GUIDANCE

The American Recovery and Reinvestment Act of 2009 (ARRA)

Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students

U.S. Department of Education
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The American Recovery and Reinvestment Act of 2009 (ARRA) (P.L. 111-5)

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Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students

PURPOSE OF THIS GUIDANCE

The purpose of this document is to provide assistance to State educational agencies (SEAs), local educational agencies (LEAs), and schools in determining how to identify, create, and structure opportunities and strategies to strengthen education, drive school reform, and improve the academic achievement of at-risk students using funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) made available through the American Recovery and Reinvestment Act of 2009 (ARRA). This guidance is meant to complement two guidance documents released in April 2009: *Funds Under Title I, Part A of the Elementary and Secondary Education Act of 1965 Made Available Under the American Recovery and Reinvestment Act of 2009* (Apr. 2009) (available at: http://www.ed.gov/policy/gen/leg/recovery/guidance/title-i.pdf), which addressed questions about the allocation, use, and reporting of Title I, Part A ARRA funds, and *Using ARRA Funds to Drive School Reform and Improvement* (Apr. 24, 2009) (available at: http://www.ed.gov/policy/gen/leg/recovery/guidance/uses.doc), which provided suggestions on how schools and LEAs could use one-time funds under Title I, Part A, the Individuals with Disabilities Education Act (IDEA), and the State Fiscal Stabilization Fund (SFSF) over the next two years to improve results for students. This guidance should also be read in conjunction with the Department's non-regulatory guidance, *American Recovery and Reinvestment Act of 2009: Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement* (Sept. 2, 2009) (available at: http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf), which also complements the April 24, 2009 guidance document and focuses on how IDEA funds made available through the ARRA may be used.

This guidance does not impose any requirements beyond those required to comply with applicable law or regulations. It represents the U.S. Department of Education's (Department) current thinking on this matter, and does not create or confer any rights for or on any person. If you are interested in commenting on this guidance, please e-mail us your comments at OESEGuidanceDocument@ed.gov or write to us at the following address:

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I. GUIDELINES FOR THE USE OF TITLE I, PART A ARRA FUNDS

A. General Principles Guiding the Use of Title I, Part A ARRA Funds

The overall goals of the ARRA are to stimulate the economy in the short term and invest in education and other essential public services to ensure the long-term economic health of our Nation. The success of the Title I, Part A portion of the ARRA will depend on the shared commitment and responsibility of students, parents, teachers, principals, superintendents, education boards, State school chiefs, and other stakeholders. Collectively, we must advance the ARRA's long-term goals by investing wisely and using these funds to strengthen education and drive reform to improve results for low-achieving students.

With these goals in mind, four principles guide the use of ARRA funds, including Title I, Part A ARRA funds, consistent with applicable statutory and regulatory provisions:

1. Spend funds quickly to save and create jobs.
2. Improve student achievement through school improvement and reform, including by:
    - Making progress toward rigorous college- and career-ready standards and high-quality assessments;
    - Establishing data systems that track progress and foster continuous improvement;
    - Improving teacher and school leader effectiveness and the equitable distribution of effective teachers and school leaders; and
    - Providing intensive support and effective interventions for the lowest-achieving schools.
3. Report fiscal and programmatic information in order to ensure transparency and accountability.
4. Invest the one-time ARRA funds thoughtfully to minimize the "funding cliff."

A-1. How should an LEA or school plan to use Title I, Part A ARRA funds in conjunction with other funds to maximize services to students and minimize duplication?

An LEA or school should consider how it can use Title I, Part A ARRA funds in combination with funds from other sources to improve learning outcomes for students, particularly those students who are failing, or most at-risk of failing, to meet State academic achievement standards, including students living in poverty, students with disabilities, and English language learners (ELLs). Such other sources of funds may include regular Title I, Part A funds, IDEA, Part B funds, funds made available under Title II or Title III of the ESEA, State and local funds, and, to the extent available, Federal discretionary funds (*e.g.*, Teacher Quality Partnership Grants and Race to the Top Grants). See *American Recovery and Reinvestment Act of 2009: Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement* (Sept. 2, 2009) (available at: http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf) for specific ideas about how IDEA funds in particular may be used to improve the achievement of students with and without disabilities. In addition, an LEA or school should consider how it can use SFSF funds, over which LEAs and schools have broad discretion. Within this context, an LEA or school should identify the reform strategies it wishes to implement and determine which sources of funding, consistent with the applicable program requirements, can support those strategies.

Prior to making decisions about how to spend Title I, Part A ARRA funds, an LEA or school should consider the views of a wide array of stakeholders, including LEA and school leaders representing general and special education, as well as teachers, students, parents, and community leaders. An LEA should also review existing data, identify areas of greatest need, and focus on effective strategies that are consistent with its overall plan for improving student achievement.

A-2. What should an LEA consider in spending its Title I, Part A ARRA funds, given that they are one-time-only funds that will no longer be available for obligation after September 30, 2011?

An LEA should think about how to use its Title I, Part A ARRA funds on a short-term basis for activities that will have a lasting impact. For example, an LEA and its Title I schools may want to consider using Title I, Part A ARRA funds for:

- Programs or activities that can be conducted productively for two years and then terminated, such as new teacher induction programs or intensive professional development on how teachers can help ELLs develop language skills and master student academic achievement standards;
- Costs related to attracting effective teachers to Title I schools; or
- Conducting pilots to test approaches in Title I schools that, if successful, may be supported in all schools with other funds in the future.

Specific suggestions on using Title I, Part A ARRA funds in accordance with the goals of the ARRA and consistent with Title I statutory and regulatory requirements are addressed in Part II of this guidance. See also B-13 (regarding a waiver of the carryover limitation for Title I, Part A ARRA funds).

A-3. May Title I, Part A ARRA funds be used to save jobs?

Yes. Consistent with one of the primary purposes of the ARRA, Title I, Part A ARRA funds may be used to retain individuals on the payroll or rehire individuals to work on Title I allowable activities. The key to using Title I, Part A ARRA funds for this purpose is that the individuals are working on Title I *allowable activities* and that the funds are being spent *in compliance with all Title I requirements*. See B-4 (presumption 2) for further discussion of how Title I, Part A ARRA funds may be used to save jobs in compliance with Title I statutory and regulatory requirements.

A-4. What steps should an LEA or school take to be transparent about the ways in which it spends its Title I, Part A ARRA funds?

Through the ARRA, Congress has provided State and local governments with an unprecedented level of funding to address the current economic downturn. In return, Americans must be assured that their tax dollars are being invested in initiatives and strategies that will make a real difference in their communities. Accordingly, transparency with respect to how ARRA funds are spent is a key element in the implementation of activities funded with Title I, Part A ARRA funds.

Section 1512 of the ARRA requires each SEA and LEA to report to the Federal Government, on a quarterly basis, such information as the amount of Title I, Part A ARRA funds it received, the amount it obligated, the projects or activities for which the funds were spent, and an estimate of the number of jobs created and saved. This information will be available for the public to view on the Recovery.gov Website (http://www.recovery.gov/). Note that the Office of Management and Budget (OMB) has issued *Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009* (June 22, 2009) (available at: http://www.recovery.gov/?q=content/recipient-reporting), which provides government-wide guidance for carrying out the reporting requirements in section 1512 of the ARRA. In addition, the Department issued non-regulatory guidance on program-by-program reporting under section 1512, *Tip Sheets* (Aug. 28, 2009) (available at: http://www.ed.gov/policy/gen/leg/recovery/section-1512.html).

Examples of other ways an LEA or school can promote transparency with respect to how it spends Title I, Part A ARRA funds include:

- Posting information about the uses of ARRA funds on the LEA's or school's Website;
- Publishing information about the uses of the funds in the LEA's or school's newsletter;
- Discussing uses of the funds during Title I annual meetings and other public forums and community meetings; and
- Using any other process the LEA or school normally uses to relay information to parents and the public.

B. Determining Allowable Uses of Title I, Part A ARRA Funds

Within the broader context of the ARRA, the use of Title I, Part A ARRA funds is focused on improving the academic achievement of low-achieving students in schools with high concentrations of children from low-income families and is governed by the statutory and regulatory requirements of Title I, Part A of the ESEA. How Title I, Part A ARRA funds may be used to benefit low-achieving students depends on whether the Title I school using the funds operates a schoolwide program or a targeted assistance program, or whether the funds are used at the district level.

More than 60 percent of Title I schools operate a schoolwide program, which is a comprehensive reform strategy designed to upgrade the entire educational program in a Title I school with a poverty percentage of 40 percent or more to improve the achievement of all students, particularly low-achieving students. (ESEA section 1114(a).) Title I, Part A ARRA funds may be used for any activity that supports the needs of students in the school that are identified through a comprehensive needs assessment and included in a schoolwide plan. (ESEA section 1114(b).) A schoolwide program must also, among other things, use effective methods and instructional strategies that are based on scientifically based research, provide instruction by highly qualified teachers, provide high quality and ongoing professional development, and increase parent involvement. (ESEA section 1114(b)(1).) A school operating a schoolwide program does not need to identify particular students as eligible to participate (ESEA section 1114(a)(2)(A)(i)), although the school must provide effective, timely additional assistance to students at risk of failing to meet the State's academic achievement standards, including at-risk students who are

ELLs or students with disabilities (ESEA section 1114(b)(1)(I)). A schoolwide school also does not need to provide services that supplement, and do not supplant, the services participating students would otherwise receive if they were not participating in a Title I program. (ESEA section 1114(a)(2)(A)(ii).) However, from the non-Federal funds available to an LEA in a given year, the LEA must make available for the school the amount the school would have received if it were not a Title I schoolwide school, including the funds needed to provide services that are required by law for students with disabilities and ELLs. (ESEA section 1114(a)(2)(B).)

The other type of Title I school-level program is a targeted assistance program. A school operating a targeted assistance program must use its Title I, Part A funds only to provide supplemental educational services to eligible students selected for those services because they have the greatest need for assistance—that is, students who are failing, or most at risk of failing, to meet the State's academic achievement standards. (ESEA section 1115(b)(1)(B).) Such students include at-risk children who are economically disadvantaged, children with disabilities, migrant children, ELLs, and children experiencing homelessness (who are eligible without regard to the school they attend). (ESEA section 1115(b)(2).) A targeted assistance program must, among other things, use effective methods and instructional strategies that are based on scientifically based research, provide instruction by highly qualified teachers, provide opportunities for professional development, increase parent involvement, and minimize removing students from the regular classroom by, for example, extending learning time during the school day, week, or year. (ESEA section 1115(c).)

Although Title I, Part A is built on the concept of using funds in particular *schools*, in certain circumstances, an LEA may reserve a portion of its Title I, Part A funds to use for priorities determined by the LEA. For example, an LEA may choose to take funds "off the top" of its Title I, Part A allocation to implement certain activities across all or a subset of its Title I schools. See B-6 and B-7 for additional information regarding taking Title I, Part A funds "off the top" and using Title I, Part A funds to support district priorities.

Consistent with section 1120 of the ESEA, an LEA must provide equitable services to eligible private school students, their teachers, and their families with Title I, Part A ARRA funds when funds are used for activities to which Title I equitable services requirements apply. (ESEA section 1120.) For additional information about providing equitable services to private school students, see the Department's non-regulatory guidance, *Title I Services to Eligible Private School Children* (Oct. 17, 2003) (available at: http://www.ed.gov/programs/titleiparta/psguidance.doc).

Title I, Part A ARRA funds must be used consistent with all statutory and regulatory requirements applicable to Title I, Part A, including civil rights laws and the cost principles in OMB Circular A-87.

B-1. What benefits are provided through the authority to consolidate Federal funds, including Title I, Part A ARRA funds, with State and local funds in a schoolwide program?

A school operating a schoolwide program may use its Title I, Part A ARRA funds, along with other Federal, State, and local funds, to improve the academic performance of all students, particularly the lowest-achieving students, in the school. (ESEA section 1114(a)(1).) The purpose of consolidating funds is to help a school operating a schoolwide program effectively design and implement a comprehensive plan to upgrade the entire educational program in the school based on the school's needs identified through a comprehensive needs assessment. By consolidating funds from Federal, State, and local sources, a school operating a schoolwide program has the flexibility to allocate all available resources effectively and efficiently to meet the needs of its students without regard to the specific source of the funds. To facilitate the comprehensive use of Federal funds to meet the school's identified needs, the school is not required to meet most of the statutory and regulatory requirements of the specific Federal programs included in the consolidation, provided it meets the intent and purposes of those programs so that the needs of the intended beneficiaries are addressed. (ESEA section 1114(a)(3)(A).) For more information about consolidating funds in a school operating a schoolwide program, see Section E in the Department's non-regulatory guidance, *Title I Fiscal Issues* (Feb. 2008) (available at: http://www.ed.gov/programs/titleiparta/fiscalguid.pdf).

