



## Student Support and Academic Enrichment (SSAE) Program

### Title IV, Part A of the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA)

#### Questions & Answers

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In early 2017, the U.S. Department of Education’s (hereafter, “ED” or “the Department”) Office of Safe and Healthy Students (OSHS) hosted a [series of webinars](#) on the U.S. Department of Education’s recently issued “Non-Regulatory Guidance 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 provisions of the new SSAE grant program based on the guidance, including the role of the State educational agencies (SEAs), local application requirements, implementing effective SSAE program activities, and allowable activities.

During the sessions, the 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. For more information or to ask additional questions, please email [OESE.OSHS.Title.IV-A@ed.gov](mailto:OESE.OSHS.Title.IV-A@ed.gov).

Note: The questions and answers are organized into the following sections. If you have a particular question that you know falls within one of the sections, you can simply click on a link below to jump to that respective section within this document.

- [Role of State Educational Agencies \(SEAs\)](#)
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## Role of State Educational Agencies (SEAs)

- 1. May an SEA use funds reserved under section 4104(a)(3) for State activities to increase local education agency (LEA) capacity to support a “well-rounded education?”**

Yes. Consistent with ESEA section 4104(b), States may use the State set-aside funds to monitor, provide training, technical assistance, capacity building to, and provide support for programs and activities to LEAs for a variety of activities, including those that offer well-rounded educational experiences to all students, as described in ESEA section 4107.

- 2. Please confirm that SEAs must allocate at least 95% of funds to LEAs, but that LEAs do not have a requirement to allocate funds to schools directly, though there is a list of schools to be prioritized for support by these funds.**

Under Title IV, Part A, SEAs must allocate at least 95% of funds to LEAs<sup>1</sup>. Consistent with ESEA section 4106(e)(2)(A), an LEA must prioritize the distribution of funds to schools (as described in the LEA or Consortium Assurances section in the SSAE non-regulatory guidance), and must implement the SSAE program consistent with all relevant statutory requirements. In prioritizing the distribution of funds, an LEA that provides district-wide services with the SSAE program funds must focus those services on schools that are prioritized pursuant to ESEA section 4106(e)(2)(A).

- 3. If 95% of the SEA allocation must go to LEAs and up to 1% may be reserved for administrative costs, what is the remainder used for?**

SEAs must reserve not less than 95 percent for allocations to eligible LEAs, and must not reserve more than one percent for SEA administrative costs. Of the amount remaining, SEAs may use the funds available for a range of State activities described in ESEA section 4104(b).

- 4. If the State’s allocation has to be dramatically reduced due to current budget proposals that don’t fully fund Title IV, Part A, does that justify the State allowing school districts to accept an award of less than \$10,000?**

There is no necessity for a State to “allow” an LEA to accept an award of less than \$10,000. If the SEA does not have sufficient funds to make allocations to any and all of its LEAs in an amount equal to the minimum of \$10,000, it must ratably reduce the LEA allocations, as required by ESEA section 4105(b). This means that the SEA must reduce all LEA allocations proportionately to fit the funds that the SEA has

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<sup>1</sup> Throughout this document, when the term “LEA” is used, it includes a singular LEA or a consortium of LEAs, as SSAE subgrants may be made to LEAs or consortia of LEAs. (ESEA section 4105(a)(3)).

available for LEA allocations. Ratable reduction ensures that all of the LEAs will receive allocations of some amount.

## **Local Application Requirements**

- 5. If a school district is set to receive below \$10,000 in Title IV, Part A funds, which is the minimum amount required to accept an award, can that school district transfer its Title IV, Part A funds to another Title? For instance, if a school district is set to receive \$8,000 in Title IV, Part A funds, may it simply transfer that \$8,000 to Title I?**

First, we would like to clarify that there is no “minimum amount required to accept an award” under Title IV, Part A.

With respect to whether a school district may transfer a Title IV, Part A subgrant that is less than \$10,000, the answer is yes, consistent with the transferability provisions in ESEA section 5103(b), as explained in the transferability guidance available at <http://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.

