to an activity funded through Title III A <sup>ESEA Section 1116(c)(2) and (e)(6)</sup>

TIVA: Student transportation is allowable under Title IV, Part A if:

It is necessary to participate in a Title IV-A-funded activity, is reasonable, allocable, and consistent with local policy, and is properly documented in accordance with UGG. <sup>20 U.S.C. § 7115</sup>

#### 49. Tutoring

TIA: Allowable for all students in a SW program, or Title I-eligible students participating in a TAS program. <sup>ESEA Section 1115(b)(7) (20 U.S.C. §6315(b)(7)) and 1114(b)(2)(B) (20 U.S.C. §6314(b)(2)(B))</sup>

MV: The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities. <sup>42 USC 11433(d)(8)</sup>

TIIA: Tutoring is an allowable expense if:

- Tutor works specifically to support ELs by:
  - Improving instruction for ELs
  - Supporting teachers with strategies for English language development
  - Tutoring instruction tailored for ELs to gain English language proficiency
  - Position must be supplemental <sup>ESEA Section 3115(c)(2)</sup>

#### 50. Yearbooks or Class Rings

General: These items are never necessary and are therefore not an allowable use of federal funds. <sup>2 CFR § 200.403(a)</sup>

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<sup>1</sup> The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the Code of Federal Regulations

<sup>2</sup> 2 CFR § 200.405

The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the Code of Federal Regulations

<sup>3</sup> 2 CFR 200.403(a).

<sup>4</sup> See 2 CFR Part 200, Subpart E.

<sup>5</sup> 2 CFR § 200.423.

<sup>6</sup> 2 CFR § 200.450.

<sup>7</sup> See 2 CFR § 200.403.

<sup>8</sup> v2 CFR § 200.403(a).

<sup>9</sup> See 2 CFR §§ 200.420-200.475.

<sup>10</sup> 2 CFR § 200.430.

<sup>11</sup> 2 CFR §§ 200.317-200.326.

<sup>12</sup> 34 CFR § 76.700

<sup>13</sup> ESSA, Sections 1118(a) and 8521.

ESEA section 1118(b)(1)

<sup>14</sup> 2 CFR §§ 200.313-200.318;302

<sup>15</sup> ESEA section 1118(b)(1)

<sup>16</sup> ESSA, Section 1118(b)(2). <https://www.ed.gov/sites/ed/files/2020/02/snsfinalguidance06192019.pdf> page 11

<sup>17</sup> ESSA, Section 1118(c) [https://doe.sd.gov/title/documents/TitleIIIlela\\_supplement\\_guidance.pdf](https://doe.sd.gov/title/documents/TitleIIIlela_supplement_guidance.pdf)

<sup>18</sup> ESSA, Section 1118(c)

<sup>19</sup> ESSA, Section 1117

<sup>20</sup> ESSA, Section 8501(b)(1)(B).

<sup>21</sup> ESSA, Section 8501(b)(1)(C).

<sup>22</sup> ESSA, Section 4108(5)(G).

<sup>23</sup> [ESSA Sec. 1111.](#)

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

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

<sup>24</sup> ESSA, Section 1001

<sup>25</sup> ESSA, Section 1111(b)(1).

<sup>26</sup> ESSA, Section 1111(b)(2).

<sup>27</sup> ESSA, Section 1111(c)(4)(B). The indicators are (1) student achievement on the state academic assessment, (2) for elementary and middle schools, a measure of student growth or another academic indicator that allows for meaningful differentiation of school performance, (3) for high schools, high school graduation rates, (4) progress in

achieving English language proficiency, and (5) an indicator of school quality or student success, such as student engagement, educator engagement, access to and completion of advanced coursework, postsecondary readiness, school climate and safety, or another state-selected indicator that meets ESSA requirements. ESSA, Section 1111(c)(4)(B)(i)-(v).

<sup>28</sup> ESSA, Section 1111(d).

<sup>29</sup> ESSA, Section 1111(h).

<sup>30</sup> ESSA, Section 1111(d)(1)&(2).

<sup>31</sup> ESSA, Section 1111(h).

<sup>32</sup> ESSA, Section 1112(e).

<sup>33</sup> ESSA, Section 1112(c)(5)(B).

<sup>34</sup> ESSA, Section 1113(c)(3)(A)(i). Please see footnote 49 for more information.

<sup>35</sup> ESSA, Section 1113(c)(3)(A)(ii)&(iii).

<sup>36</sup> ESSA, Section 1113.

<sup>37</sup> ESSA, Section 1116.

<sup>38</sup> ESSA, Section 1117.

<sup>39</sup> 2 CFR §200.328(a).

<sup>40</sup> ESSA, Section 1114(a)(1).

<sup>41</sup> ESSA, Section 1114(a)(1)(A).

<sup>42</sup> ESSA, Section 1114(a)(2).

