

ESSA Supplement Not Supplant, SW Accountability, and Utilizing Flexibility

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Schoolwide Accountability



Schoolwide Plans

ESSA Section 1114(b) Combines components and elements of prior requirements.

1. Developed during 1 year period (LEA can determine less time is needed);
2. Developed with involvement of parents and other members of the community (teachers, principals, school leaders, paraprofessionals, etc.);
3. **Remains in effect but shall be regularly monitored and revised as necessary based on student needs**;
4. Is available to the public in an understandable format and, to the extent practicable, in a language parents can understand;
5. Is developed in coordination with other Federal, State and local services, resources and programs;

Schoolwide Plans (cont.)

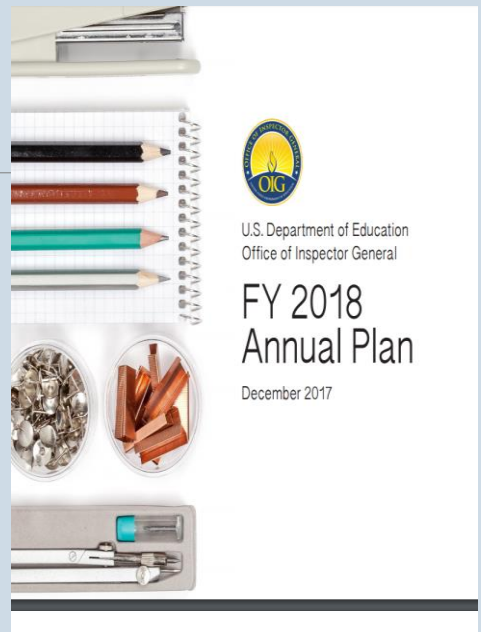
6. **Is based on a comprehensive needs assessment**; and
7. **Includes strategies that the school will be implementing to address school needs:**
 - Provide opportunities for all students (including each subgroup)
 - Use methods and instructional strategies to strengthen academic program, increase amount and quality of learning time, to provide well-rounded education
 - Address needs of all children, particularly the needs of at-risk students
 - Counseling, mental health
 - Postsecondary readiness
 - Tiered schoolwide system of support (coordinated with IDEA)
 - Professional development
 - Transition from preschool to elementary programs
 - Consolidated programs

OIG SW Accountability

New Priority Work: State and District Oversight of Schoolwide Programs

“Determine whether selected State and districts provided adequate oversight of schools operating schoolwide programs”

1. Providing guidance on conducting comprehensive needs assessments, developing schoolwide plans, and conducting annual evaluations.
2. Monitoring the implementation of schools' SW plans and adherence to all applicable requirements.



SW Accountability – New OIG Finding

September 28, 2017 – Idaho Department of Education (Oversight of Online Charter Schools)

SW Component: Implementation of additional support activities (intervention services) for students who experience difficulty attaining proficient or advanced levels of academic achievement.

The School's plan identified specific intervention that it would provide to at-risk students to increase academic achievement.

“We did not find sufficient documentation to support that [the school] provided the Title I intervention services required in its SW Plan.”

-Reviewed 32 student files (15 from 2011-2012 and 17 from 2012-2013)

“Could not confirm that any of these students received services”

- School could not provide sufficient docs to support it provided the services.

ESSA Funding Flexibility



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ESSA Student-Centered Funding Pilot (Sec. 1501)

- LEA-level pilot program (50 LEAs will be selected)
- Allows consolidation of certain Federal, State, and local funds
- LEAs will develop funding system that assigns weights to student groups based on level of need
- Must allocate more funding to ELs, low-income students, and other economically disadvantaged groups
- Initial flexibility available for 3 years, option for renewal
- No additional funding awarded, only flexibility

Application: <https://www2.ed.gov/policy/elsec/leg/essa/scfp/wsffapplication.docx>

FAQs: <https://www2.ed.gov/policy/elsec/leg/essa/scfp/faqs.pdf>

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Consolidating Funds



Federal funds available for consolidation:

- Title I, Part A
- Title I, Part C
- Title I, Part D, Subpart 2
- Title II
- Title III
- Title IV, Part A
- Title V, Part B

****Cannot include IDEA or Perkins funds**

LEA Flexibilities



- For participating LEAs, Secretary will waive all fiscal and program requirements related to using eligible Federal funds at the school level (with some exceptions)
- Do not need to identify individual services as supplementary or maintain separate fiscal accounting records
- May use consolidated funds without regard to meeting the specific requirements of each federal program
 - But must still meet purposes of each program