- 6. Will LEAs have some sense of how much funding they will receive before they apply, so they know whether to complete a needs assessment prior to receiving their allocations?**

Only LEAs that receive allocations of at least \$30,000 are required to conduct a needs assessment. Depending upon the timing of the Federal appropriation, an LEA, at the time of application, may or may not know the allocation for which it is eligible. While awaiting funding levels, LEAs may want to consider strategies and information that will inform their decisions on how to use their SSAE allocation once the levels are known.

- 7. If an LEA is part of a consortium that receives \$30,000 or more, do all of the LEAs in the consortium have to conduct a needs assessment?**

If an LEA is part of a consortium, and the consortium receives \$30,000 or more, the consortium must do a needs assessment of all the LEAs proposed to be served. ESEA section 4106(d)(1).

- 8. Is there a template for the comprehensive needs assessment required of LEAs?**

ED does not provide or require a specific template for the comprehensive needs assessment required of LEAs that receive an allocation of at least \$30,000. However, SEAs may require specific needs assessment criteria for LEAs to address, consistent with the statutory requirements in section 4106(d) of the ESEA.

**9. Will the Department provide examples of comprehensive needs assessment tools that may be used?**

In the SSAE guidance, the Department has provided examples of resources and tools that may be considered.

<https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>

**10. In regard to the discussion of an LEA consulting with stakeholders in developing its Title IV, Part A application, please clarify what is meant by “in areas these agencies serve.” Does this mean within the district boundaries?**

Section 4106(c)(1) of the ESEA provides that during the design and development of its application, an LEA or consortium of LEAs must engage in consultation with certain stakeholders. Specifically, LEAs or consortia of LEAs must develop their SSAE applications through “consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet the [purposes of the SSAE program].” Section 4106(c)(1) of the ESEA. Typically these stakeholders will be in the geographical area served by the school district; however, it is possible that some stakeholders will be located outside of the district boundaries. Apart from the specific list of entities provided in the statute, LEAs or consortia of LEAs may consult with any other stakeholders provided they have relevant and demonstrated expertise in programs and activities designed to meet the purpose of the SSAE program.

Note that this process is different from the consultation required for purposes of the equitable participation requirement in ESEA section 8501(c).

**11. Does an LEA’s required consultation with a stakeholder/partner in development of its SSAE application constitute a contracted service relationship?**

If an LEA consults with a stakeholder or partner to provide feedback with respect to its SSAE application in accordance with the consultation requirements of section 4106(c), the stakeholder or partner is not in a contracted service relationship simply by virtue of that consultation. However, if the LEA procures services from the stakeholder or partner using SSAE funds, whether for consultation or other purposes, the LEA’s procurement of those services must comply with the requirements in the Uniform Guidance at 2 CFR §§ 200.318 – 200.326. For example, if an IHE is a stakeholder or partner with which the LEA is consulting concerning its SSAE application, and if the LEA is also procuring professional

development services from that IHE with SSAE funds, the IHE is also a vendor, and the LEA's procurement of services from the IHE must comply with 2 CFR §§ 200.318 – 200.326.

**12. What groups must LEA stakeholder engagement activities include?**

Stakeholder engagements must include, but are not limited to, parents; teachers; principals; students; school leaders; charter school teachers, principals, and other school leaders, when applicable; Indian tribes or tribal organizations, when applicable; specialized instructional support personnel; local government representatives; community-based organizations; and others with relevant and demonstrated expertise. ESEA section 4106(c)(1).

**13. Please provide clarification around the consortium process for districts receiving Title IV, Part A funds?**

LEAs may consider applying for funds in a consortium, as authorized under section 4105(a)(3), to implement programs across districts. Working together, LEAs may be able to more efficiently deliver services through economies of scale that enable them to serve more students at lower cost and reduce administrative overhead. Section 4105(a)(1) requires that the State make allocations to its LEAs based on each LEA's share of funds under Title I, Part A of the ESEA. Under section 4105(a)(3), LEAs that form consortia may combine the allocation that each LEA in the consortium receives to jointly carry out allowable activities. Accordingly, the funding for a consortium is the sum of the allocations of its member LEAs.

