Maximize Federal Benefits Under the Every Student Succeeds Act (ESSA)

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## Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overview of the Every Student Succeeds Act (ESSA)</td>
<td>1</td>
</tr>
<tr>
<td>General Principles Governing Private School Students and Teacher Participation</td>
<td>3</td>
</tr>
<tr>
<td>Every Student Succeeds Act (ESSA) Consultation Provisions</td>
<td>5</td>
</tr>
<tr>
<td>Title I, Part A: Services for Students in Catholic Schools</td>
<td>7</td>
</tr>
<tr>
<td>Title II, Part A: Professional Development Activities to Support Effective Instruction</td>
<td>9</td>
</tr>
<tr>
<td>Title III: Language Instruction for English Learners and Immigrant Students</td>
<td>11</td>
</tr>
<tr>
<td>Title IV, Part A: 21st Century Schools Well-Rounded Education</td>
<td>13</td>
</tr>
<tr>
<td>Title IV, Part A: 21st Century Schools Safe and Healthy Students</td>
<td>15</td>
</tr>
<tr>
<td>Title IV, Part A: 21st Century Schools Use of Technology</td>
<td>17</td>
</tr>
<tr>
<td>Title IV, Part B: 21st Century Community Learning Centers</td>
<td>19</td>
</tr>
<tr>
<td>Title IV, Part F, Sub-part 4: Supporting High Ability Learners and Learning</td>
<td>20</td>
</tr>
</tbody>
</table>
Overview of the Every Student Succeeds Act (ESSA)

THE EVERY STUDENT SUCCEEDS ACT (ESSA) was passed by Congress and signed into law in December 2015. This version of the 1965 Elementary and Secondary Education Act (1965) is the latest reauthorization of the law and replaces the last iteration that was known as No Child Left Behind (NCLB).

As in most reauthorizations, much of the basic structure of the law remains. However, some of the new provisions pertaining to the equitable participation of students, teachers and other educational personnel now correct and over-ride some of the restrictive regulations and practices that thwarted the original intent of the law pertaining to inclusion of private school students and teachers. Full implementation of ESSA began during the 2017-2018 school year.

The sections of ESSA that provide for equitable inclusion of private school students and teachers are found in these Titles:

- Title I: Improving the Academic Achievement of the Disadvantaged
- Title II: Preparing, Training, and Recruiting High Quality Teachers, Principals and Other School Leaders
- Title III: Language Instruction for English Learners and Immigrant Students
- Title IV: 21st Century Schools, Part A: Student Support and Academic Achievement Grants
- Title IV: Part B: 21st Century Community Learning Centers
- Title IV: Part F, Subpart 4: Supporting High-Ability Learners and Learning
- Title VIII: Uniform Provisions: Section 8015 - Participation by Private School Children and Teachers

Section 1117 of the ESSA law contains the parameters for equitable participation of private school students in Title I programs and Title VIII contains provisions that describe how equitable services are to be provided for the other Titles listed above.

The flyers reproduced in this publication were originally prepared as electronic newsletters posted monthly on the NCEA website. They are intended to provide information about each program and to be used as a resource for private school officials who engage in consultation with local public officials to obtain the benefits available for private school students, teachers and other educational personnel. A U.S. Department of Education guidance document provides a comprehensive overview of the changes that ESSA incorporated. Links to that document, and any additional guidance documents pertaining to participation of private school students and teachers in the programs in the specific Titles, will be posted on the NCEA website (www.NCEA.org/publicpolicy) as they become available.
General Principles Governing Private School Students and Teacher Participation

Since the passage of the Elementary and Secondary Education Act in 1965, two underlying principles have guided the participation of private school students and teachers in the benefits of available programs:

- **Child Benefit Theory**: benefits and services are provided to students and their teachers. There is no direct financial assistance to the school. The benefits and services must be designed to meet the needs of the students in the private school.

- **Public Trusteeship**: the public agency – the local education agency (LEA/ public school district) remains in control of the funds and administers them on behalf of the private school students and teachers. The LEA pays the bills for the goods and services which must be secular, neutral and non-ideological. Religious activities and materials cannot be paid for with the federal funds.

The ESSA reauthorization contains provisions that provide significant improvements regarding equitable services to students and teachers in religious and private schools. Specific references to private school students and personnel in the law are found in these sections of the law:

**Section 1117** of ESSA contains the provisions that pertain to the participation of students enrolled in private schools. All of the general provisions related to Title I are listed in this section and serve as a blueprint for obtaining equitable services for private school students, teachers and other educational personnel.

**Title VIII of ESSA** contains the Uniform Provisions language that pertains to the participation by private school students and other educational personnel. Sections 8501 - 8506 provide more explicit language regarding the new provisions.