B-2. Does a school operating a schoolwide program that consolidates Federal funds, including ARRA funds, with State and local funds need to account separately for its use of the ARRA funds?

Yes. In general, a school operating a schoolwide program that consolidates its Federal funds need not account for funds from each specific program separately. Therefore, the school is not normally required to maintain separate fiscal accounting records, by Federal program, that identify the specific activities supported by each program's funds in order to demonstrate that those activities are allowable under the program. (ESEA section 1114(a)(3)(C).) Notwithstanding this provision, ARRA funds, including Title I, Part A ARRA funds, must be accounted for separately. See 2 C.F.R. § 176.210. To meet this requirement in a schoolwide school that consolidates ARRA funds, an LEA may use any reasonable method—*e.g.*, proportionality—to assign expenditures of ARRA funds to the program that contributed the funds. See, e.g., E-3 (example 2) in the Department's non-regulatory guidance, *Title I Fiscal Issues* (Feb. 2008) (available at: http://www.ed.gov/programs/titleiparta/fiscalguid.pdf).

B-3. Does a school need to complete one full year of planning before it begins operating a schoolwide program?

Not necessarily. An LEA may want to consider using Title I, Part A ARRA funds in a Title I-eligible school with a poverty rate of 40 percent or more that is not currently operating a schoolwide program to enable the school to implement a schoolwide program as a strategy to improve the academic achievement of all students in the school, particularly the lowest-achieving students. Such a school must first conduct a comprehensive needs assessment of the entire school (ESEA section 1114(b)(1)(A)) and develop a comprehensive plan for reforming the whole education program of the school in consultation with the LEA and a school support team or other

technical assistance provider made available through the State's Statewide System of Support. (ESEA section 1114(b)(2)(A).) Parents and other community members, as well as individuals who will carry out the plan, must also be involved in the plan's development. (ESEA section 1114(b)(2)(B)(ii).)

Although section 1114(b)(2)(B)(i) of the ESEA generally requires a school to develop its schoolwide plan during a one-year planning period, an LEA may determine, after considering the recommendations of the school support team or other technical assistance providers involved in developing the plan, that less time is needed to develop and implement the schoolwide program. (ESEA section 1114(b)(2)(B)(i)(I).) A shorter time period may be especially appropriate if a State or LEA requires all schools to develop school plans that address all or many of the same strategies required for Title I schoolwide plans.

B-4. How does the supplement not supplant requirement of Title I, Part A affect the use of Title I, Part A ARRA funds in an LEA?

An LEA and its schools may use Title I, Part A ARRA funds only to supplement, and in no case supplant, the funds that would, in the absence of those funds, be available from non-Federal sources for the education of students participating in Title I programs. (ESEA section 1120A(b).) This provision operates differently depending on the type of Title I, Part A program a school is operating. See B-7 for information regarding how the supplement not supplant requirement affects an LEA's use of Title I, Part A funds for district-wide activities.

Schoolwide programs. If an LEA has a school operating a schoolwide program, the LEA must ensure that, of the non-Federal funds available to the LEA in a given year, the school receives all of those funds it would otherwise have received if it were not operating a schoolwide program, including those funds necessary to provide services required by law for students with disabilities and ELLs. (ESEA section 1114(a)(2)(B).) However, the school does not need to demonstrate that Title I, Part A ARRA funds are used only for activities that supplement those the school would otherwise provide with non-Federal funds. (ESEA section 1114(a)(2)(A)(ii).) In other words, the focus is on ensuring that a schoolwide school receives all the resources it would receive were it not operating a schoolwide program, not on the supplemental nature of the services provided with Federal funds or the eligibility of particular students to receive those services.

Targeted assistance programs. If an LEA has a school operating a targeted assistance program, the LEA must ensure that the school uses Title I, Part A ARRA funds only for activities that supplement those that would be available for Title I students from non-Federal funds in the absence of the Title I, Part A ARRA funds. (ESEA section 1120A(b).) To determine whether its use of Title I, Part A ARRA funds violates the supplanting prohibition in a targeted assistance program, the LEA must determine what activities it would have provided with non-Federal funds if Title I, Part A ARRA funds were not available using the following three presumptions:

1. Whether the activity is required by law: Using Title I, Part A funds for an activity that an LEA is required to provide by local, State, or other Federal law raises a presumption of supplanting. Presumably, the LEA would use non-Federal funds (or, in certain circumstances, other Federal funds) to provide services that it is required by law to provide. See the Department's non-

regulatory guidance, *Title I Fiscal Issues* (Feb. 2008), at page 38 for an example of the "required by law" presumption (available at: www.ed.gov/programs/titleiparta/fiscalguid.pdf).

2. Whether the activity was provided in prior years with non-Federal funds: Using Title I, Part A ARRA funds for an activity, otherwise allowable under Title I, Part A, that an LEA provided in prior years with non-Federal funds raises a presumption of supplanting. Presumably, those activities the LEA deemed sufficiently important to support with non-Federal funds last year, for example, are a reliable predictor as to how it would likely spend its non-Federal funds in the current year.

   This presumption may be rebutted, however, if the LEA can document contemporaneously that it would not have continued to provide the same activities with non-Federal funds, perhaps because of a budget shortfall or the changing educational needs of its students. For example, if an LEA uses Title I, Part A ARRA funds to rehire a reading teacher formerly paid with local funds, the LEA may be able to rebut the presumption of supplanting by documenting contemporaneously that, in the absence of the Title I, Part A ARRA funds, the individual was, or would be, laid off due to the lack of local resources. For a fuller discussion of this presumption and rebuttal, see the Department's non-regulatory guidance, *Title I Fiscal Issues* (Feb. 2008), at page 38 (available at: http://www.ed.gov/programs/titleiparta/fiscalguid.pdf); and *Funds Under Title I, Part A of the Elementary and Secondary Education Act of 1965 Made Available Under The American Recovery and Reinvestment Act of 2009* (Apr. 2009), at pages 28-29 (available at: www.ed.gov/policy/gen/leg/recovery/guidance/title-i.pdf).

3. Whether the activity is provided to non-Title I students with non-Federal funds: Using Title I, Part A ARRA funds for an activity that an LEA is providing to non-Title I students with State or local funds raises a presumption of supplanting. Presumably, if an LEA deems an activity sufficiently important to provide it to non-Title I students, the LEA would also provide that same activity to Title I students in the absence of Title I, Part A ARRA funds. For example, if an LEA provides after-school homework help with Title I funds for Title I students and provides the same type of homework help with local funds for non-Title I students, a presumption of supplanting would arise. It is this type of supplanting that is most relevant to the examples of allowable activities in this document.

   This presumption of supplanting may also be rebutted. If the services provided to non-Title I students meet the intent and purposes of the Title I, Part A program, in accordance with the criteria in 34 C.F.R. § 200.79(b), the LEA may exclude those services from supplement not supplant considerations. (ESEA section 1120A(d); 34 C.F.R. § 200.79(b).) In other words, if the services would be allowable under Title I, Part A—that is, they are supplemental and designed specifically to improve the achievement of students who are failing, or most at risk of failing, to meet State standards—they would not violate the supplanting prohibition, even if they are funded with supplemental State or local funds in non-Title I schools and Title I, Part A funds in Title I schools. For example, if an LEA offers after-school tutoring for any student who scores below proficient on the State's mathematics assessment, paying for Title I students with Title I funds and non-Title I students with supplemental local funds would not violate the supplement not supplant requirement because the students in the non-Title I schools, by virtue of being non-proficient in mathematics, are failing to meet the State's mathematics standards and thus would be eligible for Title I services if they attended a Title I school. For additional guidance, see *Title I Fiscal Issues* (Feb. 2008), at pages 39-40.

B-5. If Title I, Part A ARRA funds are used for activities designed to help ELLs develop language skills and master student academic achievement standards, in future years when Title I, Part A ARRA funds are no longer available, may Title III funds be used for those activities?

Yes. An LEA may want to use Title I, Part A ARRA funds to meet the supplemental needs of ELLs, who are eligible for Title I services on the same basis as other students. If the LEA does so, however, it must be mindful in future years of the Title III supplement not supplant requirement, which prohibits using Title III funds to supplant State, local, *or other Federal* funds. (ESEA section 3115(g).) Accordingly, using Title III funds for an allowable Title III activity that an LEA funded in prior years with Title I, Part A funds, including Title I, Part A ARRA funds, would raise a presumption of supplanting. This presumption may be rebutted, however, if the LEA can document contemporaneously that, in the absence of Title III funds, it would not have continued to provide the activities. See the discussion in B-4 on rebutting the second presumption of supplanting—*i.e.*, whether the activity was provided in prior years with, in this example, other Federal funds. For example, the LEA may be able to document that, once the supplemental Title I, Part A ARRA funds are no longer available, it does not have sufficient regular Title I, Part A funds to support the activities for ELLs that it previously funded with Title I, Part A ARRA funds and, thus, may use Title III funds to do so.

B-6. May an LEA take all or most of its Title I, Part A ARRA money "off the top" of its Title I, Part A allocation for specific district priorities?

Title I, Part A is built on the concept of operating programs in *eligible schools*. An LEA, for example, may only use Title I funds in eligible school attendance areas (the geographical area that a school serves) or schools. (ESEA section 1113(a)(1), (b)(1).) The LEA must rank its school attendance areas and schools in order of decreasing poverty and then select participating areas and schools in rank order. (ESEA section 1113(a)(3).) The LEA must allocate Title I, Part A funds to eligible areas and schools based on the number of poor children in each school (ESEA section 1113(c)), and those schools must design programs to meet the specific needs of their students (ESEA sections 1114(b), 1115(c)). To receive Title I, Part A funds, the LEA must demonstrate that it uses State and local funds to provide services in its Title I schools that, taken as a whole, are at least comparable to the services it provides in its non-Title I schools. (ESEA section 1120A(c).) Moreover, the LEA must hold Title I schools accountable for the achievement of their students. (ESEA section 1116(b).)

Title I, Part A also focuses on the concept of *eligible students*. Not all students in an LEA are eligible to participate in a program supported with Title I, Part A funds. Students enrolled in non-Title I schools are not eligible. Only those students in Title I targeted assistance schools who have the greatest need for assistance because they are failing, or most at risk of failing, to meet the State's academic content and achievement standards are eligible. (ESEA section 1115(a).) All students in Title I schoolwide schools are eligible, but only by specific statutory authority because of the high poverty percentage of the school. (ESEA section 1114(a)(1).) Combined, these provisions clearly contemplate a program operated by schools for the benefit of their at-risk students' specific needs.

In addition, an LEA is required to provide equitable services to eligible private school students. (ESEA section 1120.) Most of the funds generated to provide equitable services come from the count of children from low-income families who reside in participating Title I school attendance areas and who attend private schools. Although equitable services also apply to most "off-the-top" reservations (*e.g.*, parental involvement, professional development (with the exception of the professional development reservation required for an LEA in improvement status)), they do not apply to all such reservations (*e.g.*, supplemental educational services, preschool programs (assuming preschool is not a part of elementary education, as defined by the State)). As a result, if an LEA were to reserve large amounts "off the top" of its Title I, Part A allocation for such activities, it could effectively reduce the equitable services available for private school students. Accordingly, for all of these reasons, an LEA may *not* reserve all of its Title I, Part A funds "off the top" of its allocation to use for district priorities.

