

Title IV, Part A of ESEA
Student Support and Academic Enrichment Program
Webinar Series

QUESTION AND ANSWER SUMMARY FOR WEBINARS 4 AND 5

On May 24 and August 10 of 2017, the U.S. Department of Education's (hereafter, "ED" or "the Department") Office of Safe and Healthy Students (OSHS) hosted two additional webinars as part of a series on the Student Support and Academic Enrichment (SSAE) Grants. (The SSAE program is authorized under Title IV, Part A of the Elementary and Secondary Schools Act [ESEA].) These webinars provided key information on the changes to the SSAE grant program based on the Consolidated Appropriations Act of 2017 (Public Law 115-31), lessons learned from OSHS' review of submitted consolidated state plans, and guidance on subgranting FY 2017 SSAE Funds to LEAs.

During the two webinar sessions, presenters from OSHS received several questions from the audience. Other questions were also submitted independently. OSHS has since prepared the following question and answer document based on the questions OSHS received during Webinars 4 and 5. For more information or to ask additional questions, please email OESE.OSHS.Title.IV-A@ed.gov.

Webinar 4: Changes Based on Consolidated Appropriations Act of 2017
May 24, 2017
Changes to the Title IV, Part A, Student Support and Academic Enrichment (SSAE) Grants Resulting from the Consolidated Appropriations Act of 2017

Webinar 5: Consolidated State Plans
August 10, 2017
Lessons Learned from OSHS' Review of Submitted Consolidated State Plans and Q & As on Subgranting FY 2017 SSAE Funds to LEAs

To access information on SSAE, including laws, guidance, state allocation tables and archived webinars with related resources visit: https://safesupportivelearning.ed.gov/ESSA-TitleIVPartA-SSAE.

The questions have been grouped into the following categories (click on category to skip to document section):

- Timelines, Resources, and Accessing Information
- Minimum Disbursements
- Nonprofits, Community Based Providers, and Non-Public Schools
- Needs Assessments
- Eligibility of LEA's to Receive Funds and Rules of Fund Distributions
- Transferability and Alternative Use

Timelines, Resources, and Accessing Information

1. Fiscal Year (FY) 2017 ends in about 5 weeks, how can SEA be awarding SSAE funds this year?

There was not an expectation that SEAs would award funds to LEAs before the end of FY 2017. Consistent with the Tydings Amendment in section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)), for formula grant programs, a State and its subgrantees have a total of 27 months to obligate funds awarded on July 1 of the Federal fiscal year in which the funds were appropriated. Accordingly, SEAs and LEAs have until September 30, 2019 to obligate FY 2017 funds being awarded by formula. FY 2017 funds being awarded by States on a competitive basis can be obligated by SEAs until September 30, 2018 and by LEAs until September 30, 2019.

2. In the Q&A released June 30, the response to question 5 states:

"Does the same period of fund availability apply to SSAE funds awarded by formula or competitively? Yes. Because SSAE is a State-administered program, the "Tydings Amendment" applies and all FY 2017 SSAE funds, whether awarded by formula or competitively, remain available for obligation by LEAs through September 30, 2019. For an SEA making competitive subgrants, FY 2017 funds remain available for obligation by the SEA until September 30, 2018, and by its LEAs under the Tydings Amendment until September 30, 2019."

Then you state that it is only for the period of a year. Can you clarify?

For LEAs, SSAE funds, whether awarded by formula or competitively, remain available for obligation through September 30, 2019. For SEAs, funds remain available for obligation until September 30, 2018.

3. Where is an updated state allocation table located?

The FY 2017 Department of Education Appropriations Act includes a total of $400 million for SSAE. You can find state allocations here: https://www2.ed.gov/about/overview/budget/statetables/index.html.

4. When will states know their allocations?

States were notified by the Department about their allocations on July 3, 2017. Please contact Bryan Williams (bryan.williams@ed.gov) or Eve Birge (eve.birge@ed.gov) if you did not receive notification.

5. Can you clarify the dates of when funding will be released to SEAs? When does it have to be distributed to LEAs?

States were notified by the Department about their FY 2017 allocations on July 3, 2017. For formula grant programs, a State and its subgrantees have a total of 27 months to obligate funds. Accordingly, for FY 2017 funds, States and LEAs have until September 30, 2019 to obligate formula funds. Amounts made available to States awarding subgrants on a competitive basis can be obligated by SEAs until September 30, 2018 and by LEAs until September 30, 2019.

6. When will ED's FAQ document be shared (as referenced in the February webinars)?

The FAQ documents can be found here: https://safesupportivelearning.ed.gov/ESSA-TitleIVPartA-SSAE.

7. Given that SEAs will receive these funds July 1, is there any expectation on the timelines for dispersing funds to LEAs?