The successful implementation of ESSA in service to Catholic school students, teachers and other educational personnel will depend upon careful understanding and consideration of these aspects of the law:

**Provision of services**: the primary focus must be on the needs of private school students and teachers. The program must be tailored for the student in the Catholic school whose needs for services to attain favorable academic outcomes will likely differ from that of counterparts in public schools.

**Expenditures**: equitable funding levels for services for Catholic school students and educational personnel must be comparable to those of similarly situated public school counterparts.

**Property**: the LEA controls the funds and owns any property purchased for services for private school students and teachers. Durable goods are loaned to the school and remain district property and may be used only under the conditions of the program. They may be recalled by the LEA when they are no longer being used.

**Funding and program administration**: for Title I, the district in which the student resides is the administrator of the funds and services; for all other title programs, the district in which the private school is located is the administrator of the services.
Consultation: the key to the successful implementation of ESSA is the consultation process which is to be ongoing during the design, development and implementation of the program. ESSA now states that the goal of consultation is to reach agreement. This is a significant new provision – if the LEA cannot or does not wish to honor the requests of the private school officials, the LEA must provide a written analysis of reasons why it chose not to do so.

The materials contained herein provide the essential elements of each Title that requires the equitable participation of private school students, teachers and other educational personnel. They are designed to assist private school officials in engaging in effective consultation on behalf of their students and teachers with the public school officials to obtain the benefits to which they are entitled.

In addition to the articles in this text, the public policy page of the NCEA website (www.NCEA.org/publicpolicy) contains information about each of the relevant Titles and links to guidance documents provided by the Office of Non-Public Education at the U.S. Department of Education website.
The goal of consultation is agreement between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children. (ESEA sections 1117(b)(1) and 8501(c)(1))

Consultation is the key to the successful implementation of ESSA programs. Consultation is a process, not a single meeting. The ESSA law requires consultation to be timely and meaningful. The Local Educational Agency (LEA/school district) must consult with appropriate private school officials during the design and development of the programs that must be designed to serve the needs of the private school students and their teachers. The consultation process is to continue throughout the implementation and assessment of the activities provided.

Timely consultation requires that the LEA should consult with private school officials about the timeline for the consultation process and provide adequate notice of meetings to all involved so they will be well prepared with the necessary information and data for decision-making. Creating a calendar of meetings for the school year should be the first part of the process.

Meaningful consultation provides ample time and a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options. This implies a discussion that puts the needs of students above any other considerations based on expediency or convenience. LEAs are not to make any decisions that will impact equitable participation prior to consultation, or exclude any services authorized under applicable programs from the consultation process. A unilateral offer of services by the LEA is not adequate consultation.
• what services will be offered;
• how, where, and by whom the services will be provided;
• how the services will be academically assessed;
• how the results of that assessment will be used to improve those services;
• the size and scope of the services;
• the proportion of funds allocated for services, and how it is determined;
• the method or sources of collecting poverty data;
• how and when the agency will make decisions about the delivery of services;
• a thorough consideration and analysis of requests for use of third-party providers;
• how the agency will provide a written reason for denial of requests to use a contractor; and
• whether to consolidate or pool funds to serve private school students.

Affirmation of Consultation
The LEA is to provide a written affirmation form to be signed by the participating private school representatives indicating that timely and meaningful consultation has occurred. If the required topics were not adequately covered, do not sign. The LEA must provide the option for private school officials to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children or that the views of the private school officials were not given due consideration.

If agreement is not reached, the results of the consultation process are to be transmitted to the ombudsman who has the responsibility to enforce the requirements of the law.

Complaint Process:
If inadequate consultation issues are not resolved in a timely manner, private school officials may file a complaint with the State Education Agency. Grounds for filing a formal complaint are:
• Required consultation was not timely and meaningful.
• LEA officials did not give due consideration to the views of the private school officials.
• Final decisions reached did not treat the private school students and teachers equitably as required.

The provisions of ESSA pertaining to private school students and teachers are found in Section 1117 and in Section 8501-8505 of the law. Private school officials should familiarize themselves with these provisions and bring copies of them to the consultation meetings in the event of confusion about the law or its interpretation. Guidance documents developed for the current ESSA programs should be consulted. Prior guidance documents pertaining to equitable services that have not been changed by ESSA are still relevant, particularly the former Title IX document that contains Q&As on all of the programs.

All of the documents may be obtained on the NCEA public policy website pages (www.NCEA.org/publicpolicy).
With the passage of the Every Student Succeeds Act (ESSA), the proportionate share of Title I-A funding for services for students in private and religious schools must be calculated from the total allocation the Local Education Agency (LEA), school district receives before it sets aside money for special services for public school students. Consequently, more funds for serving private school students will be available than in previous years under No Child Left Behind. To make the most of these opportunities, there are several key issues that private school officials should understand about how the program operates.