LEA Responsibilities

- Meet Title I fiscal requirements:
 - Maintenance of effort
 - Supplement, not supplant
 - Comparability of services
- Provide equitable services to private school students
- Meet LEA report card requirements
- Address disparities in teacher effectiveness and experience
- Ensure that schools identified for targeted or comprehensive support develop and implement support and improvement plans
- Meet requirements of all applicable federal civil rights laws

Application Process

LEAs apply directly to ED

- For implementation in SY 2018-2019: application due March 12th
 - Award notification in Spring 2018
- For SY 2019-2020: application due July 15th
 - Award notification in Fall 2018

Ranking and Serving

First: Rank Schools

- First rank schools exceeding 75% poverty
 - Strictly rank these schools by poverty rates without regard to grade span
- **May** then rank high schools w/50% or more poverty (*optional*)
- Then rank all other schools at or below 75% poverty
 - May rank these schools by grade span or by poverty rates

Then: Serve Schools

- **Must** serve (i.e. fund) schools strictly in order of rank!

Discretion on amount of Per Pupil Allocation (PPA)

- Provided the same/higher PPAs are in higher schools on ranked list

Ranking Options (Strict Percentage)

STANDARD RANKING BY STRICT PERCENTAGE

School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82
Lincoln Middle School	87%	90
Roosevelt ES	79%	40
Scott ES	74%	56
Washington High School	70%	160
Brown Charter ES	59%	119
Key Middle School	58%	47
Brennan High School	52%	92
Smith High School	49%	15

ESSA RANKING BY STRICT PERCENTAGE
(W/50% HIGH SCHOOL)

School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82
Lincoln Middle School	87%	90
Roosevelt ES	79%	40
Washington High School	70%	160
Brennan High School	52%	92
Scott ES	74%	56
Brown Charter ES	59%	119
Key Middle School	58%	47
Smith High School	49%	15

PPA Examples

Ranked by Grade Span, Only Serving Elementary Schools After 75%, Higher PPA in Higher Ranked Schools.

School	Poverty Rate	# Poverty Students	PPA	Allocation
Albemarle Elementary	92%	82	\$2,000	\$123,000
Lincoln Middle School	87%	90	\$1,500	\$135,000
Roosevelt Elementary	79%	40	\$1,500	\$60,000
Scott Elementary	74%	56	\$850	\$47,500
Brown Charter Elem	59%	119	\$850	\$101,150
Key Middle School	58%	350	n/a	\$0
Washington High School	70%	160	n/a	\$0
Smith High School	52%	100	n/a	\$0
Brennan High School	49%	92	n/a	\$0

PPA Examples

Included High Schools at or above 50% Poverty, Ranked by Grade Span, Only Serving Elementary Schools After 75%, Higher PPA in Higher Ranked Schools.

School	Poverty Rate	# Poverty Students	PPA	Allocation
Albemarle Elementary	92%	82	\$2,000	\$123,000
Lincoln Middle School	87%	90	\$1,500	\$135,000
Roosevelt Elementary	79%	40	\$1,000	\$40,000
Washington High School	70%	160	\$1,000	\$160,000
Smith High School	52%	100	\$900	\$90,000
Scott Elementary	74%	56	\$850	\$47,500
Brown Charter Elementary	59%	119	\$850	\$101,150
Key Middle School	58%	350	n/a	\$0
Brennan High School	49%	92	n/a	\$0

PPA Examples

Ranked by Grade Span, Focusing funds on highest poverty schools.

School	Poverty Rate	# Poverty Students	PPA	Allocation
Albemarle Elementary	92%	82	\$5,000	\$410,000
Lincoln Middle School	87%	90	\$5,000	\$450,000
Roosevelt Elementary	79%	40	\$5,000	\$200,000
Scott Elementary	74%	56	\$5,000	\$280,000
Brown Charter Elementary	59%	119	n/a	\$0
Key Middle School	58%	350	n/a	\$0
Washington High School	70%	160	n/a	\$0
Smith High School	52%	100	n/a	\$0
Brennan High School	49%	92	n/a	\$0

Skipping Schools in Rank and Serve

May Skip any school in the ranked list, but only if:

1. Comparability is met;
2. The skipped school receives supplemental State/local funds used in Title I-like program; and
3. The amount of the supplemental State/local funds meet or exceed amount would be received under Title I.