The Consolidated Appropriations Act, 2017, provides SEAs with the option of making SSAE subgrants to LEAs through the formula in the program statute, on a competitive basis (as described in the Appropriations Act), or via a combination of the competitive and formula methods.

A State and its subgrantees have a total of 27 months to obligate and expend funds awarded by formula. Accordingly, SEAs and LEAs have until September 30, 2019 to obligate and expend FY 2017 formula funds awarded July 1. Amounts made available to States awarding subgrants on a competitive basis can be obligated by SEAs until September 30, 2018 and by LEAs until September 30, 2019. Whether an SEA is distributing funds by formula or by competition, SEAs should award subgrants to LEAs as soon as practicable to ensure that LEAs have sufficient time to undertake the statutorily required SSAE activities and to achieve the greatest impact with these funds.

8. Is there a deadline for SEAs to decide whether they will use formula or competitive process?

The SEA should describe in its Consolidated State Plan how it will make SSAE subgrants to LEAs, either through a formula or competitive process. If an SEA later decides to award funds in a manner other than as described in its Consolidated State Plan, it may revise its plan accordingly but should do so with sufficient time to award funds to LEAs and to permit LEAs to have time to expend the funds meaningfully on SSAE program activities.

9. Is the competitive option available only for FY 2017 (as stated on slide 30A)?

Pursuant to the Consolidated Appropriations Act, 2017, the competitive option applies only to FY 2017 funds. Congress may choose to authorize the option for future fiscal years.

10. How can we know how much each state will be receiving in Title IV funding?

State allocation tables: https://www2.ed.gov/about/overview/budget/statetables/index.html. The State tables are posted and updated as a package, rather than on an individual basis. As a result, changes are not necessarily made to every program and/or every State each time the tables are updated. Major updates normally are posted for significant milestones in the appropriations process, such as the President's Budget Request and enactment of an appropriation. Major changes also are made when final allocations occur for the Elementary and Secondary Education Act programs—usually in July. In addition, routine updates are performed each month, as needed, and typically reflect only minor changes. For further information, please contact Yvonne Crockett at yvonne.crockett@ed.gov in ED Budget Service.

11. Is there a listing of all LEAs and SEAs in each state?

The NCES public school locator (https://nces.ed.gov/ccd/schoolsearch/) lists LEAs in each state. Individual state agencies should be contacted for LEA allocations.

12. Is there a listserv that we can sign up for to receive updates?

At the SSAE program kick-off meeting, states were invited to share preferences about correspondence and communications. Federal program officers solicited input from State Coordinators and developed a communications strategy that includes listservs, a community of practice, and regional calls.

13. It sounds like as long as an SEA distributes funds by September 2018, they could take the full next year to figure out how they are distributing the funds.

A State and its subgrantees have a total of 27 months to obligate and expend funds awarded in the beginning of July of the Federal fiscal year in which the funds were appropriated. Amounts made available to States awarding subgrants on a competitive basis can be obligated by SEAs until September 30, 2018 and by LEAs until September 30, 2019. Whether an SEA is distributing funds by formula or by competition, SEAs should award subgrants to LEAs as soon as practicable to ensure that LEAs have sufficient time to undertake the statutorily required SSAE activities and to ensure achieve the greatest impact with these funds.

14. Will the Department track which states opt to allocate the funds competitively, and which states opt to allocate by formula? If so, would this information be made available to the public?

Yes, the Department will track which states allocate the funds competitively, which states allocate by formula, and which states make both formula and competitive allocations. This information will be made available to the public.

15. Please confirm the three content areas.

The three content areas are:

- Well-Rounded Educational Opportunities;
- Safe and Healthy Students; and
- Effective Use of Technology.

Minimum Disbursements

16. If a state has more LEAs than make it possible to allocate more than $10,000 per LEA, then that would mean the SEA HAS to award via competitive process, correct?

No, there is no requirement to award funds competitively.

17. If awards are by formula and the minimum of $10,000 per LEA is not possible, will allocations be ratably reduced by proportion of Title I.A without getting each award close to $10,000?

Under section 4105(a) of the ESEA, an SEA that makes subgrants to its LEAs by formula must do so based on their relative shares of funds under Title I, Part A of the ESEA for the preceding fiscal year, except that no LEA may receive an allocation that is less than $10,000. If funds are insufficient to provide the $10,000 minimum allocation to each eligible LEA (i.e., each LEA that received Title I, Part A funds for the preceding fiscal

year), the SEA must provide each eligible LEA with an allocation in an amount that is ratably reduced below $10,000, consistent with section 4105(b). Ratable reduction effectively means that each LEA's allocation is the same as the amount the SEAs obtained by dividing the funds available for LEA allocations by the total number of eligible LEAs in the State. For more detailed information about ratable reduction, please review the "Subgranting FY 2017 Title IV-A Funds to LEAs: Questions and Answers": https://safesupportivelearning.ed.gov/sites/default/files/Subgranting_FY_2017_Title_IV_A_LEAs_QA.pdf.

