How Traditional U.S. Department of Education Grants Can Help Sustain ESSER Activities

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Federal Education Group, PLLC

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Introduction

- New brief in partnership with the Coalition to Advance Future Student Success: *How Traditional U.S. Department of Education Grants Can Help Sustain ESSER Activities.*

- The brief highlights allowable, but atypical, uses of traditional U.S. Department of Education (ED) grants to support conversations about how those grants might help to sustain Elementary and Secondary School Emergency Relief (ESSER) fund investments.

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Introduction (cont.)

- The brief focuses on district spending because districts receive the bulk of traditional ED grant funds.

- There are many rules and requirements that apply to ED grants that are not addressed in this presentation or in the brief. Whether a particular cost can be charged to a particular program depends on the facts and circumstances.

Topics

- General things to know about traditional ED grant spending:
  - Complex administrative structure.
  - Spending is fact specific.

- Overview and sustainability potential for:
  - Title I, Part A.
  - Title II, Part A.
  - IDEA, Part B.

Framing

- Traditional ED grants can help to sustain effective ESSER-funded initiatives, but there are three challenges:

  1. Traditional ED grants are smaller in funding and often narrower in scope than ESSER.

  2. Traditional ED grants are already paying for things, so transitioning spending may mean defunding existing staff and services.

  3. Traditional ED grant spending options are not always well understood. (Today's focus.)

Framing (cont.)

- Today's presentation and the accompanying brief focus on Title I, Part A; Title II, Part A; and IDEA, Part B because:
  - They are ED's biggest programs in terms of funding.
  - They tend to be the ones spent most narrowly.

- Other programs can also help to sustain ESSER activities, such as:
  - Title IV, Part A.
  - 21st Century Community Learning Centers.
  - Carl D. Perkins.

General Things to Know About Traditional ED Grant Spending

Complex Administrative Structure

- Traditional ED grants are subject to many rules from many sources:
  - Program statute.
  - Program regulations (only for some programs).
  - Office of Management and Budget (OMB) regulations known as the Uniform Grant Guidance (UGG).
  - ED administrative statutes (General Education Provisions Act (GEPA)) and regulations (Education Department General Administrative Regulations (EDGAR)).
  - ED guidance.
  - State rules for grant implementation.

- In practice, this makes it hard to discern what is allowable.

State Role in Administrative Structure

- States are responsible for taking the steps they deem necessary to ensure compliance with the federal rules that apply to ED grants.

- There are opportunities for states to design grant oversight systems in ways that support effective spending. For more see [here](#).

Effects of Complex Administrative Structure on Spending

- Local ED grant spending is highly influenced by state policy and practice.
  - Accordingly, spending varies widely around the country. Spending that is "easy" for districts in one state might be difficult in another.

- Compliance concerns, such as monitoring/audit findings, are also major spending drivers.
  - Even if allowed by the state, districts are often hesitant to spend on nontraditional costs because of audit fears (see this research and this 2018 ED study of Title I).
  - The right to challenge audit findings is not well understood, nor is the poor quality of many audits (as highlighted in federal government reports and by ED).

Key Point About Traditional ED Grant Spending: Spending is Fact Specific

- There are many factors that affect whether any particular cost can be charged to any particular ED grant including:

  - Whether the cost is necessary and reasonable in the circumstances.

  - Who benefits from the cost and whether all beneficiaries are eligible.

  - Whether districts satisfy certain fiscal tests (such as supplement not supplant).

  - Whether grant management systems are capable of accounting for and documenting the cost consistent with federal requirements (some costs have more complicated documentation rules than others) and more.

Title I, Part A Spending Options

Title I, Part A Overview

- The Title I, Part A program provides extra money to districts and schools affected by poverty to support students who struggle to meet state academic standards.
  - In other words, while the money is distributed (in part) based on poverty, it is used to serve academically at-risk students.

- While the distribution of Title I funds to districts and schools takes poverty into account, there are other factors that affect funding, so:
  - Not all schools that are eligible for Title I funding receive funds.
  - Lower poverty schools are sometimes served over higher poverty schools.
  - Schools with relatively low poverty may qualify for and receive Title I funds.

Title I, Part A Spending: Generally

- Title I can support a wide range of activities to help Title I students meet state academic standards:
  - Providing eligible students with a well-rounded education.
  - Instructional supports.
  - Non-instructional supports such as behavior and mentoring supports, and social and emotional learning.
  - Improving school quality.