PPA Options

Ranked by Grade Span, Focusing funds on elementary schools, skipping Lincoln Middle School.

School	Poverty Rate	# Poverty Students	PPA	Allocation
Albemarle Elementary	92%	82	\$5,000	\$410,000
Lincoln Middle School	87%	90	\$5,000	\$450,000
Roosevelt Elementary	79%	40	\$5,000	\$200,000
Scott Elementary	74%	56	\$5,000	\$280,000
Brown Charter Elementary	59%	119	\$5,000	\$595,000
Key Middle School	58%	350	n/a	\$0
Washington High School	70%	160	n/a	\$0
Smith High School	52%	100	n/a	\$0
Brennan High School	49%	92	n/a	\$0

Title V – Transferability Sec. 5103

Now allows SEAs or LEAs to transfer all of their funds under:

- Title II, Part A (Professional Development),
- Title IV, Part A (Student Support), or
- Sec. 4204(c)(3) (Awards for Youth Development Programs – State only),

Between those provisions, and into (but not out of):

- Title I Part A (Academic Disadvantaged),
- Title, I, Part C (Migrant),
- Title I, Part D (Neglected and Delinquent),
- Title III, Part A (English Learners), or
- Title V, Part B (Rural Education).

Transferability Requirements

Before a transfer funds District must engage in timely and meaningful consultation with appropriate private school officials.

If you transfer into Title I, Part A, do you include the transferred amounts in the equitable services calculation?

- Conflicting guidance on this issue: Sec. 1117(a)(4) says equitable services calculated before any transfers. Sec. 5013 says follows rules under which program is transferred to. USDE Guidance says to include transferred amounts.
- **USDE SAYS YES!**

Consolidated Administration

The SEA/LEA may consolidate any amounts specifically made available to it for SEA/LEA administration under one or more of the ESSA programs. (ESSA Sections 8201 and 8203)

Uses of Funds: The SEA shall use funds for the administration of the programs included in the consolidation in addition to statutory allowable uses. Funds may also be used for (ESSA Section 8201(b)).

Types of School Improvement Funding

ESSA 1003(a) School Improvement

- Mandatory (7%)

ESSA 1003A (Direct Student Services)

- Optional (3%)

School Improvement Grant (SIG) Funds (NCLB 1003(g))

- Carryover from NCLB

School Improvement Funds (SIG FUNDS) NCLB 1003(g)

A State may, at its discretion, use any remaining SIG funds either:

1. Consistent with the SIG final requirements; or
2. Consistent with the requirements of section 1003 of the ESEA, as amended by the ESSA.

A State that decides to use some/all its SIG funds consistent with ESSA 1003 may permit an LEA that is currently implementing SIG to transition to the requirements of section 1003 with its remaining SIG funds.

- ED Letter, dated Jan 9, 2018

Supplement Not Supplant

Auditor's SNS Test: The Presumptions of Supplanting 2 CFR 200, Subpart F Compliance Supplement

“What would have happened in the absence of the federal funds??”

3 Presumptions of Supplanting

1. Required to be made available under other federal, state, or local laws
2. Provided with non-federal funds in prior year
3. Provided services to Title I students and the same services were provided to non-Title I students using non-federal funds.



Title I, A SNS

Sec. 1118(b)(1)-(2)

Standard: Federal funds must be used to supplement and in no case supplant state, and local resources

Test: To demonstrate compliance, the LEA shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that the school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds.

What does this mean?

The presumptions of supplanting do not apply to Title I, A!

ESSA Title I, A SNS (cont.)

Sec. 1118(b)(2)-(4)

- No LEA shall be required to:
 - Identify individual costs or services as supplemental; or
 - Provide services through a particular instructional method or in a particular instructional setting to demonstrate compliance.

SNS is now a methodology test:

The LEA must have a written methodology to district state/local funds to its schools so that funds are distributed without regard to the school's Title I status.

Must be in place in time for the 18-19 school year.

Does This Methodology Work?

The LEA uses its state/local funding to ensure that each school has enough funds to pay for 1 teacher for every 30 students up to 20 teachers total, and \$5 per student for supplies, up to \$5,000 total.

At the end of its distribution, the LEA has \$3,000 left over so they distribute it among the non-Title I schools.

Does This Methodology Work?

The LEA distributes its state funds based on the characteristics of students in each school so that students with characteristics associated with educational disadvantage generate additional funding for their school.