18. Can you please address the allocation of funds regarding the $10,000 minimum when an SEA receives enough to distribute $10K to each eligible district? Our understanding from USDE is that each Title I district must receive $10,000 and then the excess must be allocated according to the Title I formula.

If an SEA making subgrants by formula determines that funds are sufficient to provide each eligible LEA with at least the $10,000 minimum allocation, the SEA must allocate funds to its LEAs based on shares of Title I, Part A funds for the preceding fiscal year. Consistent with section 4105(a)(2), an SEA must adjust upward to $10,000 the allocation for any LEA whose initial formula allocation is below $10,000. After adjusting upward to $10,000 the allocation for any LEA whose initial formula allocation is below $10,000, an SEA must adjust downward, on a proportionate basis, the initial formula allocations for all other LEAs. This adjustment is needed because the upward adjustment to the allocations for LEAs whose initial allocation is below $10,000 reduces the amount of funds available to other LEAs, and the adjustment must be proportionate to ensure that the allocations for these LEAs continue to be based on shares of Title I, Part A funds for the preceding fiscal year. For more detailed information about making subgrants, including allocating funds to LEAs by formula, please review the "Subgranting FY 2017 Title IV-A Funds to LEAs: Questions and Answers": https://safesupportivelearning.ed.gov/sites/default/files/Subgranting_FY_2017_Title_IV_A_LEAs_QA.pdf.

19. Elaborate on the Ratable Reduction allowed under Section 4105? For minimally funded states, it will be difficult to fund districts if the $10,000 minimum exists.

If an SEA making subgrants by formula determines that the amount of SSAE funds reserved for formula allocations is insufficient to provide each eligible LEA with the $10,000 minimum allocation, the SEA must, consistent with section 4105(b), provide each LEA with an allocation in an amount that is ratably reduced below $10,000. Effectively, this means that each LEA's allocation is the same as the amount the SEA obtained by dividing the funds available for LEA allocations by the total number of eligible LEAs in the State. For more detailed information about ratable reduction, please review "Subgranting FY 2017 Title IV-A Funds to LEAs: Questions and Answers": https://safesupportivelearning.ed.gov/sites/default/files/Subgranting_FY_2017_Title_IV_A_LEAs_QA.pdf

20. If funds are distributed via formula, must LEAs form consortiums if they would otherwise be receiving less than $10,000, or can LEAs receive amounts lower than $10,000 independently?

No, SEAs may not require LEAs to form consortia. If an SEA making subgrants by formula determines that the amount of SSAE funds reserved for formula allocations is insufficient to provide each eligible LEA with the $10,000 minimum allocation, the SEA must, consistent with section 4105(b), provide each LEA with an allocation in an amount that is ratably reduced below $10,000. Effectively, this means that each LEA's allocation is the same as the amount the SEA obtained by dividing the funds available for LEA allocations by the total number of eligible LEAs in the State. For more detailed information about subgranting, please review the "Subgranting FY 2017 Title IV-A Funds to LEAs: Questions and Answers": https://safesupportivelearning.ed.gov/sites/default/files/Subgranting_FY_2017_Title_IV_A_LEAs_QA.pdf

21. If distributing by formula, how should the ratable reduction work if the total available will not yield $10,000 for each LEA?

If an SEA making subgrants by formula determines that the amount of SSAE funds reserved for formula allocations is insufficient to provide each eligible LEA with the $10,000 minimum allocation, the SEA must, consistent with section 4105(b), provide each LEA with an allocation in an amount that is ratably reduced below $10,000. Effectively, this means that each LEA's allocation is the same as the amount the SEA obtained by dividing the funds available for LEA allocations by the total number of eligible LEAs in the State. For more detailed information about ratable reduction, please review the "Subgranting FY 2017 Title IV-A Funds to LEAs: Questions and Answers": https://safesupportivelearning.ed.gov/sites/default/files/Subgranting_FY_2017_Title_IV_A_LEAs_QA.pdf

22. Can a state provide funds both ways (formula and competitive)?

Yes, the Department has determined that the FY 2017 Department of Education Appropriations Act, which provides authority for SEAs to make subgrants to LEAs through a competitive process, does not prohibit an SEA from choosing to make both competitive and formula-based subgrants with FY 2017 SSAE funds. The competitive subgrant authority provided for FY 2017 includes multiple requirements for competitive subgrants that may be challenging to reconcile with the statutory requirements for formula-based subgrants. The Department is available to assist SEAs in addressing these challenges and strongly encourages any SEA seeking to make both formula and competitive subgrants to share its plan with the Department for awarding FY 2017 SSAE funds to ensure that the plan meets all applicable requirements prior to the implementation of the SEA's plan. Finally, the Department encourages any SEA

considering such a plan to consult with its LEAs prior to implementation. SSAE funds awarded by formula must be provided to all eligible LEAs, and an SEA may not provide a predetermined allocation to every LEA, as this would not be formula-based. If an SEA chooses to award SSAE subgrants both by formula and competitively, it may not reduce an LEA's formula allocation if that LEA receives a competitive subgrant.