LEAs that are applying for funds in a consortium with one or more surrounding LEAs must submit a single application to the SEA. (ESEA section 4106(b)). During the design and development of its application, the consortium of LEAs must engage in consultation with stakeholders in the area served by the LEAs. (ESEA section 4106(c)(1)).

The consortium of LEAs must continue to consult with the stakeholders identified in the statute to improve the activities it conducts and coordinate implementation with other related activities conducted in the community. (ESEA section 4106(c)(2)).

The application assurances regarding use of funds apply to the consortium as a whole, i.e. each LEA in a consortium is not required to meet the expenditure requirements individually with respect to its allocation. Thus, a consortium may, for example, spend less than 20 percent of a single member LEA's allocation of SSAE program funds for activities to support well-rounded educational opportunities in that LEA, provided the consortium spends at least 20 percent of its aggregate funds for those activities.

**14. If an LEA is interested in making an application for Student Support and Academic Enrichment (SSAE) Grants to its SEA, when is the due date for the application?**

Once the SSAE program is funded, States will begin implementing the program and will develop applications for LEAs that wish to receive SSAE funds. SEAs will also set the application deadlines.

**15. Will LEAs apply to the State or to the Department?**

Consistent with ESEA section 4106, LEA applications for SSAE grant program funds are submitted to the SEA, not to ED. ED makes SSAE grants to the States by formula.

**16. Is an individual LEA that receives an allocation of less than \$30,000 of SSAE program funds required to use a certain percentage of funds for each of the three content areas?**

No. ESEA section 4106(f) allows an individual LEA receiving an allocation of less than \$30,000 to use funds for only one (or more) of the three content areas in the SSAE program. NOTE: This section affects the number of application assurances required. Such LEAs must only provide an assurance that they will either use not less than 20 percent of SSAE funds for well-rounded education, use not less than 20 percent of SSAE funds for safe and healthy students, or use a portion of SSAE funds to support the effective use of technology consistent with section 4106(f).

**17. Where do we find the LEA application?**

Each SEA will provide its LEAs with the application it will use to distribute SSAE funds to eligible LEAs.

**18. What are the timelines to set up consortia?**

The timelines for setting up consortia will be determined by the SEA's timeframe for implementing the SSAE program.

**19. Does a consortium have to be made up of LEAs that are contiguous?**

No. Section 4105(a)(3) of the ESEA provides that LEAs in a State may form a consortium with other "*surrounding*" (emphasis added) LEAs. The statute does not require LEAs making up a consortium to be contiguous.

## Allowable Activities

### **20. How will state education agencies (SEAs) determine whether proposed activities in local educational agency (LEA) applications are allowable under the SSAE (Elementary and Secondary Education Act [ESEA] Title IV, Part A) program?**

LEAs will submit applications to SEAs. What LEAs propose as activities will be informed by the comprehensive needs assessment (required for LEAs with an allocation of at least \$30,000), stakeholder engagement, and prioritization of schools. The SEA's determination of allowability of SSAE funds will depend on a number of factors, starting with whether all statutory requirements are met. Generally, in reviewing an LEA's application, an SEA will first consider whether a proposed activity is consistent with the purposes of at least one of the three content areas in the SSAE program (well-rounded education in section 4107, safe and healthy students in section 4108, or the effective use of technology in section 4109). 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. Finally, SEAs must check to ensure that the activity is not one of the prohibited activities in section 4001(b) or 8526 of the ESEA, as amended by the Every Student Succeeds Act (ESSA).

### **21. May LEAs use SSAE program funds to pay tuition costs for a local community college course entitled College Success Skills that our High School seniors take, but have to pay for themselves?**

Yes, if the SEA determines it is an allowable activity consistent with the process and considerations described in the answer to question 20.

### **22. May activities supported with SSAE funds take place during out-of-school time?**

Yes, if the SEA determines that they are allowable activities consistent with the process and considerations described in the answer to question 20.