**Title I Attendance Areas:**
Students in religious and private schools must live in a designated public school attendance area to be eligible for services. Public school attendance areas are established by the LEA, according to level of student poverty. All public schools with 75 percent poverty are considered attendance areas and must serve all grades; for schools with poverty below 75 percent, the LEA may decide to serve elementary or secondary schools or only grade spans within schools.

**Proportionate Share of Title I Funds:**
The share of funds reserved to serve students in private schools is calculated from the percentage of students in poverty in both the public and private schools in the LEA. The percentage of each determines the proportionate share.

**Poverty Counts of Private School Students:**
ESSA provides several measures the LEA may use to calculate the number of private school children from low-income families: surveys, extrapolation of survey data, proportionality or other equated measures of low income correlated with the measures used to count public school children. Private school officials are not required to provide names of low-income students. Private schools should maintain the poverty data and
if the LEA requests an audit they should be allowed to examine the poverty data at the private school.

**Eligibility of Private School Students for Title I Services:**
Student eligibility for Title I services is determined by residence in a participating public school attendance area and educational need is determined by multiple, educationally related, objective criteria. While poverty generates funding, it is not a criterion for services.

**Identification of Students for Services:**
In the consultation process, the private school and the LEA representatives determine the criteria to be used to identify at-risk students. Criteria may include scores on national norm-referenced tests given by the private school, student grades and teacher observations and recommendations. It is important to relate the criteria to the context of the private school’s standards for measuring achievement, which may be different from that of the public school.

Once students who meet the criteria are identified, the LEA ranks those most at risk of failing and serves as many of them as the proportionate share of the funding will support. To serve students effectively, the Title I and the private school teachers of selected students should meet during the design and development of the program to ensure that the Title I program supplements and is coordinated with the regular classroom instruction received by the private school students.

**Provision of Services:**
The LEA in which the student resides is responsible for providing services even if the private school is not located in the LEA district. Most LEAs arrange to have services provided by the LEA in which the private school is located and reimburse that LEA for costs.

**Delivery of Services:**
An LEA may provide Title I services directly or through third-party contracts with public and private agencies that are independent of the private school and any religious organization in the provision of those services. The services may be provided in a private school.

Services for participating private school children include: instructional services provided by public school employees or third-party contractors in pull-out programs during the school day, extended-day services before or after school, summer school programs, computer-assisted instruction or tutoring and counseling.

The Title I program for private school students must begin at the same time as the public school program. Consultation should be completed in time for Title I teachers to be hired and materials ordered to start the program at the beginning of the school year.

**Pooling of Title I Funds:**
During the consultation process, the option of creating a pool or pools of funds with all of the allocated funds based on all the children from low-income families in a participating school attendance area who attend private schools to provide services to eligible private school children may be discussed if that option would provide a more robust program.

**Professional Development and Parent and Family Engagement Activities:**
To assist private school students in achieving high academic standards, a portion of Title I funds must be used to provide opportunities for professional development for teachers, principals, paraprofessionals and other staff who work with participating Title I students. Also, to ensure effective involvement of parents and family support, an LEA must provide equitable services to parents of private school participants from the funds set aside for this purpose. Activities for the parents of private school participants must be planned and implemented after meaningful consultation with private school officials and parents.

More detailed information about Title I and other ESSA programs may be found on the NCEA Public Policy webpage at [http://www.ncea.org/NCEA/Lead/Public_Policy/Every_Student_Succeeds_Act__ESSA__.aspx](http://www.ncea.org/NCEA/Lead/Public_Policy/Every_Student_Succeeds_Act__ESSA__.aspx)

Copies of relevant documents should be downloaded and be made available during the consultation process.
With the passage of the Every Student Succeeds Act (ESSA) there are more opportunities for participation of private school teachers, principals and other educational personnel to participate in professional development activities that must be designed to meet the learning needs of students.

**Purpose of Title II-A Grants**

Title II-A grants are available to state and local educational agencies to help them promote increased student achievement consistent with challenging standards. They are required to do so striving to improve the quality and effectiveness of teachers, principals and other school leaders in increasing student academic outcomes.

The professional development activities supported by Title II-A must be designed to improve the knowledge of teachers and principals in the core academic subjects and enable them to develop effective instructional strategies and skills to meet student needs.

**Funding for Equitable Services under Title II-A**

Title II-A designates funding for the State Education Agency (SEA) to sponsor state-wide programs and sub-grants to the Local Education Agency (LEA, public school district) to support professional development activities for education personnel. Both grants require equitable services for private school personnel.