23. If a state applies the formula grant, and there are some LEAs that come up with allocations less than $10,000, does the SEA have to apply the ratable reduction and reduce all LEAs' allocations to ensure everybody receives $10,000?

If an SEA making subgrants by formula determines that funds are sufficient to provide each eligible LEA with at least the $10,000 minimum allocation, the SEA must allocate funds to its LEAs based on shares of Title I, Part A funds for the preceding fiscal year. Consistent with section 4105(a)(2), an SEA must adjust upward to $10,000 the allocation for any LEA whose initial formula allocation is below $10,000. After adjusting upward to $10,000 the allocation for any LEA whose initial formula allocation is below $10,000, an SEA must adjust downward, on a proportionate basis, the initial formula allocations for all other LEAs. This adjustment is needed because the upward adjustment to the allocations for LEAs whose initial allocation is below $10,000 reduces the amount of funds available to other LEAs, and the adjustment must be proportionate to ensure that the allocations for these LEAs continue to be based on shares of Title I, Part A funds for the preceding fiscal year. For more detailed information about making subgrants, including allocating funds to LEAs by formula, please review the "Subgranting FY 2017 Title IV-A Funds to LEAs: Questions and Answers": https://safesupportivelearning.ed.gov/sites/default/files/Subgranting_FY_2017_Title_IV_A_LEAs_QA.pdf.

24. Can you define what "ratable reduction" would be? Can states receiving small amounts of funding allocate proportionally if the amount is less than the $10,000 minimum threshold since Sec 4105 (b) says "if the amount reserved …is insufficient to make allocations…such allocations shall be ratably reduced."

Please see Question 20.

Nonprofits, Community Based Providers, and Non-Public Schools

25. Is there a Nonpublic Schools Equitable Participation requirement?

Yes, SEAs and LEAs must comply with sections 8501-8504 of the ESEA, as amended by ESSA, regarding equitable participation of private school students.

26. Can a nonprofit apply directly? Are there restrictions?

No, nonprofits cannot apply directly. As required by Sections 4104 and 4105 of the ESEA, States make subgrants to LEAs or consortia of LEAs.

26. Are allocations different for public and nonpublic schools; if so, where can I obtain this information?

Nonpublic schools do not receive Title IV, Part A allocations. Rather, nonpublic schools receive equitable services under Title IV, Part A. Section 8501(a)(4) of the ESEA requires that expenditures for services to private school students, teachers, and other educational personnel be equal to the expenditures for the public school program, taking into account the number and educational needs of the children to be served. Many LEAs calculate equal expenditures strictly on the basis of the relative enrollments of public and private school students, on the assumption that these numbers also accurately reflect the relative needs of students and teachers in public and private schools. However, it is permissible for LEAs to use other factors relating to need and not base equal expenditures *only* on relative enrollments. For more information on equitable services please see the ESSA Fiscal Non-Regulatory Guidance: https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf and the previously existing non-regulatory guidance document "Title IX, Part E Uniform Provisions, Subpart 1—Private Schools" [available at: http://www2.ed.gov/policy/elsec/guid/equitableserguidance.doc], which remains applicable except as otherwise provided in the ESSA Fiscal Non-Regulatory Guidance.

27. You say nonprofits are not eligible to apply directly? Are partnerships allowed in the subgranting process? Would an LEA in partnership with a local nonprofit for example be able to apply for this grant?

LEAs or consortia of LEAs are the only eligible recipients of these subgrants, whether competitive or formula. However, stakeholders play a critical role with respect to SSAE funds, and an LEA might partner in providing services with nonprofits or certain other entities. A nonprofit cannot directly receive a subgrant from an SEA, though it may receive payment for services from an LEA via an allowable procurement by the LEA. In addition, during the design and development of its application, an LEA or consortium of LEAs must engage in consultation with stakeholders in the area served by the LEA. (ESEA section 4106(c)(1)). Such stakeholders must include, but are not limited to, community-based organizations and others with relevant and demonstrated expertise. An LEA or consortium of LEAs must continue to consult with stakeholders to improve the activities it conducts and coordinate implementation with other related activities conducted in the community. (ESEA section 4106(c)(2)).

