



## Title II, Part A Guidance

Supporting Effective Instruction

### Introduction

The purpose of Title II of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), is to provide grants to State educational agencies (SEAs) and subgrants to local educational agencies (LEAs) to:

1. Increase student achievement consistent with the challenging State academic standards;
2. Improve the quality and effectiveness of teachers, principals, and other school leaders;
3. Increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and
4. Provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

### General Information

The Every Student Succeeds Act (ESSA) modified the formulas by which the U.S. Department allocates Title II, Part A funds to state education agencies and by which SEAs allocate those funds to local education agencies. The following sections provide details on the formula changes. For more information, please visit [Building Systems of Support for Excellent Teaching and Learning](#).

### Changes to the U.S. Department of Education Allocations to SEAs Formula

- The hold-harmless is phased out over a series of years starting with the FY 2017 allocations.
- The share of funds allocated based on ages 5 to 17 in poverty relative to the share of funds allocated based on ages 5 to 17 population increases, starting in FY 2018.
- State agencies for higher education (SAHE) are no longer eligible to receive an allocation from the Department.
- SEAs are allowed to reserve additional funds for certain State activities for principals or other school leaders.

### SEA Reservations

- A SEA must first reserve at least 95% of the State's Title II, Part A award for sub-grants to LEAs. It may reserve the remaining 5% of the State's Title II, Part A allocation for allowable State activities with no more than 1% of the total State allocation being used for State administrative costs of carrying out the Title II, Part A program.
- In addition to the funds it reserves for State activities as calculated in the paragraph above, a SEA may also reserve up to 3% of the 95% amount it initially reserved for LEA sub-grants, and use these additional funds for allowable State activities for principals or other school leaders. Thus, for a SEA that elects to reserve the *maximum* amount of Title II, Part A funds for State activities, the split of the total State allocation between LEA-level and SEA-level funds would be as follows:
  - 92.15% for LEA subgrants; and
  - 7.85% for State activities, which includes at least 4.85% (3% of 95% and 2% of the 5% for State activities) for State activities for principals or other school leaders.

### Notice of Allocation

The Iowa Department of Education (IDOE) will provide notice in a timely manner as soon as possible, and after Title II, Part A program estimates have become available to the state. The IDOE will also determine the private *Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A as enacted by Senate File 475. This does not apply to administrative rules, declaratory orders, or materials required by federal law or courts.*

schools allocations available for eligible private school children, teachers, and other educational personnel by public school districts.

## SEA Awards to LEAs

A SEA continues to be responsible for determining LEA allocations and for ensuring the LEAs' provision of equitable services to private school students (see Section V: [Equitable Services in the Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under ESSA](#)).

## LEA Subgrant Allocation Determination

Beginning in fiscal year 2017, under the ESSA, there is no longer a "hold-harmless" provision governing the calculation of LEA sub-grants. A SEA, therefore, distributes funds to LEAs based solely on the following formula:

- 20% of the funds must be distributed to LEAs based on the relative numbers of individuals ages 5 through 17 who reside in the area the LEA serves (based on the most recent Census data, as determined by the Secretary); and
- 80% of the funds must be distributed to LEAs based on the relative numbers of individuals ages 5 through 17 who reside in the area the LEA serves and who are from families with incomes below the poverty line (based on the most recent Census data, as determined by the Secretary).

## Fiscal Changes and Equitable Services Requirements under ESSA

### Ombudsman

ESEA as amended by ESSA now requires that each state appoint an "ombudsman to monitor and enforce" the legislative requirements for nonpublic school participation in ESEA programs. The Department has designated Steve Crew as the Nonpublic Ombudsman. District and nonpublic school officials may contact Steve at [steve.crew@iowa.gov](mailto:steve.crew@iowa.gov) or (515) 326-1029. In this role, Steve will:

- Serve as a SEA's primary point of contact for addressing questions and concerns from private school officials and LEAs regarding the provision of equitable services under Title programs.
- Monitor and enforce the equitable services requirements under Title programs and, thus, should have a significant role in the State's monitoring process.
- Ensure that private school officials know how to contact the ombudsman.

### Obligation of Funds

Funds allocated to a LEA for educational services and other benefits to eligible private school children, teachers and other educational personnel, and families must be obligated in the fiscal year for which the funds are received by the LEA.

- The purpose of this requirement is to ensure that a LEA uses the funds available under Title programs to provide equitable services in the fiscal year for which the funds were appropriated to ensure that eligible students, teachers and other educational personnel, and families receive the services to which they are entitled in a timely manner.
- This provision reinforces the requirement that a LEA conduct timely consultation with private school officials to design appropriate equitable services so that those services can begin at the beginning of the school year for which the funds are appropriated.

### Compliance

A SEA must provide equitable services directly or through contracts with public or private agencies, organizations, or institutions, if appropriate private school officials have requested that the SEA provide such services directly; and demonstrated that a LEA has not met applicable equitable services requirements in accordance with the procedures for making such a request, as prescribed by the SEA.

## Complaint Process

The Iowa Department of Education has to respond to a complaint from parents, teachers, or other individuals concerning violations in 45 days.