**23. May SSAE program funds be used for costs associated with training for safety and security staff?**

Yes, if the SEA determines it is an allowable activity consistent with the process and considerations described in the answer to question 20.

**24. May Title IV, Part A funds be used for coordinator salaries for programs like positive behavior intervention and supports (PBIS) and Youth Mental Health First Aid and Mental Health programming?**

Yes, if the SEA determines it is an allowable activity consistent with the process and considerations described in question 20.

**25. Are the purchase of a license to a schoolwide student information system (e.g. SWIS) and the associated training allowable under the effective use of technology content area of the SSAE program?**

Yes, if the SEA determines it is an allowable activity consistent with the process and considerations described in question 20.

**26. Are the programs and services funded under the SSAE program for students only?**

No, the ESEA Title IV, Part A statute references as an example of allowable activities teacher professional development in several areas, as well as training for school personnel, including specialized instructional support personnel in other areas. It also references providing educators, school leaders, and administrators with professional learning tools, devices, content and resources related to educational technology.

**27. Is physical education an allowable activity under the “Safe and Healthy Students” section or the “Well-Rounded Educational Opportunities” section?**

There may be certain activities an LEA wishes to fund that could fit into more than one of the SSAE program content areas and could be used to address the application assurances regarding use of funds in each area. Physical education activities are such an example, as they could fit under both the “safe and healthy students” content area and the “well-rounded educational opportunities” content area. If an LEA proposes an activity that falls into more than one content area, it should explain in its application to the SEA how the activity fits in more than one content area. The SEA will ultimately approve or disapprove the activity through its application approval process consistent with relevant statutory application requirements including the process and considerations described in question 20.

## **28. How may we use SSAE program funds for school athletic programs?**

Pursuant to section 4107, funds may be used to support a well-rounded education; physical education is included in the ESEA definition of “well-rounded education” in section 8101(52). Accordingly, funds may be used under section 4107 for school athletic programs, subject to the general answer with regard to allowability in the answer to question 25. In addition, section 4108 allows SSAE program funds to be used for programs or activities that integrate health and safety practices into school or athletic programs, and allows for funds to be used to support programs and activities that support a healthy, active lifestyle. Similarly, subject to the considerations regarding allowability, SSAE funds could be used under section 4108 for school athletic programs.

## **29. What health services are part of the SSAE program?**

Sec. 4108 specifically allows SSAE funds to be used for programs that support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities, and programs that may address chronic disease management. Please note that ESEA funds may not be used: 1) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; 2) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or 3) to operate a program of contraception distribution in schools. (ESEA sections 8526(3), (5), and (6)).

In addition, SSAE funds may not be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs. (ESEA section 4001(b)).

## **30. Can Title IV, Part A and Title II funds be braided to provide ongoing professional development to help educators learn how to use technology to increase the engagement of English Learner (EL) students? Can students and parents participate in the training with the teachers as they learn together as a community of learners?**

SSAE program funds may be used together with other program funds—i.e., braided—to support professional development for educators to learn how to better use technology to increase the engagement of EL students. Each program’s funds would maintain their identity, and the LEA would need to meet all applicable requirements for each program. Students and parents could participate in this training as long as any associated costs are “necessary and reasonable,” in keeping with applicable cost principles and the process and considerations described in question 20.

**31. Must schools receive E-rate funds in order to purchase computers using SSAE funds?**

No. Section 4121 of the ESEA provides that SSAE funds may not be used to purchase computers used to access the Internet or to pay direct costs associated with accessing the Internet for schools that do not receive E-rate funds, unless the LEA has certified that those schools have an Internet safety policy in place that meets the requirements of section 4121.

**32. Is the purchase of educational resources and materials allowable with Title IV, Part A funds if this purchase is part of the LEA's needs assessment/plan to use Title IV, Part A funds?**

Yes, if the SEA determines it is an allowable activity consistent with the process and considerations described in the answer to question 20.