28. How do states determine the amount that should be made available to nonpublic schools? PPA or Proportionate Share?

Section 8501(a)(4) of the ESEA requires that expenditures for services to private school students, teachers, and other educational personnel be equal to the expenditures for the public school program, taking into account the number and educational needs of the children to be served. Many LEAs calculate equal expenditures strictly on the basis of the relative enrollments of public and private school students, on the assumption that these numbers also accurately reflect the relative needs of students and teachers in public and private schools. However, it is permissible for LEAs to use other factors relating to need and not base equal expenditures *only* on relative enrollments. For example, an LEA might choose poverty as an additional factor in determining equal expenditures and consider the relative poverty of the two groups of students. However, it would not be proper to base the determination solely on poverty (or any other factor relating only to educational need), because the statute requires that both the number and the educational needs of the public and private school students be taken into account. As with other decisions affecting services to private school students, LEAs should consult with private school officials on the method for determining equal expenditures, and the resulting methodology should reasonably reflect the relative numbers and educational needs of the public and private school students.

29. Can LEAs make sub-awards to nonprofits to implement programming? Can LEAs contract to nonprofits for their services which would assist the LEA in meeting the requirements under the law?

LEAs cannot subgrant SSAE funds. LEAs or consortia of LEAs are the only eligible recipients of these subgrants, regardless of whether such subgrants are awarded competitively or by formula. However, nonprofits can play an important role with respect to SSAE funds, and an LEA might partner in providing services with nonprofits. A nonprofit cannot directly receive a subgrant from an SEA, though an LEA may use its SSAE funds to procure the nonprofit's services to assist the LEA in implementing allowable SSAE activities.

30. Are the statewide family engagement centers included in this grant?

No, that is a separate program. The Title IV Part E Family Engagement in Educational Programs authorizes the Statewide Family Engagement Centers program to provide states and districts with the capacity to support effective implementation and enhancement of family engagement policies and initiatives.

31. If, under a competitive scenario, LEAs are not obligated to expend funds in the defined proportions, how can states ensure their expenditures will meet the minimums they are required to address?

SEAs are required by the Consolidated Appropriations Act, 2017, to meet the percentage spending obligations (20% for well-rounded education, 20% for safe and healthy students, and some portion for effective use of technology) if they award funds competitively. Accordingly, they need to design the competition process in a way that will enable them to meet these obligations.

Needs Assessments

32. If we award LEAs by formula, could the districts use all of their funds for a needs assessment this year and use their funds for implementation next year?

If an allocation is greater than $30,000, section 4106(a)(2) requires LEAs to complete a needs assessment prior to receiving an SSAE subgrant. Because a needs assessment is an eligibility requirement, therefore preceding a determination that an LEA is eligible for a subgrant, an LEA may not use SSAE funds for the initial needs assessment. However, an LEA may use SSAE funds for subsequent needs assessments, to the extent that it constitutes a use of funds under one of the three content areas.

33. With reference to the question about allowing an LEA to use all of its funds for a needs assessment, would this be an allowable activity if their award is less than $30,000 (and therefore a needs assessment wouldn't be required). If awarded by formula, there will be many districts that won't receive $30,000 or more.

Yes, an LEA may use all of its SSAE funds to conduct a needs assessment, if its allocation is less than $30,000. In this situation, when an LEA is receiving less than $30,000, the needs assessment is no longer an eligibility requirement. Consequently, the LEA could use SSAE funds even for its initial needs assessment. However, this use of funds must meet one of the required assurances under section 4106(e)(2)(C)-(E).

34. If a district opts to allocate funds competitively, will districts be required to complete a needs assessment as part of their application to the State?

Yes, if an SEA is awarding funds using the competitive subgrant authority in the Consolidated Appropriations Act, 2017, then consistent with section 4106(a)(2) of the ESEA, LEAs are still required to complete a needs assessment.

35. For the formula process, if an LEA requests to transfer 100% of their Title IV funds to Title I (they have consulted with participating private schools) 30 days prior to submitting their allocation (which is $30,000 or more), does the LEA still have to complete a comprehensive needs assessment?

Yes. The needs assessment is an eligibility requirement for Title IV, Part A. (Section 4106(a)(2) of the ESEA). Even if an LEA intends to transfer 100% of its Title IV, Part A funds into another eligible program, it must fulfill the eligibility requirements in order to obtain its Title IV, Part A subgrant.

36. So, if we had a needs assessment completed within the past 2 years as part of SS/HS, can we use that?

Yes, an LEA may use a recent needs assessment that was completed previously, provided that it is consistent with the statutory requirements in section 4106(d) of the ESEA.

37. Do you have templates for needs assessments?

The Department does not offer a specific template for conducting a needs assessment. However, the National Center on Safe and Supportive Learning Environments (safesupportivelearning.ed.gov), funded by the Department's Office of Safe and Healthy Students, provides information and resources related to conducting an effective needs assessment. SEAs may also include specific needs assessment criteria for LEAs to address, consistent with the statutory requirements in section 4106(d) of the ESEA. (Please note that the inclusion of links to items and examples does not reflect their importance, nor are they intended to represent or be an endorsement by the U.S. Department of Education of any views expressed, or materials provided.)