ESSA requires that the proportionate share of funding for equitable services be calculated from the LEA’s total allocation for Title II-A. This is a big change from Title II-A under No Child Left Behind, which directed that the proportionate share was to be based on only the portion of Title II funds the LEA dedicated to professional development, not the total allocation. Consequently, under ESSA there should be significantly more funding to serve private school teachers, administrators and other educational personnel.

Funds are shared proportionately between the public and private schools on a per-pupil basis determined by the total number of students served by the LEA in which the school is located. Residence of the students is not a factor in counting the number of students. Equitable services are provided to educational personnel in private schools located within the boundaries of the public school district. Private school officials consult with LEA representatives on the use of funds to meet the needs of private school students through services to their teachers, principals and other educational personnel.

**Uses of Title II-A Funding**

Professional development activities for which funding is sought must be an integral part of the school’s strategies for providing educators with the knowledge and skills necessary to enable students to succeed and meet challenging standards through a well-rounded education.
The activities must be data-driven and classroom focused. They must also be sustained (not stand-alone or short-term workshops) and implement the professional development plans created by the teacher and/or school as part of its on-going focus on increasing student achievement. The program may be one-day if it is part on an ongoing professional plan that builds incrementally.

Title II-A funds may be used for conferences sponsored by a faith-based organization, but only the secular, neutral, non-ideological portions of programs can be funded.

Professional development activities should be designed to improve the knowledge of teachers and principals in these areas:

- the core academic subjects;
- effectively integrating technology;
- STEM programs;
- effective instructional strategies, methods and skills;
- teaching and addressing the needs of students with different learning styles;
- methods of improving student behavior, identifying early interventions;
- using data to improve student achievement;
- effectively engaging parents, families and community;
- increasing the ability of teachers to help students with disabilities and those learning English as a second language;
- training to identify gifted/talented students and support their education; and
- leadership development and management.

Consultation and Requests for Professional Development Activities

Title II-A services are determined through the consultation process in which the private school officials and LEA representatives review the needs of the private school students and how those needs can be addressed through the use of Title II-A funds. Private school students must be the primary focus and beneficiary of the services provided to the teachers or other educational personnel.

The LEA may require use of its application form or ask the private school to prepare one of its own. The formal application forms should provide sufficient information to present a clear request, but LEAs cannot require undue burdens of time on excessive paperwork that would deter an applicant from making a request for services.

The components of a Title II-A professional development request should contain these elements:

1) **Needs Assessment:** Describe how the identified student needs align with the professional development request.

2) **Data Analysis:** Supported by data from needs assessments indicate how the requested professional program or activity will help the teachers/instructional leaders meet student needs through their classroom practices.

3) **Prioritize Needs and Develop Plan(s):** Demonstrate how the requested activity fits the needs.

4) Make the professional development plan available to accompany the request. Such a professional development plan (school-wide or individual) should include:
   - Goals and objectives (anticipated direct student benefits)
   - Strategies to be implemented
   - Performance indicators to be used to prove anticipated benefits
   - Timeline
   - Estimated costs

Caveat: Remember that Title II-A funds should be supplemental, which means that they must be used to augment the school’s professional development budget and provide enhanced services that will benefit student academic outcomes. School budgets should include a designation for professional development of education personnel.

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The purpose of Title III is to provide effective services that improve the English language proficiency and academic achievement of English learners (EL), including immigrants, to help them meet the same standards that are required of all students.

Title III funds must be used for one or more of these general purposes:

1) to develop an effective language instruction educational program; 2) provide effective professional development for education personnel to increase the knowledge, skill and capacity to deliver effective instructional programs to serve ELs; and 3) provide activities, strategies and services that enhance parent and community engagement of families of EL and immigrant students.

Under ESSA, the term ‘English learner’ replaces the term ‘limited English proficient’ (LEP) used in the No Child Left Behind Act (NCLB). ESSA’s definition of ‘English learner’ (EL) includes individuals ages three (3) through twenty-one (21), born in the United States and whose native language is a language other than English or those who come from an environment where a language, other than English, has had a significant impact on the individual’s level of English language proficiency. The term “immigrant children and youth” means individuals ages three (3) through twenty-one (21) who were not born in any U.S. state and “have not been attending one or more schools in any one or more states for more than three full academic years.”

The immigration status of the students or their families is not a factor in eligibility to participate in the Title III program. For purposes of counting students eligible for services, it is important to note that students attending school in the United States on an I-20 visa or other foreign student exchange programs are not considered immigrants. However, such students may be counted as EL students since immigration status is not a factor in determining EL.