## **Miscellaneous**

**33. How much money is authorized for the SSAE program?**

The Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, authorizes \$1.65 billion for the SSAE program in FY 2017 and \$1.6 billion for each of fiscal years 2018 through 2020. However, the actual level of funding, if any, is determined through the annual Congressional appropriations process.

**34. What amount was appropriated for Title IV, Part A in FY 2016?**

Title IV, Part A is a new program, so it has not been previously funded. In FY 2017 Congress appropriated \$400 million for Title IV, Part A.

**35. Are SEAs and LEAs able to transfer funds into and from Title IV, Part A? If so, to and from which other Titles?**

There are different rules for SEAs and LEAs related to transferring funds into and from Title IV, Part A.

An SEA may transfer funds allocated for State-level activities to Title IV, Part A **from**: Title II, Part A (Supporting effective instruction state grants); and Title IV, Part B (21st Century Community Learning Centers). (ESEA section 5103(a)(1)).

An SEA may transfer Title IV, Part A funds allocated for State-level activities **to**:

- 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 IV, Part B – 21st Century Community Learning Centers; and
- Title V, Part B – Rural education (ESEA section 5103(a))

An LEA may transfer funds to Title IV, Part A **from** Title II, Part A (Supporting effective instruction state grants).

An LEA may transfer Title IV, Part A funds **to**:

- 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; and
- Title V, Part B – Rural education (ESEA section 5103(b))

Please see the Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), available at: <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>

**36. Given that Title IV, Part A funds are based on a Title I, Part A formula, would only districts receiving Title I, Part A funds be eligible for Title IV, Part A funds? Or are all school districts eligible?**

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)).

**37. Can LEAs consolidate (commingle) these funds with other Federal, State and local funds?**

In general, LEAs must follow standards for financial management of Federal funds in 2 CFR 200.302, i.e., financial management systems must identify funds by Catalog of Federal Domestic Assistance (CFDA) number and permit tracing of funds to a

level of expenditure adequate to establish the funds were used in compliance with the award (2 CFR 200.302(b)). This means that LEAs must keep Federal funds, including Title IV, Part A funds, separate from other funds to allow appropriate tracing. However, a school operating a schoolwide program under Title I, Part A of the ESEA may consolidate Federal, State, and local education funds to better address the needs of students in the school. (ESEA section 1114(a)(1), (3)). In that instance, the funds lose their individual program identity and may be used to support any activity of the schoolwide program identified by the school's needs assessment and articulated in its comprehensive plan. If a school consolidates and uses funds from another Federal education program administered by the Secretary in a schoolwide program, it is not required to meet most statutory and regulatory requirements of the program, but must be able to demonstrate that its schoolwide program meets the intent and purposes of each program whose funds are consolidated. Therefore, Title IV, Part A funds may be consolidated with other Federal, State, and local education funds in a schoolwide program and would not have to be tracked for specific compliance with the requirements of Title IV, Part A. However, the school would have to show that its schoolwide program meets the intent and purposes of Title IV, Part A. For more information about schoolwide programs please see the non-regulatory guidance at: <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>

The following guidance documents contain additional information on consolidation of funds that may be useful for schools operating schoolwide programs:

Title I Fiscal Issues, pp. 49-63 (Feb. 2008) (available at <http://www2.ed.gov/programs/titleiparta/fiscalguid.pdf>) (provides information on consolidating funds in a schoolwide program).

Notice Authorizing Schoolwide Programs to Consolidate Federal Education Funds and Exempting Them From Complying With Statutory or Regulatory Provisions of Those Programs, 69 FR 40360-64 (July 2, 2004) (available at [www.gpo.gov/fdsys/pkg/FR-2004-07-02/pdf/04-15121.pdf](http://www.gpo.gov/fdsys/pkg/FR-2004-07-02/pdf/04-15121.pdf)) (provides information regarding what Federal education programs may be consolidated in a schoolwide program and how a school can ensure that it meets the intent and purposes of the Federal programs included in the consolidated schoolwide program).