Admittedly, the large, one-time infusion of Title I, Part A ARRA funds presents a unique opportunity to improve teaching and learning by focusing on short-term investments with the potential for long-term benefits. In considering how much of these funds to distribute to schools and how much to reserve for district priorities, an LEA must make that determination in view of the totality of its Federal fiscal year (FY) 2009 Title I, Part A funds (*i.e.*, the combination of its regular FY 2009 Title I, Part A allocation and its Title I, Part A allocation made available through the ARRA) and with respect to how its Title I, Part A ARRA funds can best be used to improve the achievement of students, particularly those farthest from proficiency, in the LEA's lowest-achieving schools. This may be achieved, for example, by allocating Title I, Part A ARRA funds to new schools, such as secondary schools, or by reserving funds to implement rigorous interventions in the LEA's lowest-achieving schools. In sum, if an LEA has distributed its regular Title I, Part A funds primarily to eligible schools for use in meeting the needs of identified public and private school students, it may reserve much, perhaps all, of its Title I, Part A ARRA funds for district priorities, consistent with the discussion in B-7. For specific examples of "off-the-top" uses, see E-6, F-1, and G-1. However, if the LEA has already reserved substantial amounts of its regular FY 2009 Title I, Part A funds, it must distribute most of its Title I, Part A ARRA funds to schools.

Before deciding to reserve Title I, Part A ARRA funds "off the top" of its Title I, Part A allocation, an LEA must consult with appropriate private school officials and must provide equitable services to eligible private school students, their parents, and their teachers, as applicable, from the reserved funds. (ESEA section 1120(b); 34 C.F.R. §§ 200.63-200.65, 200.77.) Moreover, the LEA should take into account the views of other significant stakeholders, including principals and teachers in Title I schools, parents of Title I students, representatives of ELLs and students with disabilities, and members of the community. Whatever decisions the LEA makes, it should keep the public informed of its use of Title I, Part A ARRA funds. See A-4.

B-7. May Title I, Part A ARRA funds be used to implement district-wide improvement strategies?

Although some flexibility exists, generally, Title I, Part A ARRA funds may *not* be used to implement district-wide activities. As discussed below, the use of Title I, Part A funds, including Title I, Part A ARRA funds, to support district-wide activities will usually constitute an unallowable use of Title I, Part A funds or a violation of the supplement not supplant requirement.

Allowable use of funds. Title I, Part A funds, including Title I, Part A ARRA funds, may be used only to benefit students who are participating in a Title I program—that is, all students in a schoolwide program, but particularly those who are low-achieving (ESEA section 1114(a)(1)), and students who are failing, or most at risk of failing, to meet State academic achievement standards in a targeted assistance program (ESEA section 1115(a)). Title I, Part A funds may not be used to benefit the general needs of students in an LEA as a whole unless all schools in the LEA are Title I schools operating schoolwide programs. As a result, an LEA may not use Title I, Part A funds to implement general district-wide activities that benefit all schools in the LEA or all students in general, absent express statutory authority to do so.

An LEA may use Title I, Part A ARRA funds for "district-wide" activities that are focused only on Title I schools. For example, an LEA might use Title I, Part A ARRA funds to implement a specific school reform strategy in each of its Title I schools in restructuring. Although such use of Title I, Part A ARRA funds is not truly "district-wide," it affords an LEA considerable opportunity to direct the use of its ARRA funds for systemic reform in all its lowest-achieving Title I schools.

Supplement not supplant. Title I, Part A funds, including Title I, Part A ARRA funds, may be used only to supplement, and in no case supplant, funds from non-Federal sources that would, in the absence of the Title I, Part A funds, be available for particular activities. (ESEA section 1120A(b).) As explained in B-4, a presumption that supplanting has occurred arises if an LEA uses Title I, Part A ARRA funds in Title I schools for the same activity that the LEA supports with non-Federal funds in non-Title I schools or for non-Title I students in Title I schools. For example, an LEA would violate the supplanting prohibition if, to implement a district-wide activity to provide extended-day kindergarten to all students, the LEA uses Title I, Part A ARRA funds to provide extended-day kindergarten for Title I students and uses non-Federal funds to provide extended-day kindergarten for all other students. Based on the LEA's decision to conduct the activity with non-Federal funds for its non-Title I students, a presumption would arise that the LEA would conduct the activity with non-Federal funds for the benefit of all students in the absence of the Title I, Part A ARRA funds.

The LEA may overcome this presumption, however, if it uses State or local funds for an activity that meets the intent and purposes of the Title I, Part A program consistent with the criteria in 34 C.F.R. § 200.79(b). In essence, the activity must qualify as a Title I allowable activity—*i.e.*, it must be supplemental and designed to meet the needs of students who are failing, or most at risk of failing, to meet State academic achievement standards. In the example above, an LEA may rebut the presumption of supplanting if it provides extended-day kindergarten for Title I students with Title I, Part A ARRA funds and for educationally at-risk students in non-Title I schools with supplemental local funds. The critical difference in this example is that the extended-day kindergarten program supported with supplemental local funds serves only students who would be eligible for Title I services if they were in a Title I school, rather than all kindergarten students in the LEA.

Note that an LEA seeking to implement district-wide reforms affecting all of its schools, both Title I and non-Title I, may use SFSF funds for such reforms.

B-8. May an LEA use Title I, Part A ARRA funds at the district level to support a subset of Title I schools?

Yes. For example, a district may use Title I, Part A ARRA funds to support Title I schools in improvement, corrective action, or restructuring. In such a case, an LEA might hire district-level staff or contract with an external education management organization with expertise in school reform to work with Title I schools in corrective action or restructuring. In this example, the key to ensuring that the use of Title I, Part A ARRA funds to hire district-level staff is proper is ensuring that the staff would be working only with Title I schools. Note, however, that Title I, Part A ARRA funds may not be used to hire LEA staff to carry out district-wide functions outside of Title I schools.

B-9. May an LEA allocate Title I, Part A ARRA funds directly to Title I schools?

Yes. As with regular Title I, Part A funds, an LEA may allocate its Title I, Part A ARRA funds directly to Title I schools. In so doing, the LEA has a number of options, provided it allocates those funds consistent with the requirements in section 1113 of the ESEA. For example, the LEA may increase the per-pupil allocation of all participating Title I schools. Alternatively, the LEA may increase the per-pupil allocations of its highest-poverty schools; the LEA may not, however, increase the per-pupil allocations only of its lower-poverty schools because that would violate the requirement in section 1113(c) to allocate Part A funds in rank order of poverty.

An LEA may also use its Title I, Part A ARRA funds to serve Title I-eligible schools that do not currently receive funds under Title I. See B-10. If it does so, the LEA must ensure that it follows the ranking and allocation requirements in section 1113.

Finally, an LEA may reserve Title I, Part A ARRA funds to allocate to a subset of Title I schools with specific need for those funds. See B-8. For example, the LEA might allocate ARRA funds only to Title I schools in restructuring in order to implement effective school turnaround models. If an LEA takes this approach, it should ensure that its rationale for which schools receive these funds is fair and objective.

B-10. May an LEA use Title I, Part A ARRA funds to serve a school that is eligible for, but is currently not receiving, Title I, Part A funds?

Yes. An LEA may use Title I, Part A ARRA funds to serve a school that it is not currently serving with regular Title I, Part A funds. The school must be eligible to be served— *i.e.*, its poverty percentage must be above either the district-wide or grade-span poverty average, or greater than 35 percent. (ESEA section 1113(a)(2)(B), (a)(4)(A), (b)(1)(A).) In addition, the LEA must serve the school in rank order of poverty consistent with section 1113(a)(3) and (4) of the ESEA. If the LEA has any schools with poverty percentages above 75 percent, those schools must be served first. If the LEA is already serving all schools above 75 percent poverty, the LEA may rank and serve schools by grade span. (ESEA section 1113(a)(3)-(4).) Accordingly, if the LEA currently serves only elementary schools, it might use its Title I, Part A ARRA funds to expand services to middle or high schools. To determine their eligibility to receive Title I funds, the LEA may establish separate grade-span poverty averages for its middle schools and high schools. This approach would allow the LEA to make eligible middle and high schools that often have lower

poverty percentages than elementary schools. The LEA may also allocate different per-pupil amounts of Title I, Part A funds to middle and high schools than it allocates to its elementary schools; however, the LEA may not allocate more funds per pupil than it allocates to its schools above 75 percent poverty. (ESEA section 1113(a)(3), (c).) See C-1 for an example of costs that may be supported with Title I, Part A ARRA funds in a newly participating Title I high school.

In implementing these provisions, an LEA would use only one ranking to distribute funds from both its regular FY 2009 Title I, Part A allocation and the Title I, Part A funds made available through the ARRA. Although the addition of Title I, Part A ARRA funds may enable an LEA to provide Title I, Part A funds to an eligible school that it was not previously able to serve, the LEA may not use two independent sets of school rankings to allocate its regular Title I, Part A funds and its Title I, Part A ARRA funds separately.

B-11. Given that many middle and high school students do not participate in the free- and reduced-price school lunch program, which is the poverty measure most often used by LEAs for Title I eligibility purposes, how may an LEA obtain an accurate poverty percentage for a middle or high school in order to establish the school's eligibility?

An LEA may determine the Title I eligibility of a middle or high school in at least three ways. First, the LEA may use the actual poverty percentage of the school but rank it by grade span, thereby comparing like schools. Thus, middle or high schools whose students do not participate in the school lunch program at the same rate as elementary school students would not be compared to higher-poverty elementary schools. Second, the LEA may use comparable poverty data collected through alternative means, such as a survey. Third, the LEA may use a "feeder pattern" to qualify a middle or high school for Title I services. That is, the LEA may use the poverty percentages of the schools that feed into the middle or high school to project a poverty percentage for the middle or high school that would reflect the income level of the families of the students in the school (see pages 12–15 of the Department's non-regulatory guidance, *Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to Those Areas and Schools* (Aug. 2003), available at: www.ed.gov/programs/titleiparta/wdag.doc).

B-12. What happens to equipment and supplies that an LEA purchases with Title I, Part A ARRA funds for use in a school that the LEA cannot continue to operate as a Title I school after the ARRA funds are no longer available?

Under 34 C.F.R. § 80.32(b), an SEA must use, manage, and dispose of equipment and supplies that it acquires with Title I, Part A funds, including ARRA funds, in accordance with State laws and procedures. Those same laws and procedures apply to the SEA's subgrantees that are LEAs. See 34 C.F.R. § 80.37(a) (an SEA shall follow State law and procedures when awarding and administering subgrants).

Even though a State is not required to apply the regulations listed in 34 C.F.R. § 80.32(c) through (g), these regulations provide guidance to the State in developing its laws and procedures. Section 80.32(c), for example, provides that equipment shall be used by a grantee or subgrantee in the program or project for which it was acquired as long as needed, whether the program or project continues to be supported by Federal funds. Thus, if consistent with State law and procedures, an

LEA may continue to use equipment and supplies purchased with Title I, Part A ARRA funds as long as needed in a school even if the school no longer operates as a Title I school.

B-13. Given the exceptional nature and size of the supplemental appropriation for Title I, Part A under the ARRA, how can an SEA ensure that an LEA has sufficient time to thoughtfully plan how it will spend its Title I, Part A ARRA funds, including any available carryover funds?

Section 1127(a) of the ESEA prohibits an LEA from carrying over into the next fiscal year more than 15 percent of the Title I, Part A funds allocated to it for the current fiscal year. Under section 1127(b) of the ESEA, under certain circumstances, an SEA may waive this limitation once every three years to allow an LEA to carry over more than 15 percent of its Title I, Part A allocation for a particular fiscal year. One of these circumstances is if a supplemental appropriation for Title I, Part A becomes available; Title I, Part A ARRA funds are such a supplemental appropriation.

An LEA should immediately determine whether it will need additional time to plan and spend its Title I, Part A ARRA funds in a thoughtful manner that has the greatest potential for improving student achievement in Title I schools. If an LEA determines that it will, in fact, require additional time to spend its Title I, Part A ARRA funds, it should request a waiver from its SEA of the carryover limitation in section 1127(a). In an effort to ensure that an LEA has sufficient time to thoughtfully plan how it will spend its Title I, Part A ARRA funds, including any carryover funds, an SEA may permit an LEA to apply for a waiver of the carryover limitation in section 1127(a) early in the 2009–2010 school year if the LEA anticipates needing the waiver because of the availability of Title I, Part A ARRA funds (see the Department's *Non-Regulatory Guidance on Title I, Part A Waivers* (July 2009) at C-22, available at: www.ed.gov/programs/titleiparta/title-i-waiver.doc). Allowing an LEA to apply for a waiver of the carryover limitation early in the 2009–2010 school year will provide the LEA with the ability to plan how it will spend its Title I, Part A ARRA funds over two years so that the LEA may ensure that it uses those funds in a prudent manner to improve the academic achievement of its students.