An Local Education Agency (LEA) that receives Title III funds must provide Title III services to eligible private school students, their teachers and other educational personnel consistent with the number of eligible students enrolled in private elementary and secondary schools in the geographic area served by the LEA. These services and other benefits must be equitable in comparison to those provided to public school students, their teachers and other educational personnel participating in the program; and they must be provided in a timely manner.

To ensure equitable participation, an LEA must engage in timely and meaningful consultation with private school officials; assess, address and evaluate the needs of private school ELs, their teachers and other educational personnel; spend an amount of funds on a per-pupil basis equal to those funds expended for participating public school students, taking into account the number and educational needs of those students; provide private school students,
their teachers and other educational personnel with opportunities to participate in activities equivalent to the opportunities provided to public school students, their teachers and other educational personnel; and offer services that are secular, neutral and non-ideological.

Title III funds may be used to provide preparation and professional development opportunities to all teachers of ELs and all leaders of schools in which ELs are enrolled. Title III funds may also be used to provide professional development for other educators who work with ELs, including paraprofessionals, counselors and special education teachers.

The LEA that receives a Title III grant for ELs and immigrant students is obligated to use a portion of the funds to provide community participation programs, family literacy services and parent and family outreach and training activities, which may include English as a Second Language courses for parents and families of ELs to assist in helping their children to improve their academic achievement and to help parents and families to become active participants in the education of their children. Private school families and communities are to be included in such activities and the manner in which that would be accomplished should be part of the consultation process between the private and public school officials.

The LEA is responsible for ensuring that private school students are appropriately identified as ELs and cannot require a private school to administer an assessment as a condition for private school students receiving equitable services under Title III. LEA representatives may administer the EL assessments to private school students or may provide training to private school officials and/or teachers so that they may administer the assessment themselves. In either instance, the LEA has the responsibility for determining which children qualify as ELs.

An LEA may use Title III funds to pay for the initial ELP assessment for private school students in cases where the use of such funds would not supplant state, local or other federal funds that would otherwise be used for such purposes. For example, if state law requires LEAs to assess all potential ELs attending public and private schools in their jurisdiction for purposes of confirming that those students are ELs then state and local funds must be used for EL assessment and identification not Title III funds. If state regulations do not require assessment of private school students then Title III funds may be used for assessments of those students because use of funds would be supplemental and would not violate the non-supplanting requirement.

Additional uses of funds under Title III may include activities to promote developing and implementing new language instruction programs and providing effective professional development to educational personnel to improve instruction, enhance the ability of teachers to increase subject matter knowledge and implement curricula and develop effective instructional strategies. Title III funding should be used in a manner that is effective, sustained, and will positively impact the education of English learners and immigrant children and youth.

The 2015 Title III non-regulatory guidance pertaining to equitable services issued under NCLB remains in effect. The guidance document may be accessed at https://www2.ed.gov/about/offices/list/oii/nonpublic/titlethree.pdf.
Federal Program Series: Every Student Succeeds Act (ESSA)
Title IV, Part A:
21st Century Schools Well Rounded Educational Opportunities

Well-Rounded Education
Title IV contains six parts, but only Part A and Part B require equitable participation of teachers, principals and other educational personnel in private schools located within the boundaries of the public school district. Title IV-A is a flexible block grant program that combines a number of former programs that existed, but were de-funded, under No Child Left Behind: Title II-D (technology), Title IV-A (Safe and Drug Free Schools) and Title V-A (Innovative Programs).

Title IV, Part A: Student Support and Academic Enrichment Grants (SSAEG)
The purpose of Part A is to improve students’ academic achievement by increasing the capacity of states, public school districts, schools and local communities to:

- provide all students with access to a well-rounded education;
- improve school conditions for student learning (supporting safe and healthy students); and
- improve use of technology in order to improve the academic achievement and digital literacy of all students.

This flyer will deal with the provisions pertaining to providing students with access to a well-rounded education. Subsequent flyers will discuss the other two components of Title IV-A.

Uses of SSAEG Funding for Well-Rounded Education Activities
The Local Education Agency (LEA) school district that receive funds for Part A are to use them to increase access to a well-rounded education by coordinating with other services and promoting partnerships with institutions of higher education, businesses, nonprofit institutions, community-based organizations and other public and private entities with a record of demonstrated success in implementing programs and activities that may include:

- college and career guidance and counseling programs that focus on postsecondary education and career planning, financial literacy and student financial aid awareness;
- use of music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving and conflict resolution;
- improved instruction and student engagement in “STEM” subjects (science, technology, engineering,
mathematics) and computer science; increasing accelerated learning courses (Advanced Placement) and dual enrollment programs, and reimbursing low-income students to cover costs of accelerated learning examination fees; and a variety of activities to promote the development, implementation and strengthening of programs to teach traditional American history, civics, economics, geography, government education, foreign language instruction, environmental education, programs and activities that promote volunteerism and community involvement and multi-disciplinary curricular offerings.