### **38. What are the carry-over requirements for Title IV, Part 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.

**39. What is the definition of “persistently dangerous” schools?**

Each State is responsible for determining what constitutes a “persistently dangerous” school. Section 8532(a) of the ESEA provides that each State receiving ESEA funding shall establish and implement a statewide Unsafe School Choice Policy. The SEA, in consultation with a representative sample of LEAs, is responsible for creating a definition of persistently dangerous schools in the State, and then for establishing and implementing its policy.

**40. If a school is identified as “persistently dangerous” by the State’s policy pursuant to section 8532 of the ESEA, but the school does not intend to use Title IV, Part A funds to address this issue, must the LEA consider that factor?**

Consistent with ESEA section 4106(e)(2)(A), an LEA or consortium must provide an assurance in its application that it will prioritize the distribution of funds to schools with one or more of the following characteristics: (i) are among those with the greatest needs, as determined by the LEA, (ii) have the highest numbers of students from low-income families, (iii) are identified for comprehensive support and improvement under Title I, Part A of the ESEA; (iv) are implementing targeted support and improvement plans under Title I, Part A of the ESEA; or (v) are identified as a persistently dangerous public school under section 8532 of the ESEA. Accordingly, the LEA may choose to, but is not required to, prioritize schools that are identified as persistently dangerous under ESEA section 8532.

**41. The guidance mentions equitable services for Title IV, Part A. It does not seem to provide guidance on how to calculate equitable share for Title IV, Part A, Student Support and Academic Enrichment Grants. If it is subject to equitable share, can you let us know how it is calculated?**

SEAs and LEAs are required to provide equitable services for private school students and teachers under Title IV, Part A. Title VIII, Part F (sections 8501-8504) of the ESEA, as amended by the ESSA, governs equitable services for SSAE.

Although the new Title IV, Part A non-regulatory guidance (<https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>) does not specifically address how to calculate funding for equitable services, page 13 of the guidance does include a cross-reference to ED’s 2009 non-regulatory guidance governing equitable services under Title IX of the ESEA, as amended by the No Child Left Behind Act (NCLB) (<http://www2.ed.gov/policy/elsec/guid/equitableservguidance.doc>). With some exceptions, this guidance continues to apply because many of the requirements under Title VIII of the ESEA, as amended by the ESSA, including those governing expenditures for equitable services, remain unchanged from requirements under Title IX of the ESEA, as amended by NCLB. (Please note that information on new or changed equitable services requirements affecting the 2009 guidance is discussed in ED’s Fiscal Changes and Equitable Services Guidance

(<https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>) issued in November 2016.)

Consistent with equitable services requirements under NCLB, section 8501(a)(4) of the ESEA, as amended by the ESSA, requires that expenditures for equitable services be equal to expenditures for the public school program, taking into account the number and educational needs of the children to be served. As reflected in Section F of the Title IX equitable services guidance, many LEAs calculate equal expenditures based on relative enrollment of private and public school students; however, LEAs may consider other factors in addition to enrollment. Specifically, the guidance provides as follows:

[A]n 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.

**42. How has funding historically been provided to SEAs or LEAs to support advanced placement test fees for low-income students?**

Under the ESEA as amended by the No Child Left Behind Act, the Advanced Placement Test Fee (APTF) program, Title I, Part G, provided grants to eligible SEAs to enable them to pay all or a portion of advanced placement test fees on behalf of eligible low-income students. Although the program was discretionary, the Department generally awarded grants to all SEA applicants that met the application requirements and demonstrated a need for such funds. Each SEA specified the procedures it would follow for distributing grant funds to LEAs in its grant application submitted to the Department. Only qualified low-income students, as defined by the program statute, were eligible to receive funds.

**43. Did the amendments to the ESEA by ESSA eliminate the APTF program?**

Yes. The APTF program is not an authorized program under the ESEA as amended by ESSA. With the elimination of the APTF program, a dedicated Federal funding stream specifically to cover the costs of accelerated learning examination fees for low-income students no longer exists. Question 44 below addresses the use of SSAE funds for these costs.