Although section 1127(b) authorizes an SEA to waive the carryover limitation for an LEA only once every three years, each SEA is invited to apply for a waiver that would permit it to waive the carryover limitation more than once every three years for an LEA that needs the additional waiver(s) because of its Title I, Part A ARRA funds. (See the Department's *Non-Regulatory Guidance on Title I, Part A Waivers* (July 2009) at pages 25-26.) An LEA that has received a waiver of the carryover limitation within the last three years and anticipates needing an additional waiver because of its Title I, Part A ARRA funds is encouraged to contact its SEA to determine whether the SEA will be seeking a waiver from the Department that would allow it to grant an additional carryover waiver to the LEA.

II. USES OF TITLE I, PART A ARRA FUNDS: EXAMPLES FOR CONSIDERATION

In addition to adhering to the guidelines included in Section I of this document, in considering how best to spend Title I, Part A ARRA funds in accordance with the goals of the ARRA, LEAs are encouraged to consider whether they can answer "yes" to these five questions:

1. **Drive results for students.** Will the proposed use of funds drive improved results for students who are failing, or most at risk of failing, to meet State academic achievement standards (*i.e.*, Title I-eligible students), including students living in poverty, students with disabilities, and ELLs?

2. **Increase capacity.** Will the proposed use of funds increase educators' long-term capacity to improve results for Title I students?

3. **Accelerate reform.** Will the proposed use of funds advance SEA, LEA, or participating Title I school improvement objectives and the reform goals encompassed in the ARRA?

4. **Avoid the "funding cliff" and improve productivity.** Will the proposed use of funds avoid recurring costs that SEAs, LEAs, and participating Title I schools are unprepared to assume when the period of availability of the ARRA funds ends? Given the current state of the economy, will the proposed use serve as "bridge funds" to help transition to more effective and efficient approaches?

5. **Foster continuous improvement.** Will the proposed use of funds include approaches to measure and track implementation and results and create feedback loops to modify or discontinue strategies that evidence indicates are ineffective in improving achievement of Title I students?

This guidance is designed to assist SEAs, LEAs, and Title I schools develop a plan to spend their Title I, Part A ARRA funds in ways that not only enable them to answer "yes" to the questions above but also comply with all Title I, Part A requirements. To aid SEAs, LEAs, and Title I schools in this effort, this guidance identifies educational strategies that may be implemented with Title I, Part A ARRA funds. The strategies for reform noted in this guidance should not be seen as exhaustive or as a list of "silver bullets" that schools should necessarily implement. Rather, these strategies should be considered, taking into account local needs reflected in student achievement data. Ultimately, if educators and community leaders focus on a small number of related and reinforcing strategies and use the substantial one-time Title I, Part A ARRA resources consistent with their overall plan for increasing student achievement, student outcomes are more likely to improve than with a scattershot approach. It is important to note, in addition, that the strategies identified in this document as permissible Title I activities may be supported with all Title I, Part A funds, not just those available through the ARRA.

Moreover, as you read this guidance, it is important to bear in mind that not all strategies that *may* be supported with Title I, Part A ARRA funds necessarily *should* be supported with Title I, Part A ARRA funds in a particular school or LEA. In other words, an LEA or school should not let the fact that a particular activity may be supported with Title I, Part A ARRA funds be the sole determinant of whether that activity will be supported with those funds. Rather, an LEA or school should develop a comprehensive plan for improving student achievement and, then, viewing all of the sources of funds available to it — including Federal, State, and local funds — determine which funds should be used to support the various components of the plan, consistent with the requirements for each source of funds. By doing so, an LEA or school should be able to maximize its flexibility to support the activities it determines necessary for improving student achievement. See A-1.

Sections C through F of this guidance are organized according to four areas of reform that are essential to improving student achievement, with each section discussing one area of reform. Although each section of the guidance addresses one area of reform, this division of the reform areas into four discrete topics operates simply as an organizational device for purposes of the guidance. As is clear from the overlap of topics covered by questions and answers in the various sections, in practice, the reform areas should be viewed together as part of one comprehensive reform effort. Section G provides additional examples of ways that Title I, Part A ARRA funds can be used to further the general goal of improving the achievement of students in Title I schools.

C. Adopting Rigorous Standards and High-Quality Assessments

World-class education systems are built upon college- and career-ready standards, rich and engaging curricula based on high standards, and high-quality assessments that are aligned to such standards and that measure student progress and provide information regarding the improvement of student achievement. Although many States are actively revising their standards and assessments to increase rigor and improve alignment, districts and schools can concurrently take steps to promote rigorous standards, effective assessment systems, and strong curricula. Promising strategies addressed below include: increasing student participation in advanced coursework (see C-1–C-5); using formative and interim assessments to track student progress and improve instruction (see C-6, C-7); and using high-quality supplemental instructional materials (see C-8).

C-1. May Title I, Part A ARRA funds be used to help prepare low-achieving students to participate successfully in advanced coursework (such as Advanced Placement (AP) or International Baccalaureate (IB) courses), early-college high schools, or dual enrollment in postsecondary credit-bearing courses in Title I high schools?

Yes. Title I, Part A ARRA funds may be used for supplemental activities designed to prepare low-achieving students to participate successfully in advanced coursework, such as AP or IB courses, early-college high schools, or dual enrollment in postsecondary credit-bearing courses. Title I, Part A ARRA funds, for example, could be used to provide intensive summer school classes for low-achieving high school freshmen and sophomores to prepare them for the rigors of taking advanced courses in their sophomore and junior years. Likewise, Title I, Part A ARRA funds may be used to provide after-school tutoring for low-achieving students who are taking advanced courses. An LEA that is considering allocating Title I, Part A ARRA funds to eligible high schools that have not previously been served may want to consider implementing such strategies.

C-2. May Title I, Part A ARRA funds be used to pay for an elective course in a Title I high school that would be a precursor to taking an advanced course and earn students credit toward high school graduation?

Yes. In accordance with the caveats in this response, an LEA may use Title I, Part A ARRA funds to offer an elective course that would prepare low-achieving students to take advanced courses. The elective course could earn the students credit toward high school graduation.

Generally, the use of Title I, Part A funds for courses that provide credit needed to meet graduation requirements would violate the supplement not supplant requirement in section 1120A(b) of the ESEA because, in the absence of the Title I, Part A funds, an LEA would have to provide sufficient opportunities for students to earn the requisite credits for graduation. However, an LEA may use Title I, Part A ARRA funds for programs or activities that allow low-achieving students to receive credit toward high school graduation requirements if the programs or activities: (1) are an expansion of the options for receiving high school credit in a particular area that would not have been provided without the Title I, Part A ARRA funds; and (2) do not replace or reduce the courses and programs normally provided by the LEA (*i.e.*, there is no reduction in the course offerings or costs in that particular academic area). For example, an LEA or school may provide, as an elective that would count toward graduation, a course that offers preparation in language arts or mathematics for a student to take advanced coursework, in addition to the language arts and mathematics courses that a student takes to fulfill graduation requirements. This is a permissible use of Title I, Part A funds if the course is supplemental to the courses the LEA would otherwise offer, does not reduce costs that the LEA would otherwise incur, and is designed specifically for low-achieving students.

C-3. May Title I, Part A ARRA funds be used to pay the costs an LEA or school would incur to offer advanced coursework such as AP or IB courses, early-college high schools, or dual enrollment courses?

Generally, no. The threshold question is whether, in a particular LEA, advanced coursework, such as AP or IB courses, early-college high schools, or dual enrollment courses, is available to students who attend both Title I and non-Title I high schools. If so, an LEA or school may not use Title I, Part A ARRA funds to pay the costs it would incur to offer such advanced coursework because it is available to all students, not just students participating in Title I programs. See B-7 (discussing allowable uses of Title I, Part A funds). Other Federal funds may be available, however, to pay the costs of offering advanced coursework. For example, an LEA may use awards made under Title I, Part G or its SFSF funds provided through the ARRA to cover these costs.

C-4. May Title I, Part A ARRA funds be used to pay the cost for low-income students to take an AP or IB exam?

Possibly. Title I, Part A ARRA funds may be used to pay the cost of taking an AP or IB exam for a student from a low-income family who is participating in a Title I, Part A program, provided that paying for those costs is otherwise the responsibility of the student's parents. In other words, Title I, Part A funds may be used to pay the cost of taking the exam if, absent the Title I, Part A funds, the student would not be able to access the exam. See the Department's non-regulatory guidance, *Title I Fiscal Issues* (Feb. 2008) at C-4 (available at: http://www.ed.gov/programs/titleiparta/fiscalguid.pdf). To the extent that the LEA covers the cost of the exams for all students or the LEA has a fund to pay the cost for students from low-income families in general, Title I, Part A ARRA funds may not be used. See generally B-4 and B-7.

C-5. May Title I, Part A ARRA funds be used to train teachers who teach in Title I schools to teach advanced coursework, such as AP or IB courses?

In general, the threshold question is whether advanced coursework is available to all students in an LEA who attend both Title I and non-Title I high schools. If so, Title I, Part A ARRA funds may not be used to train teachers to teach those courses because Title I, Part A funds may not be used for activities that benefit all students. See B-7 (discussing allowable uses of Title I, Part A funds). If, however, all of an LEA's high schools are Title I schools, Title I, Part A ARRA funds may be used consistent with the type of Title I program the school operates (*i.e.*, schoolwide or targeted assistance). For example, in a high school operating a schoolwide program, Title I, Part A ARRA funds may be used for any activity that is part of the schoolwide program plan, including professional development for any teachers in the school; accordingly, Title I, Part A ARRA funds may be used to train teachers to teach advanced courses, assuming the schoolwide planning process determines that there is a need for more challenging courses to raise the achievement of students in the school, particularly low-achieving students. Similarly, Title I, Part A ARRA funds may be used to train teachers of advanced coursework on strategies for enabling low-achieving students to successfully master the content of those courses. If a high school operates a targeted assistance program, it is not permissible to use Title I, Part A ARRA funds to train teachers to teach advanced courses because those courses are open to all students and are not limited to students participating in Title I programs. See E-7 (discussing how to determine whether professional development constitutes an allowable use of Title I, Part A funds). However, Title I, Part A ARRA funds may be used to provide professional development to Title I teachers regarding how to prepare low-achieving students to participate successfully in advanced coursework.

SFSF funds or funds available under Title II, Part A of the ESEA may be used to train teachers to teach advanced coursework.

C-6. May Title I, Part A ARRA funds be used to develop or adopt formative or interim assessments?

Yes, if these assessments are used to measure the progress only of Title I students—*i.e.*, low-achieving students in a targeted assistance program or all students in a schoolwide program. For example, if the assessments are being used for progress monitoring as part of a Response to Intervention (RTI) model (also referred to as a multi-tiered intervention model), then Title I, Part A ARRA funds may be used, provided the students whose progress is being assessed are eligible to receive Title I services. Similarly, an LEA might use Title I, Part A ARRA funds to pilot performance-based interim assessments with Title I students. As a practical matter, however, it is more likely that an LEA would administer formative and interim assessments to all its students. In that case, Title I, Part A ARRA funds may not be used to develop or adopt those assessments because such funds may not be used to benefit all students generally. See B-7 (discussing allowable uses of funds).

C-7. May Title I, Part A ARRA funds be used to train teachers to administer formative or interim assessments?

Yes, but only to the same extent that Title I, Part A ARRA funds may be used to develop the assessments. See C-6. In other words, Title I, Part A ARRA funds may be used to train teachers

who would administer formative or interim assessments to Title I students—*i.e.*, all teachers in a school operating a schoolwide program or teachers who work with Title I students in a school operating a targeted assistance program.

As noted in C-6, however, as a practical matter, an LEA may be more likely to want to train all of its teachers to administer such assessments. If that is the case, Title I, Part A ARRA funds may not be used to provide the same type of training to Title I teachers that is being provided to other teachers with State or local funds. However, to the extent that an LEA provides additional, more intensive training only to teachers who work with Title I students, it may support that supplemental training with Title I, Part A ARRA funds.

C-8. May Title I, Part A ARRA funds be used to purchase or develop supplemental instructional materials aimed at improving the academic achievement of low-achieving students taking courses that are part of a high-quality curriculum aligned with State standards?

Yes. Title I, Part A ARRA funds may be used to purchase or develop supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and ELLs. For example, an LEA might decide to use Title I, Part A ARRA funds to purchase supplemental bilingual texts to help low-achieving ELLs access curriculum content while they are building their English language skills. To the extent that curricular materials are designed for all students, and not just low-achieving students, however, Title I, Part A ARRA funds may not be used for their purchase.