38. What is the reason this change [an option for states to make competitive subgrants to LEAs] was made? Won't "competitive" methods deny all schools access?

We believe this additional flexibility was offered to States by Congress to allow them to make the most of a lesser appropriation.

Eligibility of LEAs to Receive Funds, Rules of Fund Distributions, and Uses of Funds

39. If a state has three competitive applications and one has a higher score after priority points have been given for having a high concentration - but that high score does not belong to the applicant with the greatest Title I concentration can it still be awarded the grant?

This is a question most appropriate for your SEA. States must make competitive Title IV, Part A awards with priority given to LEAs with the greatest need based on the number or percentage of children counted for purposes of basic grants to LEAs under Title I, Part A of the ESEA under section 1124(c) of the ESEA, and in a manner that ensures geographic diversity among subgrant recipients representing rural, suburban, and urban areas. States have flexibility to implement the priority in a number of ways and consistent with their procedures for carrying out competitive grant processes.
The example we provided when we talked about the competitive subgrant option during the webinar follows: Consistent with its process for competitive grant awards, a State may consider providing additional points or weight to an application from an LEA that is identified as having the greatest need (as described above), or it may decide to go outside of the rank ordered list of potential subgrant recipients if necessary to fund such an LEA. Similarly, and again if consistent with its process for competitive grant awards, it may decide to go outside of rank order to achieve geographic diversity or if necessary to meet the expenditure requirements in each of the content areas.

40. For LEA eligibility, either formula or competitive, must an LEA have RECEIVED a Title I allocation in the prior year or have been ELIGIBLE to receive Title I funds in the prior year?

If an LEA did not receive an ESEA Title I, Part A allocation in the preceding year, it would not be eligible to receive an SSAE subgrant award. SEAs award SSAE subgrants to LEAs by formula in the same proportion as to the LEAs' prior year Title I, Part A allocations. (ESEA section 4105(a)(1)).

However, new charter schools, which would not have received an ESEA Title I, Part A allocation in the preceding year, would be eligible to receive an SSAE subgrant award in accordance with section 4306 of the ESEA. SEAs would need to derive a prior-year Title I allocation for new charter school LEAs in order to calculate a current-year Title IV, Part A allocation for them and may use either of the following options, or any other reasonable and legally supportable option:

- Option A: Use the charter school LEA's current-year Title I share (expressed as a percentage). The State would determine that share and apply it to the total amount of prior-year Title I allocations to derive a prior-year allocation for the

charter school LEA. The State would then reduce allocations for all other LEAs proportionately, in total, by the derived prior-year allocation amount.

- Option B: Re-run the prior-year Title I allocations using current-year Title I formula child counts for the charter school LEA and for the "sending" LEAs that have lost formula children to the charter school LEA. Determine Title IV-A allocation based on the "revised" prior-year Title I allocations. States are required to adjust Title I allocations to reflect the movement of Title I formula kids into new or expanded charter school LEAs and out of other LEAs. This happens using adjusted formula child counts. Under this option, the State would take its current-year adjusted formula counts for the charter school LEA and the sending LEAs, use them to re-run its prior-year Title I allocations, and make Title IV-A allocations based on the "revised" prior-year Title I allocations.

41. If Title IV-A are not allocated for safe/healthy schools, can Title I funds be used for safe and healthy schools IF schools create "healthy" school plans?

You may refer to the Title I ESSA schoolwide guidance, particularly the examples of the types of activities Title I funds can support in a schoolwide program (pages 5-6). Here is a link to the ESSA schoolwide guidance: https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf. The examples include school climate interventions and counseling if identified through the school's needs assessment. If you have any other questions about Title I, please contact your Title I Director or, if necessary, contact the Office of State Support.

42. Is it acceptable to assign all LEAs a base of $10K and disburse the remaining funds based on percentage?

No. A State is required to make awards either by formula based on Title I shares or through a competitive process (or a combination of both).

43. There appears to be no prohibition on states allowing technology purchases in competitions focused on health and safety and well-rounded programs. Is that correct?

Yes. The SEA's determination of allowability of SSAE funds will depend on a number of factors, starting with whether all statutory requirements are met. Assuming that the activity is consistent with the purposes of one of the three content areas, as applicable, the SEA must make further determinations as to allowability of costs in accordance with the cost principles in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR Part 200, Subpart E. Specifically, the cost of an activity is allowable under the SSAE program if it is reasonable and necessary for performance of the grant (i.e., it is of a type generally recognized as ordinary and necessary for operation of the grant) and allocable to the

grant (i.e., it is chargeable to the grant award in proportion to the benefits received by the grant award as a result of the cost). Also, because section 4110 of the ESEA prohibits supplanting, the proposed use of funds for the activity must supplement, and not supplant, other State or local funds that would otherwise be used to pay for the allowable activity.