<sup>43</sup> ESSA, Section 1115.

<sup>44</sup> ESSA, Section 1115(b)(2)(A).

<sup>45</sup> ESSA, Section 1115(c).

<sup>46</sup> 8101(52)

<sup>47</sup> Please note ESSA amended the set-aside for homeless children. Under NCLB, the set-aside was limited to homeless children “who do not attend participating schools,” meaning homeless children who do not attend Title I schools. This limitation was removed from ESSA

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

<sup>49</sup> ESSA, Section 1117(a)(4). Please note ESSA now requires the equitable services be calculated based on an LEA’s total Title I, Part A allocation.

<sup>50</sup> ESSA, Section 1111(d)(1)(D)(v).

<sup>51</sup> U.S. Department of Education and U.S. Department of Health and Human Services, *Ensuring Educational Stability for Children in Foster Care* (2016), Q&A 30, available at <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.

<sup>52</sup> 34 CFR §200.77.

<sup>53</sup> ED 2009 Title I Reform Guidance, Q&A B-8, C-1, C-8, D-1, D-3, D-4, G-5.

34 CFR §200.77.

<sup>54</sup> Under ESSA, SEAs have the discretion to waive the forty percent poverty threshold if the SEA believes it will best serve student needs. ESSA, Section 1114(a)(1)(B).

<sup>55</sup> ESSA, Section 1114(b).

<sup>56</sup> U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, pp. 4-5 (2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>. This guidance will be referred to as “ED 2016 Schoolwide Guidance” for the rest of this document.

<sup>57</sup> ESSA, Section 1115(c).

<sup>58</sup> ESSA, Section 1115(b)(2)(A).

<sup>59</sup> ESSA, Section 1115(b)(2).

<sup>60</sup> Examples of such services include basic medical equipment such as eyeglasses and hearing aids, compensation of a coordinator, family support and engagement services, integrated student supports, and professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children. ESSA, Section 1115(e)(2)(B).

<sup>61</sup> ESSA, Section 1115(e)(2).

<sup>62</sup> ESSA, Section 1115(f).

<sup>63</sup> ESSA, Section 1115(b)(2)(G).

<sup>64</sup> ESSA, Section 1115(e)(1).

<sup>65</sup> ESSA, Section 1115(b)(2)(F).

<sup>66</sup> ESSA, Section 1115(d).

<sup>67</sup> [ESSA Section 1116 (a)(3)].

ESSA, Section 8101(21)(B) stating:

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

<sup>68</sup> ESSA, Section 1111(c)(4)(C)(iii) and Section 1111(d)(2). ESSA does not define what it means to be consistently underperforming, but rather leaves it for states to define.

<sup>69</sup> ESSA, Section 1111(c)(4)(D).

<sup>70</sup> ESSA, Section 8101(21)(B) stating:

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

<sup>71</sup> ESSA, Sections 1118(a) and 8521.

<sup>72</sup> ESSA, Section 1118(b)(3)(A).

<sup>73</sup> ESSA, ESSA, Section 1117 Section 1117(a)(4).

<sup>74</sup> For federal non-regulatory guidance on the Title II program, please see U.S. Department of Education, *Supporting Effective Instruction State Grants: Title II Part A Non-Regulatory Guidance* (January 2025), available at <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>. This guidance will be referred to as *ED 2025 Title II, Part A Guidance* for the rest of this document.

<sup>75</sup> ESSA, Section 2001.

<sup>76</sup> ESSA, Section 2103(b)(1)-(2).

<sup>77</sup> ESSA, Section 2102(b)(2)(C).

<sup>78</sup> ESSA, Section 1124(c) is located in Title I of ESSA, and describes the children that should be counted.

<sup>110</sup> ESSA, Section 2101(b)

<sup>111</sup> ESSA, Sections 2101(c)(1) and (3)

<sup>112</sup> ESSA, Section 2101(b)(2)(B)

<sup>79</sup> ESSA, Section 2102(b)(3). Stakeholders include teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a LEA)

that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet Title II purposes. ESSA, Section 2102(b)(3)(A).

<sup>80</sup> ESSA, Section 2102(b)(2)(D); 2103(b)(3)(B)(i)-(iii)

<sup>81</sup> ESSA, Section 2103(b)(3)(A).

<sup>82</sup> ESSA, Section 2103(b)(3)(C).

<sup>83</sup> ESSA, Section 2103(b)(3)(D).

<sup>84</sup> ESSA, Section 2103(b)(3)(F).

<sup>85</sup> ESSA, Section 2103(b)(3)(G)(i).

<sup>86</sup> ESSA, Section 2103(b)(3)(H).

<sup>87</sup> ESSA, Section 2103(b)(3)(I).

<sup>88</sup> ESSA, Section 2103(b)(3)(J).

<sup>89</sup> ESSA, Section 2103(b)(3)(K).