The LEA provides:

- \$25 for every student;
- An additional \$25 for each economically disadvantaged student;
- An additional \$50 for each student with a disability; and
- An additional \$35 for each English learner.

Does This Methodology Work?

The LEA uses its state funding to ensure that each school has enough funds to pay for 1 teacher for every 30 students up to 20 teachers total.

The LEA provides state funding in each of its 6 non-Title I schools to pay for 20 teachers.

In the remaining 4 schools, the LEA provides state funds to pay for 15 teachers because they are already using Title I funds to pay for 5 teachers so they don't need the state funds to cover those additional teachers.

What about Districtwide Expenditures?

USDE applying the original presumptions of supplanting!!

- Examples at NASTID that apply a specific cost test for district level expenditures.
 - For state-mandated requirements, and
 - For some services to Title I students/schools and Non-Title I students/schools.
- ED is using the methodology test to apply this specific cost test!

Title I, A SNS (cont.) Sec. 1118(b)(5)

Timeline - Updated

Shall meet the compliance requirement no later than 2 years after enactment of ESSA;
and

- Enactment was December 10, 2015; so 2 years is December 10, 2017

May demonstrate compliance before the end of the 2 year period using prior SNS test

Update: Methodology must be in effect by the start of the 2018-2019 school year!

- December 6, 2017 USDE Letter: Update on Transition for ESSA Title I Supplement, Not Supplant Requirements

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SNS Pop Quiz Question 1

Winter Elementary, a schoolwide school, paid for a new STEM software program last year using local funds. It was so successful that this year, the school wants to purchase it again but use Title I funds to pay for it.

Is this supplanting?

Is this allowable?

SNS Pop Quiz Question 2

Bartlett Elementary, a targeted assistance school, heard about that great STEM software program and now wants to purchase it to use for all students using its Title I funds.

Is this supplanting?

Is this allowable?

SNS Pop Quiz Question 3

A state law requires teacher-to-student ratios of 1 teacher for every 30 students. A schoolwide school has 120 students in third grade and 4 teachers. One of the teachers is paid with Title I, the remaining three are paid with State funds. May the district pay for that 1 teacher with Title I funds.

Is this supplanting?

Is this allowable?

SNS Pop Quiz Question 4

An LEA implements a district-wide summer camp initiative that is a combination of classes and fun activities to engage students and increase achievement at the district. The LEA uses Title I funds to pay the costs for Title I students and local funds to pay the costs for non-title I students.

Is this supplanting?

Is this allowable?

The Law



ESSA Laws

Statute

- The Elementary and Secondary Education Act was amended by the Every Student Succeeds Act Under Public Law 114–95.

Regulations

- **Final Academic Assessments Final Innovative Assessment Demonstration Authority**
- **Final Impact Aid**

Available at: <http://www.ed.gov/essa>

ESSA Guidance

SIG letter (January 2018):

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

Update on transition for ESSA Title I SNS (December 2017):

<https://www2.ed.gov/policy/elsec/leg/essa/snstransition126.pdf>

Dear Colleague Letter re: Report Card Per Pupil Expenditures (6/29/17)

Dear Colleague Letter re: Stakeholder Engagement (6/23/16)

Foster Care Guidance (6/23/16)

Consolidated State Plan FAQs (June 2017)

DCL on School Support and Improvement Activities and Consultation (April 2017; follows up on the 1/13/17 letter on transition)

ESSA Guidance (cont.)



State Plan Peer Review Criteria (3/30/17)

Consolidated State Plan Guidance - Updated (3/13/17)

21st CCLC FAQs (March 2017)

Homeless and Youth Programs (7/27/16) – *Updated March 2017*

ESSA Dear Colleague letter on 2017-18 Transition (1/13/17)

Resource Guide: Accountability for ELs (1/18/17)

Accountability FAQs (1/18/17)

ESSA Early Learning Guidance (1/17/17)

State and Local Report Cards (01/10/17)

High School Graduation Rate (01/10/17)



ESSA Guidance (cont.)

DCL on Implementation on Educational Stability Requirements (December 2016)
Fiscal Changes (including Equitable Services and SNS (11/21/16)
Title IV, A Student Support and Academic Enrichment (10/21/16)
Early Learning Guidance (10/20/16)
Schoolwide Programs and Funding (9/29/16)
Title II, A Teachers and School Leaders (9/27/16)
Dear Colleague Letter re: Tribal Consultation (9/26/16)
Title III, A English Learners (9/23/16)
Using Evidence to Strengthen Education Investments (9/16/16)



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