D. Establishing data systems and using data for improvement

At the heart of improving schools and school districts are systems to gather and analyze data and provide feedback to educators, students, families, and the community in order to improve student and teacher performance continuously. Although using data is an underpinning of each of the approaches identified in this document, effective use of data requires training principals, teachers, guidance counselors, and other staff to use data to identify the specific help students need to succeed, to adjust classroom instruction to better address student strengths and weaknesses, and to target professional development and other resources to meet student and teacher needs.

D-1. May an LEA use Title I, Part A ARRA funds to hire outside data experts to work with the staff of low-achieving Title I schools to build their capacity to analyze student data more effectively to improve instruction and identify appropriate academic interventions?

Yes. Accurately analyzing student data and understanding how to use data to inform instruction and select the interventions designed to address student needs is critically important to raising student achievement. An LEA may use Title I, Part A ARRA funds to hire an outside data expert to work with the staff of low-achieving Title I schools to build their capacity to analyze student data more effectively and identify interventions that have the greatest likelihood of improving the academic achievement of the schools' lowest-achieving students. Such assistance may be particularly valuable to the staff of chronically low-achieving Title I schools.

Note that an LEA may not use Title I, Part A ARRA funds to hire an outside data expert to work with staff in all its schools, nor may it use Title I, Part A ARRA funds to hire an outside data expert to work with the staff of Title I schools if the LEA uses State or local funds to hire an outside data expert to work with the staff of non-Title I schools, unless paying the outside expert with State or local funds qualifies for the exclusion in 34 C.F.R. § 200.79. See B-4 (presumption 3).

D-2. May Title I, Part A ARRA funds be used to develop and implement a district-wide data system to track the achievement of all students?

No. Using Title I, Part A ARRA funds to develop and implement a district-wide data system to track the achievement of all students within an LEA—*i.e.*, both low- and high-achieving students in both Title I and non-Title I schools—would constitute an unallowable use of Title I, Part A funds. See B-7. Other sources of Federal funds, however, may help support an LEA's efforts to develop and implement a district-wide data system. For example, an LEA may use SFSF funds, funds available under Title II, Part D of the ESEA, or, to the extent they are available, certain Federal discretionary funds (*e.g.*, Race to the Top Grants) for this purpose.

D-3. May Title I, Part A ARRA funds be used to develop and pilot a data system designed to help teachers and other staff identify and analyze data that will assist them to improve instruction for low-achieving students?

Yes. An LEA may use Title I, Part A ARRA funds to develop and pilot a dynamic data system, such as a data dashboard, designed to help teachers in Title I schools identify, track, and analyze, on a daily basis, data that will assist them to better target interventions to low-achieving students. A data dashboard, for example, organizes and presents information in a way that is easy to read and is likely to be interactive. The data incorporated into the dashboard or other data system might include student attendance, participation in extra-curricular activities, school climate factors, such as students' sense of safety at and connectedness to school, and other non-academic indicators that can impact academic performance. To determine the utility of such a data system through a pilot, it would probably be most effective to conduct the pilot in Title I schools operating schoolwide programs.

D-4. May Title I, Part A ARRA funds be used to pay for extended time for teachers in Title I schools to review data for at-risk students and to identify interventions to better meet the needs of those students?

Yes. An LEA may use Title I, Part A ARRA funds to pay for extended time for teachers in Title I schools to review data for at-risk students and identify interventions to better meet the needs of those students. In a school operating a schoolwide program, Title I, Part A ARRA funds may be used to support extended time for these activities for all teachers in the school. In a school operating a targeted assistance program, Title I, Part A ARRA funds may be used to support extended time for these activities for teachers of participating Title I students. Note that an LEA may not use Title I, Part A ARRA funds to pay for extended time for teachers in all its schools, nor may it use Title I, Part A ARRA funds to pay for extended time for teachers in Title I schools if the LEA uses State or local funds to pay for extended time for teachers in non-Title I schools,

unless the teachers' extended time qualifies for the exclusion in 34 C.F.R. § 200.79 because it focuses only on reviewing data for at-risk students. See B-4 (presumption 3).

E. Increasing Teacher and School Leader Effectiveness and Equitable Distribution of Effective Teachers and School Leaders

Effective teachers and school leaders are a major influence on students' academic success. Districts can improve teacher and school leader effectiveness and address inequitable distribution of effective teachers and school leaders through the ways in which they recruit, hire, induct, develop, evaluate, advance, and compensate teachers and school leaders. Moreover, they can create school conditions that foster teacher and school leader effectiveness and retention by doing things such as creating time for collaboration and cultivating a culture of continuous improvement.

Examples of strategies that may help improve teacher effectiveness and address the inequitable distribution of effective teachers between low- and high-poverty schools and that could be funded using Title I, Part A ARRA funds in Title I schools include: incentives to attract and retain effective teachers (see E-1–E-3); structured induction programs to support and retain teachers in their first two years (see E-4); developing fair and reliable teacher evaluations that provide ongoing feedback and guidance for improving instructional practices (see E-5); high-quality professional development that increases the school staff's ability to advance student achievement (see E-6–E-11); and activities designed to improve school climate (E-15).

Given the importance of strong principal leadership to recruiting, retaining, and developing teachers, high-quality preparation and on-going professional development for principals, incentives to attract and retain effective principals, and evaluations that provide ongoing feedback and guidance for improvement to principals also are important strategies (see E-5, E-12–E-14).

E-1. May Title I, Part A ARRA funds be used for financial incentives and rewards to attract and retain qualified and effective teachers to work in Title I schools?

Yes. Section 1113(c)(4) of the ESEA specifically authorizes an LEA to reserve Title I, Part A funds to provide financial incentives and rewards to teachers who work in Title I schools that are identified for improvement, corrective action, or restructuring for the purpose of attracting and retaining qualified and effective teachers in those schools. Section 1113(c)(4) limits the amount of funds an LEA may reserve from Title I, Part A for this purpose to five percent of the LEA's Title I, Part A allocation, although, with the ARRA funds included, that amount would be significantly more than the amount available from the regular Title I, Part A funds. Moreover, the LEA may also use funds under Title II, Part A of the ESEA for financial incentives and rewards for teachers in Title I schools, including those not identified for improvement, corrective action, or restructuring. (ESEA section 2123(a)(4)(C).)

E-2. May an LEA use Title I, Part A ARRA funds for financial incentives to recruit and retain qualified teachers in hard-to-staff subject areas such as mathematics and science?

Under the authority described in E-1, an LEA may use Title I, Part A ARRA funds for financial incentives to attract and retain qualified teachers in hard-to-staff subject areas in Title I schools in improvement, corrective action, or restructuring. The LEA may not, however, use Title I, Part A ARRA funds for financial incentives to recruit qualified teachers in hard-to-staff subject areas to the LEA as a whole because those teachers would benefit all students in the LEA and would not be necessary to operate the Title I program. See B-7. Funds available under Title II, Part A of the ESEA, however, may be used for this purpose.

E-3. May Title I, Part A ARRA funds be used to implement performance-based compensation programs designed to raise student academic achievement?

In general, Title I, Part A funds, including Title I, Part A ARRA funds, may be used to pay compensation for teachers who work in a Title I program. Such compensation must be reasonable for the services rendered, conform to the established policy of the LEA, and be applied consistently to both Federal and non-Federal activities. (See OMB Circular A-87, Attachment B.8.a.) Accordingly, if an LEA has established a performance-based compensation program that applies to all teachers, it may use Title I, Part A ARRA funds to pay teachers who work in a Title I program in accordance with that system.

Additionally, a district that is thinking about, but has not yet established, a district-wide performance-based compensation system may wish to pilot the system in its Title I schools that are operating schoolwide programs. Implementing a pilot would enable an LEA to evaluate the impact of the system on student achievement prior to implementing it for all of its schools. Such a pilot may be supported with Title I, Part A ARRA funds. If the LEA decides not to expand the pilot to all its schools, it may continue the performance-based compensation system in its Title I schoolwide schools.

E-4. May an LEA use Title I, Part A ARRA funds to pilot an induction program for new teachers in Title I schools operating schoolwide programs?

Yes. Comprehensive induction programs generally include regular mentoring (including observation and feedback on classroom teaching), opportunities to observe other teachers in their classrooms, provision of useful materials and resources, collaborative work with other new teachers, and professional development on topics important to new teachers, such as classroom management, lesson planning, differentiated instruction, time management, and relationships with students, families, colleagues, and administrators.

An LEA that currently does not have an induction program for new teachers may use Title I, Part ARRA funds (alone or in combination with other funds, such as Title II, Part A funds) to pilot such a program in some or all of its Title I schools operating schoolwide programs. Piloting a new-teacher induction program may be a particularly effective strategy for using short-term Title I, Part A ARRA funds to build sustainable local capacity to improve student achievement in Title I schools operating schoolwide programs. If the LEA expands the induction program to new

teachers in all its schools, Title I, Part A funds, including Title I, Part A ARRA funds, may not be used to support the program. See B-4 and B-7. If the LEA does not expand the program, however, it may continue the induction program in its Title I schoolwide schools.

E-5. May Title I, Part A ARRA funds be used to pilot an evaluation system for Title I teachers or principals that, if successful, would be used for all teachers or principals district-wide in the future?

Yes, although an LEA would most likely want to establish and implement a teacher or principal evaluation system that includes all teachers or principals within the LEA. As discussed above, generally, Title I, Part A funds may not be used for district-wide activities because district-wide activities benefit all students, not just Title I students, and are thus not an allowable use of Title I, Part A funds. Similarly, using Title I, Part A funds for teachers or principals in Title I schools while using State or local funds for teachers or principals in non-Title I schools would violate the supplement not supplant requirement. See B-4 and B-7. However, prior to launching a district-wide teacher or principal evaluation system, an LEA may want to pilot the system with a subset of teachers or principals to ensure that the system is a useful tool that operates as intended. An LEA that chooses to pilot a teacher or principal evaluation system that includes only Title I teachers (which may include all teachers in a Title I school operating a schoolwide program or Title I teachers in a Title I school operating a targeted assistance program) or Title I principals (which may include the principal in any Title I school) may use Title I, Part A ARRA funds to support the pilot. An LEA that operates such a pilot would want to consider the sources of funds that would be available to operate the evaluation system on a district-wide basis in the future if the pilot is successful.

E-6. How might an LEA allocate Title I, Part A ARRA funds to support job-embedded professional development in Title I schools?

An LEA has several options for how it might allocate Title I, Part A ARRA funds to support job-embedded professional development. For example, an LEA might use its Title I, Part A ARRA funds to increase the per-pupil amount (PPA) allocated to some or all of its Title I schools so that the schools have additional resources to support job-embedded professional development specific to the needs of teachers in those schools. Note, however, that increasing the PPA must be done consistent with the requirements of section 1113 of the ESEA, which prohibit a lower-poverty school from receiving a PPA that is greater than the PPA allocated to a higher-poverty school. Alternatively, an LEA may reserve Title I, Part A ARRA funds "off the top" of its Title I, Part A allocation to support professional development in all or a subset of its Title I schools, such as schools in improvement, corrective action, or restructuring, or the LEA's lowest-achieving Title I schools. For example, an LEA might use Title I, Part A ARRA funds to hire a mathematics coach to work with mathematics teachers in one or more Title I schools operating schoolwide programs where the data indicate a need for improved mathematics instruction or to help science teachers in a Title I school operating a schoolwide program to implement interdisciplinary strategies to promote literacy across the curriculum. See E-10 and E-11 (discussing professional development funding obligations for an LEA in improvement).

E-7. May Title I, Part A ARRA funds be used to pay a stipend to teachers in a Title I school to participate in professional development?

Yes. In instances where professional development is an allowable use of Title I, Part A funds, Title I, Part A ARRA funds may be used to pay a stipend to teachers in a Title I school to participate in professional development if the stipend is a reasonable amount and is necessary to obtain the teachers' participation because the professional development is conducted, for example, after school or during the summer. To be an allowable use of funds in a Title I school operating a schoolwide program, professional development must address the needs of the school as identified in the school's comprehensive needs assessment and articulated in its schoolwide plan. To be an allowable use of funds in a Title I school operating a targeted assistance program, professional development must be related to the needs of participating Title I students and may be provided only to the teachers of those students.