- Historically, Title I has been used narrowly for discrete instructional supports primarily focused on reading and math.

Title I, Part A Spending: Role of Program Design

- Districts keep some Title I, Part A funds to carry out certain activities, which includes the option to reserve funds for district-run Title I initiatives.

- Districts then distribute the rest to Title I schools based on poverty.

- Schools use the Title I funds to operate either a:
  - Schoolwide program (which can implement comprehensive strategies to upgrade the entire educational program of the school), **or**
  - Targeted assistance program (which targets services to specific students).

Title I, Part A: Sustainability Examples

- Initiatives to strengthen academic programs, increase the amount and quality of learning time and enrich and accelerate curricula.
- Expanded course offerings for Title I students as part of a well-rounded education, which could include science, physical education, career and technical education and arts and music programs, among many other subjects.
- Tutoring to support students in meeting state academic standards.
- Counseling, school-based mental health programs, specialized instructional support services, mentoring services and other strategies to improve Title I students' nonacademic skills.
- Behavior supports and interventions for Title I students.
- Relevant professional development for educators who teach Title I students.
- Training and supporting principals of Title I schools.

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Title II, Part A Spending Options

Title II, Part A Overview

- Goal is to support teacher and principal quality to drive student achievement.

- Districts must prioritize funds for low-performing high-poverty schools.
  - Unlike Title I, districts do not have to earmark Title II funds for individual schools.
  - This means, for example, a district could use Title II funds for a whole district activity, as long as the district considers the needs of its low-performing, high-poverty schools when planning its activities.

- Historically, Title II has been used for professional development activities.

Title II, Part A: Sustainability Examples

- Class size reduction activities.
- Recruiting, hiring and retaining effective teachers.
- Induction and mentoring programs for new educators.
- Recruiting qualified individuals from other fields to become teachers, principals or other school leaders.
- Residency programs for teachers and school leaders that meet certain requirements.
- Providing financial support to recruitment programs within the community to improve hiring and retention of a diverse workforce.
- Career advancement opportunities for current staff members, such as paraprofessionals, to gain the credentials to become classroom instructors.
- Partnering with teacher preparation providers, including local community colleges, Institutions of Higher Education, Minority Serving Institutions and alternative route providers, to build a pipeline of diverse candidates.

IDEA, Part B
Spending Options

IDEA, Part B Overview

- Districts can use IDEA, Part B funds to pay for special education and related services.
  - Special education means adapting instruction to meet the unique needs of students with disabilities. *(This is often construed narrowly, and districts have many more service options than they or their states often realize.)*
  - Related services are transportation and other support services to help students with disabilities benefit from special education.

- Districts also have the option to reserve funds for early intervening services to support struggling *general* education students.

IDEA, Part B: Sustainability Examples
Continuing to Identify and Support Students with Disabilities

- Innovative and expanded strategies to identify, locate and evaluate students who may need special education and related services (Child Find). This can include a broad range of outreach and assessment activities such as:
  - New or expanded partnerships with outside entities (such as housing agencies, mental health providers, etc.).
  - Increased use of social media.
  - The purchase of curriculum-based screening materials to help identify students who might need special education and related services as part of a multi-tiered systems of supports for all students.
- Eliminating evaluation backlogs.

IDEA, Part B: Sustainability Examples
Continuing to Identify and Support Students with Disabilities

- Addressing lost instructional time to make up for pandemic-related disruptions, which can include a wide range of services in a wide variety of settings as determined by a student's Individualized Education Program (IEP) team.

- Extended school-year services, which can be incorporated into summer or other out-of-school time programs.

- Positive behavioral supports and mental health services.

- Technology supports.

- Transition programs, which can include a wide range of educational opportunities, credentials and employment strategies, and can coordinate with initiatives funded by other federal programs, such as Vocational Rehabilitation State Grants and Carl D. Perkins.

- Hiring personnel to provide special education and related services, including efforts to support existing personnel (such as general education teachers) in obtaining certifications necessary to provide special education and related services.

IDEA, Part B: Sustainability Examples
Comprehensive Approaches

- Increasing access to high-quality teachers, including paying teachers to participate in high-quality special education certification programs, professional development for general education teachers on how to support students with disabilities and induction and mentoring programs for special education teachers.

- Implementing Universal Design for Learning approaches.

- Providing special education and related services to students with disabilities as part of a response to intervention/multi-tiered system of support.

- Implementing comprehensive literacy and mathematics programs, in coordination with other funds, including literacy and math interventions.

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