44. Can states allocate on a formula basis initially and then transition to competitive allocation in future years?

The competitive option offered in the FY 2017 Consolidated Appropriations Act only applies to the funds allocated in 2017. A State may transition to making competitive subgrants with funding in future years only if a competitive subgrant option applies to those funds.

45. Is a state prohibited from weighting certain activities? For example, safety/health and AP exam fee programs were folded into Title IV. May a state add weight to those activities in their competition, if the state sees a need for it?

A State awarding funds competitively must prioritize based on greatest need (based on the number or percentage of children counted for purposes of basic grants to LEAs under Title I, Part A of the ESEA under section 1124(c) of the ESEA) and geographic diversity, as required by the 2017 Consolidated Appropriations Act. Beyond that, a State can create other priorities as long as they do not conflict with the expenditure requirements.

46. In competitions for the health/safety and well-rounded academic buckets, are technology purchases limited to 15% or 25% or is there no restriction at all?

For the 'safe and healthy' and 'well-rounded education' content areas, technology purchases are not limited or restricted, but the technology purchase would need to be consistent with the purposes of the content area. The SEA must make further determinations as to allowability of costs in accordance with the cost principles in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR Part 200, Subpart E. Specifically, the cost of an activity is allowable under the SSAE program if it is reasonable and necessary for performance of the grant (i.e., it is of a type generally recognized as ordinary and necessary for operation of the grant) and allocable to the grant (i.e., it is chargeable to the grant award in proportion to the benefits received by the grant award as a result of the cost).

47. After distributing SSAE funds by formula, can an SEA open a competitive grant with any formula funds for which LEAs did not apply?

Yes, as long as that competition is consistent with the requirements of the 2017 Consolidated Appropriations Act requirements. The SEA may also consider re-running its formula and distributing the additional funds to LEAs that applied for SSAE, in accordance with state and local practices for administering subgrants.

48. If an LEA REAP Flexes Title IV, Part A funds into another federal program, do the administrative cost limit and expenditure requirements still apply?

No, the administrative cost limits and expenditure requirements of Title IV-A do not apply if an SRSA-eligible LEA exercises the Alternative Fund Use Authority (ESEA sec. 5211) on its IV-A funds. Funds must be spent on allowable activities under the applicable programs listed in section 5211(a)(1). Please keep in mind, however, that costs must be reasonable and necessary under the Uniform Guidance at 2 CFR part 200, and that exercising AFUA does not relieve an LEA of its responsibility to provide for equitable services for private school students and teachers relative to the Title IV-A funds that the LEA receives.

49. Will these funds be subject to the Tydings Amendment?

Yes. See question 6 for additional detail about the length of fund availability.

50. What are the LEA carryover requirements for Title IV?

A. Consistent with the Tydings Amendment in section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)), in formula grant programs, a State and its subgrantees have a total of 27 months to obligate and expend funds awarded on July 1 of the Federal fiscal year in which the funds were appropriated. Fiscal year (FY) 2017 would be the first time that funds have been awarded under the SSAE program. Therefore, with respect to an allocation of FY 2017 SSAE funds, the potential for carryover would not exist until after the first 15 months of funding, i.e., not until October 1, 2018. The carryover year for any FY 2017 SSAE funds would be October 1, 2018 – September 30, 2019.

51. In the event an LEA does not participate, is an SEA allowed to redistribute the funds assigned to that LEA based on the formula to all other participating LEAs?

Yes.

52. The Statute says that allocations for Title IV-A are based on Title I-A allocations "received" by LEAs. If an SEA has an LEA who is ELIGIBLE for a Title IA allocation, but REFUSES (does not take) IA funds, is that LEA eligible for a Title IV-A allocation? (Does "received" in this context mean 'eligible' or 'physically took possession'?)

If an LEA did not receive (e.g. refused) an ESEA Title I, Part A allocation in the preceding year, it would not be eligible to receive an SSAE subgrant award.

Transferability and Alternative Use

53. Under LEAs transferring, does this mean the funds do not keep their identity for Title IV A? For example, does the special rule-15% for technology disappear when it is transferred to another Title?

Yes. Section 5103(e)(1) of the ESEA, as amended by ESSA, provides that funds transferred under this section are subject to each of the rules and requirements applicable to the funds under the provision to which the transferred funds are transferred.

54. Will LEAs be able to transfer funds to and from Title IV, Part A regardless of how an SEA chooses to administer SSAE program funding (i.e. formula vs. competitive)?