<sup>90</sup> ESSA, Section 2103(b)(3)(L).

<sup>91</sup> ESSA, Section 2103(b)(3)(M).

<sup>92</sup> ESSA, Section 2103(b)(3)(N).

<sup>93</sup> ESSA, Section 2103(b)(3)(O).

<sup>94</sup> ESSA, Section 2103(b)(3)(P).

<sup>95</sup> ESSA, Sections 1118(a) and 8521.

<sup>96</sup> ESSA, Section 3115(a). For federal non-regulatory guidance on the Title III program, please see U.S. Department of Education, *English Learners and Title III of the Elementary and Secondary Education Act (ESEA)*, as amended by the Every Student Succeeds Act (ESSA) (September 2016) available at <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiiienglishlearners92016.pdf>. This guidance will be referred to as *ED 2016 Title III, Part A Guidance* for the rest of this document.

<sup>97</sup> ESSA, Section 8101(20). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

<sup>98</sup> ESSA, Section 3201(5). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

<sup>99</sup> ESSA, Section 3115(a).

<sup>100</sup> ESSA, Section 3115(c)(1). For federal guidance about LIEPs, please see *ED 2016 Title III, Part A Guidance*, Section C.

<sup>101</sup> ESSA, Section 3115(c)(2). For federal guidance on educators of English Learners, including professional development, please see *ED 2016 Title III, Part A Guidance*, Section D.

<sup>102</sup> ESSA, Section 3115(c)(3). For federal guidance on parent, family, and community engagement, please see *ED 2016 Title III, Part A Guidance*, Section E.

<sup>103</sup> ESSA, Section 3115(d)(1).

<sup>104</sup> ESSA, Section 3115(d)(2).

<sup>105</sup> ESSA, Section 3115(d)(3).

<sup>106</sup> For more information on Title III and Early Learning, please see *ED 2016 Title III, Part A Guidance*, Section F.

<sup>107</sup> ESSA, Section 3115(d)(4).

<sup>108</sup> ESSA, Section 3115(d)(5).

<sup>109</sup> ESSA, Section 3115(d)(6).

<sup>110</sup> ESSA, Section 3115(d)(7).

<sup>111</sup> ESSA, Section 3115(d)(8).

<sup>112</sup> ESSA, Section 3115(d)(9).

<sup>113</sup> ESSA, Section 3115(e). See also *ED 2016 Title III, Part A Guidance*, Question G-4.

<sup>114</sup> ESSA, Sections 1118(a) and 8521.

<sup>115</sup> ESSA, Section 3115(b).

<sup>116</sup> *ED 2016 Title III, Part A Guidance*, Question A-10.

<sup>117</sup> ESSA, Section 3115(g).

<sup>118</sup> *ED 2016 Title III, Part A Guidance*, Question A-2.

<sup>119</sup> *ED 2016 Title III, Part A Guidance*, Question A-2.

<sup>120</sup> *ED 2016 Title III, Part A Guidance*, Question A-2 and A-3.

<sup>121</sup> *ED 2016 Title III, Part A Guidance*, Question A-3. Additional information about the civil rights obligations to EL students is available in a joint U.S. Department of Education and U.S. Department of Justice Dear Colleague Letter (2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

<sup>122</sup> *ED 2016 Title III, Part A Guidance*, Question A-8.

<sup>123</sup> *ED 2016 Title III, Part A Guidance*, Question D-7.

<sup>124</sup> *ED 2016 Title III, Part A Guidance*, Question A-4.

<sup>125</sup> The concept of “reasonable and necessary” costs comes from federal regulations known as the Uniform Grant Guidance (UGG). See, for example, the discussion in *Basic Considerations* of the UGG, available at [https://www.ecfr.gov/cgi-bin/text-idx?SID=1ab34260fd33363573a554baedb4aa24&mc=true&node=pt2.1.200&rgn=div5#sg2.1.200\\_1401.sg12](https://www.ecfr.gov/cgi-bin/text-idx?SID=1ab34260fd33363573a554baedb4aa24&mc=true&node=pt2.1.200&rgn=div5#sg2.1.200_1401.sg12).

<sup>126</sup> *ED 2016 Title III, Part A Guidance*, Question A-4.

<sup>127</sup> ESSA, Section 1111(b)(2)(G).

<sup>128</sup> *ED 2016 Title III, Part A Guidance*, Question A-7.

<sup>129</sup> ESSA, Section 4108 ESSA, Section 2013(b)(3)(D).

<sup>130</sup> ESSA, Section 4107

<sup>131</sup> ESSA, Section 4109

<sup>132</sup> ESSA, Sections 1118(a) and 8521.

<sup>133</sup> ESSA, 5101

<sup>134</sup> ESSA, Sections 1118(a) and 8521.

<sup>135</sup> ESSA, Section 5103(e)(2)