E-8. May Title I, Part A ARRA funds be used to pay for substitute teachers in order to release teachers in a Title I school to participate in professional development?

Yes. For teachers for whom professional development is an allowable use of Title I, Part A funds (see E-7), Title I, Part A ARRA funds may be used to pay for substitute teachers in order to release those teachers to participate in professional development.

E-9. May an LEA use Title I, Part A ARRA funds to pay for professional development activities for all of its instructional staff?

No. Title I, Part A ARRA funds generally may be used only to support professional development for teachers, principals, and other staff in Title I schools (all staff in Title I schools operating schoolwide programs and staff who work with participating Title I students in Title I schools operating targeted assistance programs). The only exception to this rule is professional development for staff in an LEA that is in improvement status. See E-10 and E-11. To the extent that professional development activities are specifically designed to address the unique needs of Title I students, Title I, Part A ARRA funds may be used. For example, an LEA might use Title I, Part A ARRA funds to pilot modules on language acquisition strategies for ELLs, including the development of language skills necessary to understand academic content, for teachers in Title I schools operating schoolwide programs with large ELL populations.

E-10. May an LEA in improvement status use Title I, Part A ARRA funds to pay for professional development activities for all of its instructional staff?

Yes. An LEA in improvement status may provide professional development to instructional staff throughout the LEA with Title I, Part A ARRA funds it reserves "off the top" of its Title I, Part A allocation, provided the professional development activities are related to the reasons the LEA is in improvement status. (ESEA section 1116(c)(7)(A)(iii).) Note that, for purposes of this question, an LEA "in improvement status" includes an LEA identified for improvement and an LEA identified for corrective action. Given that section 1116(c)(7)(A)(iii) of the ESEA requires an LEA identified for improvement to reserve not less than 10 percent of its Title I, Part A funds for professional development activities to address the needs of "the instructional staff serving the LEA"—that is, staff not necessarily in Title I schools—an LEA identified for corrective action

(*i.e.*, further along in the improvement timeline) may likewise reserve Title I, Part A funds for professional development activities for instructional staff "serving the LEA," provided that the professional development activities supported with Title I, Part A funds relate to the reasons the LEA is identified for corrective action.

An LEA that is not in improvement status, however, may not use Title I, Part A ARRA funds for professional development activities that benefit teachers in non-Title I schools in the LEA because such use is not expressly authorized as it is in section 1116(c)(7)(A)(iii). See B-7 (discussing allowable uses of Title I, Part A funds). Similarly, using Title I, Part A funds for professional development activities in Title I schools that the LEA is providing with non-Federal funds in non-Title I schools would constitute supplanting. See B-4 (presumption 3).

E-11. If an LEA in improvement has requested and been granted a waiver to exclude its Title I, Part A ARRA funds from the calculation of its required 10 percent set-aside for professional development, may it use Title I, Part A ARRA funds to pay for professional development activities?

Yes. The waiver requests the Secretary has invited would merely permit an LEA in improvement to exclude Title I, Part A funds made available through the ARRA from the calculation of the amount it must set aside for professional development activities under section 1116(c)(7)(A)(iii) of the ESEA. See the Department's *Non-Regulatory Guidance on Title I, Part A Waivers* (July 2009) at C-6 (available at: www.ed.gov/programs/titleiparta/title-i-waiver.doc). Once that amount is determined, the LEA may use any Title I, Part A funds, including those made available through the ARRA, to pay for professional development activities that will satisfy the LEA's obligation under section 1116.

E-12. May Title I, Part A ARRA funds be used for financial incentives and awards to attract and retain qualified and effective principals to work in Title I schools?

In general, an LEA would be expected to have in place a system to recruit principals, given that each school generally must have a principal. However, Title I, Part A ARRA funds may be used to enhance existing recruitment efforts in order to recruit principals with the specific skills necessary to turn around low-achieving Title I schools. In addition, Title I, Part A ARRA funds may be used to provide financial incentives and awards to retain qualified and effective principals in Title I schools. These incentives and awards need not be included in determining the amount of funds an LEA may reserve to provide financial incentives and rewards for teachers who work in Title I schools that are identified for improvement, corrective action, or restructuring under section 1113(c)(4) of the ESEA. See E-1.

Note that an LEA may not use Title I, Part A ARRA funds to recruit principals to non-Title I schools within the LEA.

E-13. May Title I, Part A ARRA funds be used to create a two-year program of professional development to increase principal effectiveness in improving achievement in the lowest-achieving Title I schools?

Yes. An LEA may use Title I, Part A ARRA funds (alone or in combination with other funds, including funds available under Title II, Part A of the ESEA) to pilot a two-year program of professional development to increase principal effectiveness in improving achievement in the lowest-achieving Title I schools. Building the capacity of principals and other school leaders in Title I schools may be a particularly effective short-term strategy for building sustainable local capacity to improve student achievement and turn around low-achieving Title I schools.

E-14. May Title I, Part A ARRA funds be used to implement principal academies or other strategies designed to increase the supply of principals with the skills needed to improve low-achieving Title I schools?

Yes. An LEA may use Title I, Part A ARRA funds to implement a principal academy designed to build the leadership capacity of current principals in Title I schools, particularly with respect to implementing rigorous interventions designed to improve academic achievement in the LEA's lowest-achieving Title I schools. An LEA also may use Title I, Part A ARRA funds to implement a principal academy to provide new principals with the skills necessary to implement rigorous interventions designed to turn around low-achieving schools if the individuals being trained commit to work in a low-achieving Title I school for a specified period of time. (Such training would be in addition to meeting any principal certification requirements that a State or LEA may require, which may not be paid for with Title I, Part A funds.) Because Title I, Part A funds may only be used for purposes that are reasonable and necessary to support a Title I program, an LEA may have to reimburse its Title I program if an individual receiving such training does not meet his or her commitment to serve in a Title I school.

E-15. May Title I, Part A ARRA funds be used for activities designed to improve school climate in a Title I school operating a schoolwide program?

Yes. Title I, Part A ARRA funds (as well as funds from the Safe and Drug-Free Schools and Communities Act (Title IV, Part A of the ESEA)) may be used to fund activities designed to improve school climate in a Title I school operating a schoolwide program, provided that the need for improved school climate is among the specific educational needs of the school identified in the school's comprehensive needs assessment and climate-focused interventions are articulated in the schoolwide plan. In analyzing its non-achievement data (such as student and teacher attendance, suspensions and expulsions, and incidents of violence) in conjunction with student achievement data, a school operating a schoolwide program may determine that climate-focused interventions are needed to improve student academic achievement. Examples of climate-focused interventions might include:

- Attendance-incentive programs (which may include using Title I, Part A ARRA funds to provide modest incentives, such as books);
- Recognition events that highlight successful student academic performance;
- Activities that reinforce positive school values, such as student-led conflict resolution programs, peer juries, and peer mediation;

- Student-advisory systems that connect teachers and other adults in the school to small groups of students;
- Opportunities for students to participate in setting classroom and school goals and to collaborate through, for example, service learning and peer tutoring;
- Professional development to help staff address bullying, harassment, and social isolation, and to help them foster a greater sense of belonging and connectedness to the school among Title I students and families; and
- School-based data-gathering (such as through surveys to assess students' connectedness to and sense of safety at school, to the extent such surveys are not conducted on a district-wide basis).

Title I, Part A ARRA funds may not be used to fund these interventions in a targeted assistance school unless they pertain only to Title I students. See B-7 (regarding allowable uses of Title I, Part A funds).

F. Turning Around the Lowest-Achieving Title I Schools

Although all the strategies identified in this guidance have the goal of improving student achievement, a specific focus on turning around persistently low-achieving schools is likely to require a significant overhaul of school staff, leadership, instructional programs, and school calendars, and, for the most distressed schools, school closing or consolidation. In the context of taking such forceful action, examples of strategies that can drive significant gains in student achievement addressed below include: targeting Title I resources to support effective models for restructuring in an LEA's persistently lowest-achieving Title I schools (see F1–F-3); using Title I, Part A ARRA funds to cover the costs associated with closing the lowest-achieving Title I schools (see F-4); partnering with community organizations to implement a community school model (see F-5); and implementing 9th-grade transition programs to support low-achieving students entering Title I high schools (see F-6).

F-1. May an LEA put additional Title I, Part A ARRA resources in its lowest-achieving Title I schools to enable them to implement a rigorous intervention designed to turn around the achievement of students in the schools?

Yes, consistent with the ranking and allocation requirements in section 1113 of the ESEA. Under section 1113, an LEA must rank its eligible schools and serve, in rank order, those schools with the highest percentages of poverty first. See B-10. While adhering to this required method of allocating Title I, Part A funds, an LEA might design its per-pupil allocations so that its highest-poverty schools, which may also be the lowest-achieving schools, receive extra funds to enable them to implement a rigorous intervention. An LEA might also reserve a portion of Title I, Part A ARRA funds to implement a rigorous intervention in a subset of its low-achieving Title I schools (see B-6 and B-8). This funding would be in addition to the funds these schools receive as part of their regular Title I, Part A allocation. In addition to Title I, Part A ARRA funds, school improvement grants under section 1003(a) or (g) of the ESEA may also be available to implement rigorous interventions designed to turn around an LEA's lowest-achieving Title I schools. Note that such schools would need to operate a schoolwide program in order to use Title I, Part A ARRA funds to implement a rigorous whole-school intervention.

F-2. May an LEA use Title I, Part A ARRA funds to carry out the planning necessary to implement a rigorous intervention designed to turn around a low-achieving Title I school operating a schoolwide program?

Yes. Implementing a rigorous intervention to turn around a low-achieving Title I school, including those that may be implemented using the school improvement grants available under section 1003(g) of the ESEA, requires substantial planning. In a Title I school operating a schoolwide program, Title I, Part A ARRA funds may be used for activities such as assessing the strengths and weaknesses of school leaders, teachers, and other school staff; recruiting principals with the needed skills to implement rigorous interventions; screening and identifying external partners as appropriate; and designing multi-pronged strategies for changing the school's culture and improving teaching and learning.

Because rigorous interventions designed to turn around a low-achieving school would benefit all students in the school, and not just low-achieving students, neither the planning nor the interventions themselves may be funded with Title I, Part A ARRA funds in a school operating a targeted assistance program. See B-7 (discussing allowable uses of Title I, Part A funds).

F-3. May an LEA use Title I, Part A ARRA funds to contract with an outside organization, such as a Charter Management Organization (CMO) or an Education Management Organization (EMO), to implement a rigorous intervention in a low-achieving Title I school operating a schoolwide program?

Yes. For the reason noted in F-2, however, an LEA may not use Title I, Part A ARRA funds to contract with a CMO or EMO to implement a rigorous intervention in a targeted assistance school.

F-4. May Title I, Part A ARRA funds be used to cover costs associated with closing a low-achieving Title I school operating a schoolwide program?

Yes. Title I, Part A ARRA funds may be used for some of the costs associated with closing a low-achieving Title I school operating a schoolwide program as part of an LEA's strategy to improve the achievement of students attending its lowest-achieving schools. These costs may include, for example, parent and community meetings regarding the school closure, services to help parents and students transition to a new school, or supplemental orientation activities that are specifically designed for students attending a new school after their prior school closed. Other costs, such as revising transportations routes or making class assignments in a new school, are regular responsibilities an LEA carries out for all students and may not be paid for with Title I, Part A ARRA funds.

How Title I, Part A ARRA funds are used to cover costs associated with closing a low-achieving Title I school operating a schoolwide program may be impacted by the timing of an LEA's decision to close the school. For example, if an LEA decides over the summer to close a school immediately (*i.e.*, the school will not operate during the next school year), the LEA would probably have to take Title I, Part A ARRA funds "off the top" of the LEA's Title I allocation to cover costs associated with closing the school, given that the school would no longer receive Title I, Part A funds. On the other hand, if an LEA decides during a particular school year to close a school beginning with the

following school year, the school might use some of the Title I, Part A ARRA funds allocated to it for that final school year to cover some of the costs associated with closing the school.

Because the costs associated with closing a school generally involve services provided to all students attending (or who previously attended) the school being closed, not just the low-achieving students, the costs associated with closing a school operating a targeted assistance program may not be funded with Title I, Part A ARRA funds. See B-7 (discussing allowable uses of Title I, Part A funds).

F-5. How may Title I, Part A ARRA funds be used to support the implementation of a community-school model?