An LEA that receives a competitive SSAE subgrant may not transfer funds into or out of that award. The State and Local Transferability Act, currently codified in Title V, Part A of the ESEA, provides authority for States and LEAs to transfer funds allotted under certain ESEA formula grant programs; it does not authorize the transfer of awards made by competition. Such transfers would undermine the competitive award process by allowing a subgrantee to avoid implementing the activities in its "winning" application. In addition, an LEA may transfer funds only into a Title IV, Part A formula allocation and not into a competitive Title IV, Part A subgrant. Accordingly, if an LEA does not receive a formula Title IV, Part A allocation, it may not transfer Title II funds to Title IV, Part A, under the transferability provisions in section 5103(b).

55. Can you provide the statutory reference that supports the statement that LEAs who receive a Title II-A allocation but not a Title IV-A allocation can't transfer their Title II-A money into Title IV-A?

The reference is ESEA section 5103(b)(1), which indicates that an LEA may transfer certain authorized program funds to an "allotment" under another authorized program. If an LEA does not receive an "allotment" under Title IV-A it cannot transfer Title II-A funds into it.

56. Will Title IV-A operate in the same way as Title I-A in distributing the funds to private schools off the top? Will the LEAs be allowed to keep Title IV-A as carryover under the same circumstances as Title I, Part A?

Private Schools: SEAs and LEAs must comply with sections 8501-8504 of the ESEA, as amended by ESSA, regarding equitable participation of private school students.
Carryover: Consistent with the Tydings Amendment in section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)), in formula grant programs, a State and its subgrantees have a total of 27 months to obligate and expend funds awarded on July 1 of the Federal fiscal year in which the funds were appropriated. Fiscal year (FY) 2017 would be the first time that funds have been awarded under the SSAE program. Therefore, with respect to an allocation of FY 2017 SSAE funds, the potential for carryover would not exist until after the first 15 months of funding, i.e., not until October 1, 2018. The carryover year for any FY 2017 SSAE funds would be October 1, 2018 – September 30, 2019.

57. Can Title IV-A funds allocated to an LEA by formula be transferred to another Title grant?

Yes. Updated Programs to which an LEA May Transfer its SSAE Funds:

- Title I, Part A – Improving basic programs operated by LEAs
- Title I, Part C – Education of migratory children
- Title I, Part D – Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk
- Title II, Part A – Supporting effective instruction state grants
- Title III, Part A – State grants for English language acquisition and language enhancement
- Title V, Part B – Rural education (ESEA section 5103(b))

52. A private school has been informed that it has been allocated $5K in Title IV services as part of its equitable share, while the LEA has been allocated $15K. The private school arrives at the consultation section enthused about being able to use the $5K for a music intervention program. Upon attending the consultation, the public school informs the private school that it intends to transfer $10K out of the Title IV allocation and into Title I which reduces the equitable share of the Title IV equitable share. The private school still wants $5k worth of services under Title IV and the LEA wants to honor this. Can the LEA do so by noting in the application that the LEA transferred funds out of Title IV but the original $5K for the Private school will still be available for the private school based on the original allocation?

LEAs must engage in timely and meaningful consultation before transferring funds out of Title IV, Part A. Please review the Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (available here:

https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf and pasted below).

Excluding Title I, Part D and Title V, Part B, each program covered by the transferability authority is subject to the equitable services requirements under Title I or VIII, which may not be waived (ESEA section 8401(c)(5)). Before an SEA or LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with appropriate private school officials (ESEA section 5103(e)(2)). With respect to the transferred funds, the SEA or LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer. *The final decision about whether to transfer funds remains with the LEA.*

53. If an LEA is awarded an IV-A grant in a competitive manner, how will equitable participation be handled?

In order to ensure timely consultation for competitive grants, LEAs should begin the consultation process early enough in the decision-making process to allow for participation of private school students and teachers. Therefore, the LEA should engage in a process of timely and meaningful consultation with private school officials and provide them with information related to the projected and/or final funding amounts for programs and services, including on the process the LEA will use in preparing its competitive grant application. The LEA should also develop a process for determining mutual expectations for implementation and assessment of programs. For more information on equitable services please see the ESSA Fiscal Non-Regulatory Guidance: https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf and the previously existing non-regulatory guidance document "Title IX, Part E Uniform Provisions, Subpart 1—Private Schools" [available at: http://www2.ed.gov/policy/elsec/guid/equitableserguidance.doc], which remains applicable except as otherwise provided in the ESSA Fiscal Non-Regulatory Guidance.

54. The Title IV-A non-regulatory guidance does not provide a formula for calculating equitable services to non-public schools under Title IV.

The non-regulatory guidance does not provide a formula, because there is no "formula" for determining equitable services. However, the guidance does contain information about how to calculate. For more information on equitable services please see the ESSA Fiscal Non-Regulatory Guidance: https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf and the previously existing non-regulatory guidance document "Title IX, Part E Uniform Provisions, Subpart 1—Private Schools" [available at: http://www2.ed.gov/policy/elsec/guid/equitableserguidance.doc], which remains applicable except as otherwise provided in the ESSA Fiscal Non-Regulatory Guidance.