**44. What funding options are available for SEAs and LEAs to continue to support AP fee reductions for low-income students in the future?**

Under SSAE, two provisions address the reimbursement of accelerated examination fees for low-income students. First, under section 4107(a)(3)(D)(i), LEAs are authorized to reimburse low-income students to cover part or all of the costs of accelerated learning examination fees if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning examinations. In section 4104(b)(3)(A)(ii), SEAs are authorized to use State level SSAE funds to provide LEAs technical assistance or other support in the LEA's provision of reimbursement of accelerated test fees for low-income students. Therefore, the costs of examination fees under SSAE can be covered by the LEA, if this activity is identified in its approved application (see question 25 for more information on how SEAs will determine allowable costs under the SSAE program), as well as by the SEA, which can reserve a portion of State funds to cover the fees.

**45. SSAE program funds can be used to cover all or part of the fees for the Advanced Placement (AP), International Baccalaureate (IB) or other accelerated learning exams taken by low-income students in the 2016-17 school year - how is that possible when there are no 2016-17 funds?**

Under the special rule in section 4107(b) of the ESEA, an LEA may use FY 2017 funds to cover part or all of the fees for the AP, IB, or other accelerated learning examinations taken by low-income students in the 2016-2017 school year. For SEAs, section 4104(c) allows the use of FY 2017 funds not reserved for LEA subgrants or State administrative costs to reimburse the costs of accelerated learning examinations for low-income students in 2016-2017. Accordingly, SEAs and LEAs may use FY 2017 funds to cover these fees for both the 2016-17 and the 2017-18 school years.

**46. Can an individual school with an IB program apply directly for funding through this grant if it remains the same or similar next year?**

LEAs, not schools, are the eligible entities to apply for and receive subgrants from the SEA. An LEA must prioritize the distribution of funds to schools consistent with one or more of the factors in ESEA section 4106(e)(2)(A).

If an LEA or consortium of LEAs supports charter schools, the charter school teachers, principals, and other school leaders must be engaged during the design and implementation of its SSAE application.

**47. Are districts located in Empowerment Zones going to have an advantage in receiving these funds?**

No. LEA subgrants are awarded by statutory formula, and LEAs located in areas that were previously Federally-designated empowerment zones do not receive any advantage in applying for funds.

**48. How can Small Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) program funds be used for this grant?**

SRSA and RLIS funds may be used for activities under Title IV, Part A, among other things. See sections 5212(a) and 5222(a) of the ESEA for more information about allowable uses of SRSA and RLIS funds, respectively. No actual transfer of funds is necessary; the funds may simply be used for allowable SSAE purposes. SRSA-eligible grantees may also use their Title II, Part A funds for Title IV, Part A as a result of Rural Education Achievement Program (REAP) flex, provided that the LEA notifies its SEA of its intent to exercise its REAP Flex authority by the date established by the SEA. See section 5211 of the ESEA for more information about REAP Flex.

**49. When will music education grants under the Every Student Succeeds Act be made available for agencies to apply for?**

Under Title IV, Part A there is no specific “music education grant” from the Department or SEAs. Section 4107(a)(3)(B) of the ESEA, as amended by ESSA, authorizes an LEA or consortium of such agencies to use SSAE funds for “programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution.” The Department released on October 21, 2016, non-regulatory guidance to help States, districts and schools provide students with a more well-rounded education under Title IV, Part A, SSAE (available at <http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>).

The SSAE grant program focuses on safe and healthy students, and how technology can be integrated into schools to improve teaching and learning in addition to emphasizing access to a well-rounded education that includes a wide variety of disciplines – such as music, the arts, social studies, environmental education, computer science and civics. Through this guidance, the Department provides resources, tools and examples of innovative strategies to support the effective implementation of the SSAE grant program. Importantly, the guidance highlights that SSAE funds may not be sufficient to independently fund many of these innovative activities. This guidance discusses leveraging other State and local resources in combination with the SSAE grant funds to achieve the goals of SSAE programs and activities.