A community school is both a place and a set of partnerships between the school and other community resources. It provides academics, health and social services, youth and community development, and community engagement, and brings together many partners to offer a range of support and opportunities for children, youth, families, and communities. The school is generally open for extended hours for everyone in the community. Community schools may operate in all or a subset of schools in an LEA.

Title I, Part A ARRA funds may be used for components of a community-school model in a school operating a schoolwide program. For example, if funds are not reasonably available from other public or private sources and the LEA has engaged in a comprehensive needs assessment, Title I, Part A ARRA funds might be used to hire a coordinator to facilitate the delivery of health, nutrition, and social services to the school's students in partnership with local service providers. Title I, Part A ARRA funds also might be used for (1) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of students, and (2) as a last resort when funds are not reasonably available from other public or private sources, the provision of basic medical equipment, such as eyeglasses and hearing aids. Additionally, Title I, Part A ARRA funds might be used to fund a family literacy program for parents who need to improve their literacy skills in order to support their children's learning if the LEA has exhausted all other reasonably available sources of funding for those activities. (ESEA section 1118(e)(7).)

Title I, Part A ARRA funds also might be used for instructionally related activities such as paying a classroom teacher to be available in the evenings as part of a homework-support program. The school might also work with community partners to sponsor evening recreational and other activities such as youth sports leagues, family counseling, housing fairs, or financial services fairs designed to meet student and community needs, but for which Title I, Part A ARRA funds may not be used.

F-6. May Title I, Part A ARRA funds be used to fund a 9th-grade academy?

Yes. A high school operating a schoolwide program may use Title I, Part A ARRA funds to implement a 9th-grade academy designed to improve the achievement of 9th-grade students, including students with disabilities and ELLs, and help them succeed at higher grade levels.

Additionally, Title I, Part A ARRA funds may be used to support transition-to-high school programs designed to improve the performance of low-achieving students, including students with disabilities and ELLs. See also C-1. How these programs operate, how they can be funded, and which students they can serve depend on which school operates the program (*i.e.*, the middle school or the high school) and what type of Title I program that school operates (*i.e.*, schoolwide or targeted assistance). For example, a Title I middle school operating a schoolwide program that conducts a transition program throughout the school year could use Title I, Part A ARRA funds to support the program for all of its 8th-grade students. Or, a Title I high school that operates a targeted assistance program could use Title I, Part A ARRA funds to conduct a two to three week transition program during the summer or immediately prior to the start of the school year for its low-achieving (*i.e.*, Title I) students.

G. Improving Results for Students in Title I Schools

In using Title I, Part A ARRA funds, districts should consider other strategies that are consistent with ARRA's reform goals and the evidence on improving student outcomes. These include: strengthening the quality and effectiveness of early learning programs; extending learning time for students, including more instructional time and opportunities for service learning, internships and apprenticeships, the arts, and other activities that both enrich the curriculum and promote student achievement of low-achieving students; using technology to improve teaching and learning; and implementing multi-tiered instructional frameworks, or RTI models. Examples of forms of implementation of these strategies addressed below include: strengthening early learning programs (see G-1–G-4); expanding the school day, the school week, or the school year, or increasing instructional time for core academic subjects in schools operating schoolwide programs (see G-5); implementing an RTI model (see G-6); increasing parental involvement (see G-7–G-9); supporting equitable services for private school students (see G-10); supporting services for homeless students (see G-11); and using technology to improve teaching and learning (see G-16 and G-17).

G-1. What options are available to an LEA with respect to using Title I, Part A ARRA funds to support a preschool program?

An LEA may use its Title I, Part A ARRA funds to support a preschool program for eligible children. (ESEA section 1112(b)(1)(K).) There are several ways in which a preschool program may be supported with Title I, Part A ARRA funds:

- *A participating Title I school may use its Title I, Part A ARRA funds to operate a preschool program for eligible children*. Under this approach, determining which preschool children are eligible for the program depends on the type of Title I school: all preschool children residing in the attendance area of a school operating a schoolwide program are eligible; and preschool children residing in the attendance area of a school operating a targeted assistance program who are identified as at risk of failing to meet the State's academic achievement standards based on developmentally appropriate measures, teacher judgment, and interviews with parents are eligible. A school operating a schoolwide program must include any preschool program in its schoolwide plan.

- *An LEA may reserve funds from the LEA's total Title I, Part A allocation to operate a preschool program for eligible children in the district as a whole*. Under this approach, preschool children eligible for the program are children residing throughout the LEA who are identified as at risk of failing to meet the State's academic achievement standards based on developmentally appropriate measures, teacher judgment, and interviews with parents. An LEA may not use Title I, Part A funds to implement a district-wide preschool program to benefit all pre-school students in the LEA unless all the schools in the LEA are Title I schools operating schoolwide programs.
- *An LEA may reserve funds from the LEA's total Title I, Part A allocation to operate a preschool program for eligible children in a portion of the district—i.e., attendance areas served by some or all Title I schools*. Under this approach, an LEA selects specific Title I school attendance areas in which to provide preschool programs with Title I, Part A ARRA funds. If the LEA does not select all its Title I school attendance areas, it should select Title I areas on the basis of objective criteria—*e.g.*, school attendance areas with the highest poverty or school attendance areas with the lowest achievement. All preschool children residing in the attendance area of a school operating a schoolwide program are eligible; preschool children residing in the attendance area of a school operating a targeted assistance program who are identified as at risk of failing to meet the State's academic achievement standards based on developmentally appropriate measures, teacher judgment, and interviews with parents are eligible.

If an LEA or school does not have sufficient funds to serve all eligible preschool children, it should establish criteria to determine who is most in need and serve those children.

In addition to the above options, there are two situations in which an LEA might use Title I, Part A ARRA funds for preschool programs under certain circumstances. First, an LEA might operate a preschool program for students in non-Title I schools with local funds and in Title I schools with Title I, Part A ARRA funds. This scenario raises the presumption of supplanting. However, the LEA may be able to rebut that presumption if it provides a preschool program with local funds only for educationally at-risk students consistent with the requirements of 34 C.F.R. § 200.79. The key factor is that the preschool program supported with supplemental local funds serves only students who would be eligible for Title I services if they were in a Title I school. See B-4 (presumption 3).

Second, an LEA might use Title I, Part A ARRA funds to pay for preschool for Title I students if parents of non-Title I students pay to participate in the same program, provided that the program the non-Title I students are paying for is the same program that is being provided to Title I students with Title I, Part A ARRA funds at no cost to the Title I students. See the Department's non-regulatory guidance, *Title I Fiscal Issues* (Feb. 2008) at C-4 (available at: http://www.ed.gov/programs/titleiparta/fiscalguid.pdf).

An LEA or school that uses its regular Title I, Part A funds to operate a preschool program may also consider using Title I, Part A ARRA funds to supplement the existing program by using the funds, for example, to upgrade the curriculum of the program to align with early learning standards, to pilot the use of an assessment of kindergarten readiness, or to conduct additional professional development regarding addressing the needs of preschool students who are most at risk of failing to meet state standards.

G-2. How might Title I, Part A ARRA funds be used in conjunction with other resources to support a district-wide preschool program?

In addition to the direct uses of funds to operate a Title I preschool program discussed in G-1, Title I, Part A ARRA funds may be used in other ways in conjunction with other resources to support a district-wide preschool program. For example, Title I, Part A ARRA funds might be used to "recruit" preschool children from populations potentially eligible for Title I services, such as economically disadvantaged children, ELLs, migrant children, and homeless children. Similarly, Title I, Part A ARRA funds might be used to conduct a district-wide needs assessment to determine which preschool children in the district are at risk of failing to meet State academic achievement standards. Title I, Part A ARRA funds might also be used to provide supplemental services for at-risk preschool children to help them "catch up" by the time they enter kindergarten. Additionally, Title I, Part A ARRA funds might be used to provide health, nutrition, and other social services not otherwise available to at-risk preschool children and, as a last resort, to provide those children with basic medical equipment such as eyeglasses and hearing aids to assist them to be successful in school. Title I, Part A ARRA funds might also be used to compensate a coordinator to coordinate services for at-risk preschool children.

As noted in G-1, however, an LEA may not use Title I, Part A ARRA funds to provide preschool services to all children in the district unless they are all at risk of failing to meet the State's academic achievement standards. Moreover, Title I, Part A ARRA funds may not be used to provide services to at-risk preschool children while local funds are used to provide the same services to preschool children who are not at risk.

G-3. How may a school or LEA use Title I, Part A ARRA funds to complement or extend a Head Start program?

In addition to supporting preschool children participating in Title I programs, Title I, Part A ARRA funds may be used to complement or extend a Head Start program, as discussed further below. Note that all Title I, Part A requirements apply to the use of Title I, Part A ARRA funds for this purpose.

- *Serving children ineligible for Head Start*. Eligibility for Head Start is primarily based on the income level of a child's parents. Children who are eligible for Title I because they reside in an eligible school attendance area and are most at risk of not meeting the State's academic achievement standards might not qualify for Head Start under Head Start's income requirement. In this case, Title I, Part A ARRA funds may be used to provide services to Title I-eligible children who are not eligible for Head Start services.
- *Providing educational services to additional Head Start children*. Head Start may be unable to serve all of its eligible students. Title I, Part A ARRA funds may be used to serve unserved children who are also eligible for Title I (*i.e.*, those who reside in an eligible Title I school attendance area and are most at risk of failing to meet the State's academic achievement standards). Note that some Head Start-eligible children might not be eligible for Title I services because they are not at risk of failing to meet the State's academic achievement standards.
- *Providing additional educational services to Head Start children*. Title I, Part A ARRA funds may be used to provide additional services to Head Start children who are also

eligible for Title I services. This may include extending the daily program by adding additional time or increasing the number of days, providing services at times Head Start is not operating, or enriching services through the provision of extra personnel to work with Title I-eligible children.

- *Providing all educational services to Head Start children*. Title I, Part A ARRA funds may be used to provide educational services for children who are eligible for both Title I and Head Start, with Head Start funds used to provide other services.

G-4. Has the Department published any guidance on using Title I, Part A funds for preschool programs?

Yes. For information about using Title I, Part A funds, including Title I, Part A ARRA funds, for preschool programs, see the Department's non-regulatory guidance, *Serving Preschool Children Under Title I* (Mar. 4, 2004) (available at: www.ed.gov/policy/elsec/guid/preschoolguidance.doc).

G-5. How may Title I, Part A ARRA funds be used to support extended learning time in Title I schools?

Title I, Part A ARRA funds may be used to support a variety of extended learning time opportunities for both students and teachers consistent with applicable statutory and regulatory requirements. These opportunities include —

- Before- and after-school programs;
- Saturday school and summer school;
- Extending half-day kindergarten to a full day;
- Extending the school year, but only in schools operating schoolwide programs;
- Extending learning opportunities during the school day, such as by adding more time for core academic subjects[1] in a schoolwide program; and
- Adding time during the day for teachers to plan collaboratively.

The ESEA specifically promotes the use of instructional strategies that increase the amount and quality of learning time. (ESEA sections 1114(b)(1)(B)(ii)(II); 1115(c)(1)(C)(i).) Consistent with these statutory requirements, Title I, Part A ARRA funds may be used to support extended learning time opportunities for all students and teachers in Title I schools operating schoolwide programs and for those students identified as most at risk of failing to meet the State's academic achievement standards and their teachers in Title I schools operating targeted assistance programs.

An LEA generally may not use Title I, Part A ARRA funds to pay for extended learning time in Title I schools while also using non-Title I funds to support extended learning time in non-Title I schools. However, an LEA that wants to provide extended learning time programs *for only low-achieving students* in both its Title I and non-Title schools may be able to do so, consistent with the requirements of 34 C.F.R. § 200.79. See B-4 (presumption 3).

[1] As used in the ESEA, "core academic subjects" are: English; reading or language arts; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography. (ESEA section 9101(11).)

Further, an LEA or school that wants to provide extended learning time services that include both academic and non-academic enrichment activities may want to consider using Title I, Part A ARRA funds, as appropriate, for the academic component and partnering with community organizations to provide the non-academic activities.

G-6. May Title I, Part A ARRA funds be used in combination with other Federal education funds to support the implementation of an RTI model in a Title I school?

Yes. RTI (sometimes referred to as a multi-tiered instructional framework) is a schoolwide approach that addresses the needs of all students, including struggling learners who are ELLs or students with disabilities. Using a multi-tiered instructional framework, schools identify students who are at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions, and adjust the intensity and nature of those interventions depending on a student's responsiveness.