Equitable Services for Private School Students, Teachers and Other Educational Personnel

LEAs and SEAs (State Education Agency) receiving funds under Title IV, Part A must provide for the equitable participation of private school students, teachers and other educational personnel in private schools located in areas these agencies serve with Title IV, Part A-funded activities by engaging in timely and meaningful consultation with private school officials during the design, development and implementation of their Title IV, Part A programs.

Private school officials need to be aware of funding issues and their impact on equitable services as they engage in the consultation process with LEAs to determine the services to be provided. The ESSA legislation authorized Title IV as a $1.6 billion grant. State allocations are based on Title I funding formulas. Using the same Title I formula, states allocate funds to districts to distribute to schools on a per capita basis. The per pupil allocation is determined by the number of private school students attending schools located in the LEA, regardless of where the student resides. Participation in Title I programs is not required for participation of private school students.

An LEA that receives at least $30,000 in SSAE program funds must conduct a comprehensive needs assessment that includes a focus on the three components of SSAE. Private school officials should be consulted as part of the assessment so that the needs of their students are included in the planning. Based on the results of that assessment, the LEA must use at least 20 percent of funds for activities to support well-rounded educational opportunities, at least 20 percent of funds for activities to support safe and healthy students and a portion of funds for activities to support effective use of technology. The law mandates that the LEA use no more than two percent of the funding received for the direct administrative costs of carrying out its responsibilities.

However, in the budgeting process, Congress provided only $400 million for the program for the current school year and gave states the option, for one year only, to distribute funds through a competitive process, allowing for fewer, but more ambitious projects. This year, states may continue to allocate funds to all by formula or they may choose to make Title IV a competitive grant that gives the districts the option to distribute funds to the schools deemed most in need rather than to all schools. The requirement for equitable services for private school students and education personnel remains, but the U.S. Department of Education has not yet developed guidance as to how schools most in need is to be determined for the private schools.

Title IV-A offers many opportunities for students to benefit from a variety of programs and activities that supplement what the school may be able to offer on its own. The challenge for private school representatives is to engage in timely and meaningful consultation with LEA officials to determine how the district will be implementing the program, what funds are available and how the requirements for equitable participation of private school students, teachers and other educational personnel will be achieved. If there is disagreement about how the law is being implemented, the private schools should contact the state ombudsman and if no satisfactory resolution is achieved then a formal complaint should be filed with the SEA.
Activities to Support Safe and Healthy Students
Title IV, Part A that authorizes Student Support and Academic Enrichment Grants (SSAEG) requires equitable participation of teachers, principals, and other educational personnel in private schools located within the boundaries of the public school district. Section 4108 of the law governs this title.

Purposes of Title IV-A
Title IV-A is a flexible block grant program that combines a number of programs that Catholic schools used for many years until they were defunded under No Child Left Behind. One of those long-standing programs available again under ESSA is a new version of the Safe and Drug-Free Schools and Communities Act that were part of NCLB Title IV-A. This new version authorizes activities to develop, implement and evaluate comprehensive programs and activities that promote safe, healthy, supportive and drug-free environments that foster student academic achievement.

The legislation authorized the program at $1.6 billion a year. State Education Agencies (SEAs) and Local Education Agencies (LEAs) are to be allotted funding based on the formula used to determine Title I allocations, but a school does not have to be participating in Title I to be eligible for Title IV-A services. The guidance document that the U.S. Department of Education released regarding Title IV-A does not provide specific directions regarding private and religious schools other than to reiterate the requirements for equitable participation. Non-public school guidance is being developed but has not yet been released.

To further complicate private school participation, the Congressional appropriations for Title IV-A for the 2017-2018 school year are only $400 million. Due to the limited number of funds, states and districts may
now award the funding as discretionary grants so as to prioritize the most educationally needy students. Nonetheless, equitable participation still applies so private schools in districts that receive the grants must be included. There may be more hopeful news going forward as some members of Congress are calling for full appropriations to promote greater safety in the wake of recent school shootings.

If a Local Education Agency (LEA) school district receives $30,000 or more in Title IV-A funding, it is required to conduct a comprehensive assessment in order to examine the needs for improvement of school conditions for student learning in order to create a healthy and safe school environment. Each LEA must use a portion of the funds to develop, implement and evaluate comprehensive programs and activities that are coordinated with other schools and community-based services and programs. They may include partnerships with an institution of higher education, business, nonprofit organizations, community-based organizations, or other public or private entities with a demonstrated record of success in implementing activities that foster safe, healthy, drug-free environments that support student academic achievement. Representatives of private schools in the LEA should be included in assessment and planning activities. If an LEA receives less than $30,000, it is not required to conduct a needs assessment, but private schools should be consulted, so the program that is developed reflects the needs of their students and teachers as well as services to promote the safety of the school campus.