An LEA may use Title I, Part A ARRA funds in coordination with other funds (*e.g.*, IDEA, Title III of the ESEA, SFSF, or State and local), consistent with applicable program requirements, to help implement an RTI framework in a Title I school. The rules for how Title I, Part A ARRA funds may be used to support RTI differ depending on the type of Title I school. For additional information on how to use Title I, Part A ARRA funds to implement an RTI model, see the examples in the Department's non-regulatory guidance, *Implementing RTI Using Title I, Title III and CEIS Funds—Key Issues for Decision-Makers* (Aug. 2009) (available at: http://www.ed.gov/programs/titleiparta/rti.html).

G-7. May Title I, Part A ARRA funds be used for professional development designed to build the capacity of school personnel, including principals, teachers, volunteers, and other pupil support staff, to work effectively with parents?

Yes. Title I, Part A ARRA funds may be used for professional development targeted directly toward building the capacity of school personnel in Title I schools to work effectively with families and to build ties between the parents and the school. Title I, Part A ARRA funds may also be used to provide materials and training to help parents work with their children to improve their children's achievement. For example, an LEA or school might use Title I, Part A ARRA funds to train teachers on strategies for working with limited English proficient parents whose children are Title I students. As explained in E-7, to be an allowable use of Title I, Part A funds, professional development provided to teachers in a Title I school operating a schoolwide program would need to address the needs of the students and be included in the schoolwide plan. Similarly, to be an allowable use of Title I, Part A funds, professional development provided to teachers in a Title I school operating a targeted assistance program must be related to the needs of the Title I participating students and may be provided only to the teachers of these students.

G-8. May a Title I school use Title I, Part A ARRA funds to expand its parental involvement program?

Yes. Parental involvement is a key of component of every Title I program and Title I, Part A ARRA funds may be used for a range of activities designed to build the capacity of parents of Title I students and school staff to work together to improve student academic achievement.

(Parents of Title I students are all parents in a Title I school operating a schoolwide program and parents of participating students in a Title I school operating a targeted assistance program.) For example, after providing an opportunity for parent input, a school may use Title I, Part A ARRA funds to offer weekly courses to parents on strategies and materials they can use at home to help their child improve his/her reading skills. Other examples include —

- Building ties between parents and the school through the use of parent liaisons.
- Conducting in-home visits to provide parents assistance with activities designed to help improve their children's academic achievement, such as assisting them with their homework and encouraging reading.
- Expanding a parent resource room to increase the amount of bilingual materials available for parents of ELLs, installing computers that parents can use to access online instructional materials, or adding books and other materials that parents can use to work with their children at home.
- Operating a parent leadership academy to build the capacity of a cadre of parents to assist a Title I school in developing and implementing rigorous interventions designed to significantly improve student achievement in that school.
- Conducting a series of forums throughout the school year for parents of Title I students who will be transitioning from middle school to high school the following year. Such forums might include information and materials (in multiple languages, as appropriate) on strategies they can use to help their child be successful in high school, including course selection, high school graduation requirements, and counseling services.

G-9. Has the Department published any resources on using Title I, Part A funds for parent involvement?

Yes. Individuals and entities interested in learning more about using Title I, Part A funds for parental involvement are encouraged to review the Department's non-regulatory guidance, *Parental Involvement: Title I , Part A* (Apr. 23, 2004) (available at: www.ed.gov/programs/titleiparta/parentinvguid.doc).

G-10. Given that Title I, Part A ARRA funds constitute a significant increase in the amount of funds available for an LEA to provide equitable services to eligible private school students, what are some additional activities that an LEA might implement to meet the equitable service requirements?

In consultation with the appropriate private school officials, an LEA should review its existing Title I programs to determine how the instructional, professional development, and parent involvement components may be strengthened. This may include, but is not limited to, the following:

- Extending the amount of instructional time, if schedules permit (*e.g.*, from two days to five days per week) or providing Saturday classes or summer school.
- Providing Title I services to four-year-old children who are enrolled in a preschool program offered by the private school.
- Expanding Title I reading and mathematics resources and library.
- Providing additional resources for parents to use at home with their children.

- Serving more children, particularly if the LEA increases the number of Title I schools being served.
- Providing on-line learning for middle and high school students that is closely monitored by the LEA (*e.g.*, an on-line writing course).
- Establishing a summer teaching academy for private school teachers of Title I participants held at the same time as a Title I summer school so the teachers can observe models of quality instruction for at-risk children (and which may include the payment of teacher stipends to attend the academy).
- Allowing private school teachers of Title I participants to instruct private school students in a Title I summer school as a demonstration project, through which LEA personnel would be able to provide immediate instructional feedback to enable the private school teachers to develop enhanced knowledge and skills on how to instruct Title I children in their own classrooms.
- Establishing a Title I parent center or parent resource library in the Title I classroom or other appropriate space with computers, DVDs, and other resource materials that parents of Title I participants may use after school or in the evenings, which would be staffed by LEA employees.

G-11. May Title I, Part A ARRA funds be used to provide services to homeless students?

Yes. Serving homeless students is an integral part of Title I, Part A. Homeless students who attend any school served by an LEA, regardless of whether the school receives Title I funds, are eligible for Title I services. (ESEA section 1115(b)(2)(E).) Specifically, an LEA must reserve such funds as are necessary to provide services to homeless students who attend non-Title I schools that are comparable to those provided to students in Title I schools. These services may include providing educationally related support services to homeless children in shelters and other locations where they may live. (ESEA section 1113(c)(3)(A).) To the extent that services to students in Title I schools increase due to the large increase in Title I, Part A ARRA funds, the obligation to provide comparable services to homeless students in non-Title I schools would increase accordingly.

Title I, Part A ARRA funds may provide a wide variety of services to homeless students. In addition to providing services to assist homeless students in meeting the State's challenging academic achievement standards, Title I, Part A ARRA funds may be used to provide services that may not ordinarily be provided to other Title I students. For example, to help homeless students effectively take advantage of educational opportunities, an LEA may use Title I, Part A ARRA funds to provide, where appropriate, items or services including, but not limited to—

- Items of clothing, particularly if necessary to meet a school's dress or uniform requirement
- Clothing and shoes necessary to participate in physical education classes
- Student fees that are necessary to participate in the general education program
- Personal school supplies such as backpacks and notebooks
- Birth certificates necessary to enroll in school
- Immunizations
- Food
- Medical and dental services
- Eyeglasses and hearing aids

- Counseling services to address anxiety related to homelessness that is impeding learning
- Outreach services to students living in shelters, motels, and other temporary residences
- Extended learning time (before and after school, Saturday classes, summer school) to compensate for lack of quiet time for homework in shelters or other overcrowded living conditions
- Tutoring services, especially in shelters or other locations where homeless students live
- Parental involvement specifically oriented to reaching out to parents of homeless students
- Fees for AP and IB testing
- Fees for SAT/ACT testing
- GED testing for school-age students

Several principles govern the use of Title I, Part A ARRA funds to provide such services to homeless students. First, the services must be reasonable and necessary to assist homeless students to take advantage of educational opportunities. (ESEA section 1113(c)(3)(A); OMB Circular A-87, Attachment A, C.1.a) Second, Title I, Part A ARRA funds must be used as a last resort when funds or services are not reasonably available from other public or private sources, such as the U.S. Department of Agriculture's free- and reduced-price school lunch program, public health clinics, or local discretionary funds (sometimes provided by the PTA) used to provide similar services for economically disadvantaged students generally. (ESEA section 1115(e)(2).)

Title I, Part A ARRA funds also may be used to support a homeless liaison. The McKinney-Vento Homeless Assistance Act (McKinney-Vento) requires each LEA in a State that receives McKinney-Vento funds to designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children. (MVHAA section 722(g)(1)(J)(ii)). Because the statute specifically authorizes that another Federally funded coordinator may perform these duties, an individual paid, in whole or in part, with Title I, Part A funds, including Title I, Part A ARRA funds, may also serve as a homeless liaison.

Funds provided under the McKinney-Vento Education for Homeless Children and Youth program, which is authorized under Title II, Subtitle B of McKinney-Vento including funds made available through the ARRA, may also be used to provide services for homeless students and pay for a homeless liaison.

G-12. May Title I, Part A ARRA funds be used solely to purchase equipment in Title I schools?

Perhaps. Equipment is generally an item that an LEA provides to all of its schools. However, there may be cases, particularly in a school operating a schoolwide program, where purchasing supplemental equipment would support implementation of an improved instructional program. In a school operating a targeted assistance program, on the other hand, equipment may only be purchased for use by Title I participating students. In either case, given that Title I is intended to support instructional programs, an LEA would have a high bar to meet to demonstrate that using Title I, Part A ARRA funds solely to purchase equipment is more likely to improve the achievement of its students most at risk of failing to meet State academic achievement standards than using those funds for professional development or other activities that more directly address instructional needs.

G-13. May Title I, Part A ARRA funds be used to purchase library books for a Title I school?

In a Title I school operating a schoolwide program, Title I, Part A ARRA funds may be used to purchase library books if using the funds for that purpose is consistent with needs identified in the comprehensive needs assessment and articulated in the schoolwide plan. In addition, prior to using Title I, Part A ARRA funds for this purpose, an LEA must ensure that the schoolwide school receives all the local or State funds to which it is entitled for the purpose of purchasing library books.

Given that library books are generally available to all students in a school, Title I, Part A ARRA funds may not be used to purchase library books for a Title I school operating a targeted assistance program. Such a school, however, might use Title I, Part A ARRA funds to purchase books that would supplement the reading materials otherwise used with Title I participating students.

G-14. May Title I, Part A ARRA funds be used for school construction or renovation projects such as replacing a roof or installing air conditioning?

No. 34 C.F.R. § 76.533 prohibits the use of program funds, including Title I, Part A funds, for construction "unless specifically permitted by the authorizing statute or implementing regulations for the program." No such authority exists for Title I, Part A. In interpreting this prohibition, we rely largely on the definition of "construction" used in the 1988 reauthorization of the ESEA, which contained the most recent definition of construction applicable to ESEA programs generally. That definition defines "construction" as "the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities." This broad definition includes activities commonly defined as "renovation."

G-15. May Title I, Part A ARRA funds be used to support minor remodeling?

Yes. Title I, Part A ARRA funds may be used for "minor remodeling," defined in 34 C.F.R. § 77.1(c) as "minor alterations in a previously completed building," including "the extension of utility lines, such as water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of the previously completed building." The definition specifically excludes "building construction, structural alterations to buildings, building maintenance, or repairs."

G-16. May Title I, Part A ARRA funds be used to rewire a school to support the use of technology?

Yes. Title I, Part A ARRA funds may be used to rewire a school to support the use of technology to the extent that the wiring is necessary to support technology otherwise allowable under Title I, Part A (see B-7) and is consistent with the definition of "minor remodeling" (see G-15).

G-17. May Title I, Part A ARRA funds be used for technology and software in Title I schools?

Yes, under certain conditions. In general, an LEA may use Title I, Part A ARRA funds to purchase technology in a Title I school as long as the LEA is not purchasing similar technology or software for other schools in the LEA with non-Title I funds or, in the case of a Title I school operating a targeted assistance program, the LEA is not providing similar services to non-Title I students with non-Federal funds. Which students and teachers may use the technology depends on whether the school is operating a schoolwide or targeted assistance program (all students and teachers in a Title I school operating a schoolwide program and participating students and their teachers in a Title I school operating a targeted assistance program). Additionally, the use of the technology must be consistent with the needs identified in a school's schoolwide plan or the design of its targeted assistance program.

For example, a Title I school operating a schoolwide program might use Title I, Part A ARRA funds to purchase–

- The software required to pilot a technology-based student assignment system in the school, and professional development to enable teachers to use the system. Such a system may include not only student assignments, but also rubrics for what proficient and highly proficient performance on the assignment looks like, and provide the capacity for parents and students to communicate with teachers through e-mail regarding student work.
- A supplemental curriculum that uses a technology platform designed to improve student mathematics performance.
- A distance learning course in a Title I high school as part of a strategy to upgrade the curriculum of the entire school.

Funds available under Title II, Part D of the ESEA, including Title II, Part D funds available through the ARRA, may also be used to support technology, including technology implemented on a district-wide basis.