Allowable Activities to Support Safe and Healthy Students

The legislation suggests a variety of activities that may be funded under Title IV-A. Schools may adopt them or adapt them to fit particular local needs. These are some of the activities and programs specified in the law:

- creation of a healthy and safe school environment for all students and teachers;
- promotion of a healthy active lifestyle through nutritional education and structured physical education programs conducted by school nurses or other appropriate professionals;
- education of students to reject the use of alcohol, tobacco, marijuana, smokeless tobacco products and electronic cigarettes;
- integration of health and safety practices into school athletic programs;
- drug and violence prevention programs that are evidenced based;
- identification of mental health symptoms, drug use and violence with appropriate referrals for services;
- individual or group counseling services which may be provided by school-based mental health services providers;
- education for awareness of issues including sexual harassment, bullying, sexual abuse, victimization associated with prejudice;
- prevention of bullying and harassment;
- high-quality training for school personnel in suicide prevention, crisis management, human trafficking;
- development of integrated systems of student and family supports;
- providing mentoring and school counseling to all students;
- implementation of school-wide positive behavioral interventions and supports.

For those activities that provide mental health counseling or guidance, Catholic schools need to be aware that the advice and activities subsidized by the program must be secular, neutral and ideological in nature and that the personnel providing them may not specifically promote the faith-based values of the school. Consequently, Catholic schools might consider utilizing Title IV-A funding for some of the other activities listed above and rely on their own counselors who are expected to act in accordance with the mission and values of the faith.

Catholic school personnel should conduct their own needs assessments regarding the strengthening of campus safety as well as student and teacher needs and be prepared to present them during the consultation process with the representatives of the local district.
Federal Program Series: Every Student Succeeds Act (ESSA)
Title IV, Part A:
21st Century Schools Effective Use of Technology

Use of Technology to Support Academic Achievement and Digital Literacy
Title IV, Part A that authorizes Student Support and Academic Enrichment Grants (SSAEG) requires equitable participation of teachers, principals and other educational personnel in private schools located within the boundaries of the public school district. Part A of this Title authorizes activities to improve students’ academic achievement by increasing the capacity of states, public school districts, schools and local communities to: provide all students with access to a well-rounded education, improve school conditions for student learning to support safe and healthy students and use of technology in order to improve the academic achievement and digital literacy of all students.

A district receives its funding allocation based on the formula for its Title I funding, but students and education personnel in schools that do not have a Title I program are eligible to participate in Title IV, Part A services. These grants are to be used to provide programs in the three prescribed areas of Title IV, Part A, mentioned above. If the district receives more than $30,000 under this Title, it is required to spend at least 20 percent of the funds on initiatives that will provide well-rounded educational opportunities and 20 percent of their funds on efforts to ensure students’ health and safety. Local Education Agencies (LEAs) school district also must use part of these funds on activities to support the effective use of technology. There is no required amount designated for technology in general, but the federal law limits a district to spend only 15 percent of their funding for the purchase of technology infrastructure. This includes software applications and technology devices.

Allowable uses of funding to support the effective use of technology to improve academic achievement, academic growth and digital literacy include:

- providing educators with tools, devices, content and resources to personalize learning to improve student academic achievement;
- using technology effectively in the classroom to inform instruction and include computer-based assessments and blended learning strategies;
- building technical capacity and infrastructure—procuring content and ensuring content quality and purchasing devices, equipment and software applications (but not more than 15 percent of the total allocation);
- developing or using effective or innovative
strategies for the delivery of specialized or rigorous academic courses and curricula through the use of digital learning technologies;

• providing ongoing professional development designed to support digital learning and using technology to increase student achievement in STEM;

• carrying out blended learning projects which may include ongoing professional development for teachers, principals, other school leaders or other personnel involved in the project to support the implementation and academic success of the project;

• providing professional development in the use of technology to enable teachers and instructional leaders to increase student achievement in the areas of science, technology, engineering and mathematics, including computer science; and

• providing students in rural, remote and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources and access to online courses taught by effective educators.

In addition to describing acceptable uses of Title IV, Part A funding to support education technology and professional development for educators, ESSA contains specific definitions of terms pertaining to digital learning and blended learning:

**Digital learning:** The term “digital learning” means any instructional practice that effectively uses technology to strengthen a student’s learning experience and encompasses a wide spectrum of tools and practices, including:

• interactive learning resources, digital learning content (which may include openly licensed content), software or simulations that engage students in academic content;

• access to online databases and other primary source documents;

• use of data and information to personalize learning and provide targeted supplementary instruction;

• online and computer-based assessments;

• hybrid or blended learning that occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path or pace; and

• access to online course opportunities for students in rural areas.

**Blended learning:** The term “blended learning” means a formal education program that leverages both technology-based and face-to-face instructional approaches that include:

• online or digital learning combined with supervised learning time and student-led learning, in which the elements are connected to provide an integrated learning experience; and

• scenarios in which students are provided some control over time, path or pace.

**Internet Safety:** If the school using funds under Part A for the effective use of technology does not participate in the E-rate program with its internet safety policies, then the school must adopt similar policies to ensure internet safety. The internet safety policy for minors must include the operation of a technology protection measure that ensures, with respect to any of its computers with Internet access, that students are protected against access to visual depictions that are obscene, child pornography or anything else deemed harmful to minors. This policy and the technology protection measure must be enforced during the use of any school computers by minors. The policy must also prohibit unlawful online activity, such as “hacking”, and unauthorized disclosure, use and dissemination of personal information regarding minors.

Under ESSA, districts and schools are given great flexibility to use Title IV, Part A to create programs that provide students with personalized learning experiences supported by technology as well as professional development for the educators to make effective use of data and technology. These Title IV opportunities for students and educational personnel can be combined with other ESSA programs such as Title I, Title II and Title III. Careful construction of curriculum, projected student outcomes and school-wide and individual teacher professional development goals to support student academic achievement will lead to effective use of the funding and provide clearer goals for engaging in the consultation process with the LEA to obtain the benefits these programs can provide.
21st Century Community Learning Centers

The purpose of Title IV, Part B is to provide opportunities for academic enrichment to help students, particularly students who attend low-performing schools, to meet the challenging state academic standards. Part B accomplishes this goal by providing additional services, programs, and activities designed to reinforce and complement the regular academic program, and other family literacy programs and activities during non-school hours or periods when school is not in session, such as during summer recess.

The Part B section of Every Student Succeeds Act (ESSA) provides opportunities for communities to establish or expand activities in community learning centers that reinforce and complement the regular academic programs of the schools attended by the students served; are targeted to the students’ academic needs and aligned with the instruction students receive during the school day; and offer families of students served by such center opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.

The 21st Century Community Learning Centers must be designed to offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic programs of participating students.

These are competitive grants offered by the U.S. Department of Education to State Educational Agencies (SEAs). SEAs then allow eligible entities the opportunity to apply for subgrants. For this program, eligible entity means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities. States must give priority to applications that are jointly submitted by a local educational agency and a community-based organization or other public or private entity.
Faith-based organizations are eligible to participate in the 21st Century Community Learning Centers program. Because of the religious nature of these applicants, there are specific criteria and policies for faith-based and other community organizations available here: https://www2.ed.gov/policy/fund/reg/21c-reg.html

Catholic school participation may take two forms. A diocese or an individual school may apply to be a direct grantee and administer the program. Dioceses or schools applying directly for a 21st Century Grant would compete with other eligible entities that are applying to the state and would have to meet all of the same obligations as do other grantees. Being a grantee would make the entity a recipient of federal funds and obligated to follow applicable rules and regulations that do not apply to them in other ESSA programs in which students and teachers receive benefits but no funds.

Since this title is subjected to the equitable services requirements, Catholic school students may participate in programs administered by the Local Education Agency (LEA) school district or other entity’s grant in which the Catholic school is located. During the consultation process, private school officials should indicate that they wish to be consulted in the planning process if the LEA is applying for a grant. This will provide opportunity for meaningful inclusion of their students and their needs as the program is developed. Also, if more than one site is being considered, they should offer to host one at a Catholic school. The program would be administered by the LEA, so the school is not a direct recipient of federal funds but would provide an attractive alternative for the students to remain in a familiar program for the services.

**Federal Program Series: Every Student Succeeds Act (ESSA)**
**Title IV, Part F, Sub-part 4**
**Supporting High-Ability Learners and Learning**

The purpose of this section is to promote and initiate a coordinated program of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to identify gifted and talented students and meet their special educational needs. This would include funding to train personnel in the identification and education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

While Title IV, Part F is not included in Title VIII of ESSA which lists the programs that require equitable participation of students and teachers in private schools, section SEC. 4644, (g) within the title indicates such inclusion and should be referenced in consultation:

**Private School Participation:**

In making grants and entering into contracts under this section, the secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

It is always appropriate to advocate for all of our students in any of the programs for which they are eligible.