## Consultation

The goal of consultation is agreement between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children. The consultation process has been expanded to include the following:

- How the amount of funds available for equitable services is determined.
- Whether the public school district will provide those services directly or through a third party provider.
- Whether to provide equitable services:
  - By creating a pool of funds with all funds allocated under title programs, or
  - On a school by school basis based on the individual school's proportionate share of funds available.
- Each LEA shall maintain records, and provide the IDOE a written affirmation signed by officials that a meaningful consultation has occurred. LEAs are required to upload all consultation documentation to the application. Applications will not be approved by the State until all proper documentation is provided.



## Equitable Services Options for Private Schools

The options for using equitable services funds for private schools remain the same as past years. A LEA continues to have the option of expending funds for equitable services on a school-by-school basis or by pooling. The only change is that the statute now specifies that a LEA must consult with private school officials regarding these options.

## Equitable Services Formula

The amount a LEA must reserve to provide equitable services for private school teachers and other educational personnel for Title II, Part A services is based on the LEA's total Title II, Part A allocation, less administrative costs. The equitable services allocation for Title II, Part A must be calculated on the basis of the LEA's total Title II, Part A allocation. Administrative costs are still taken "off the top." The LEA's equitable services allocation is determined by first calculating the amount of Title II, Part A funds available on a per-pupil basis, based on the total of all public and private school students enrolled in participating private elementary and secondary schools in areas served by the LEA (regardless of a student's residency). This amount is then multiplied by the number of students enrolled in participating private schools.

The Iowa Department of Education will determine the amount of funds available for Title II, Part A equitable services for private school teachers and other educational personnel by calculating, on a per-pupil basis, the amount available for all public and private school students enrolled in participating private elementary and secondary schools in areas served by the LEA (regardless of a student's residency), taking into consideration the number and needs of the children, their teachers and other educational personnel to be served. For an example of the formula used to determine the amount for Title II, Part A equitable expenditures, see [Table 1](#).

Table 1. Example of Equitable Expenditures Formula for Title II, Part A

Title II, Part A Formula Equitable Services	
<b>A. Number of Students</b>	
A1. LEA Enrollment	900
A2. Participating Private Schools Enrollment	100
A3. Total Enrollment = A1 +A2	1,000
<b>B. Title II, Part A Allocation</b>	
B1. Total LEA Allocation	\$1,000,000
B2. Administrative Costs (public and private schools programs)	\$50,000
B3. LEA Allocation Minus Admin Costs = B1-B2	\$950,000
<b>C. Per Pupil Rate</b>	
C1. B3 divided by A3	\$950
<b>D. Equitable Services</b>	
Amount LEA must reserve for equitable services for private school teachers and other educational personnel = A2 x C1	\$95,000

## Provision of Activities for Private School Participants

A LEA may continue to use Title II, Part A funds to provide professional development activities for teachers, principals, and other school leaders to address the specific needs of their students. Other permissible uses of Title II, Part A funds for the benefit of private school participants are and must:

- Be an allowable local use of Title II, Part A funds under the authorizing statute.

- Meet the specific needs of students enrolled in a private school, and not the school itself.
- Ensure that the LEA responsible for providing equitable services retains control of the funds used to provide such services. In addition, equitable services must be provided by either an employee of the public agency or through a contract by the public agency with an individual, association, agency, or organization. These providers must be independent of the private school and any religious organization and the employment or contract must be under the control and supervision of the public agency.

Note: Equitable services under Title II, Part A may **not** be used for class-size reduction in a private school because contracts for private school teachers and staff would be inconsistent with the requirements in ESEA Section 8501(d) regarding public control of funds and the supervision and control of employees or contractors.

## State-Level Activities and the Participation of Private Schools

State-level activities in which private school teachers may participate should be determined in consultation between the SEA and appropriate private school representatives. But as with the permissible uses of Title II, Part A funds a LEA makes available for equitable services any activity a SEA provides to private school participants under Title II, Part A must primarily benefit the children enrolled in the private school, not the school itself.

## Allowable Activities

ESEA Section 8101(42) defines “professional development” activities as **sustained** (not stand-alone, one-day, or short term workshops), **intensive**, **collaborative**, **job-embedded**, **data-driven**, and **classroom-focused**.

1. Providing high-quality, personalized professional development that is evidence-based focused on improving teaching and student learning and achievement.
2. Providing programs and activities to increase the knowledge base of educators on instruction in the early grades, and the ability of educators to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8.
3. Providing training, technical assistance, and capacity-building in local educational agencies to assist educators with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement.
4. Providing training, technical assistance, and capacity-building in local educational agencies to assist educators with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement.
5. Developing or improving a rigorous, transparent, and fair evaluation and support system for educators.
6. Developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, particularly low income schools.
7. Providing training to support the identification of students who are gifted and talented.
8. Recruiting qualified individuals from other fields to become educators.
9. Developing & providing professional development and other comprehensive systems of support for educators to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics (STEM).
10. Providing high-quality professional development for educators on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning.
11. Supporting the instructional services provided by effective school library programs.
12. Providing training for all school personnel regarding how to prevent and recognize child sexual abuse.
13. Carrying out in-service training for school personnel in techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness.
14. Developing feedback mechanisms to improve school working conditions.

15. Carrying out other activities that are evidence-based, to the extent the State determines that such evidence is reasonably available, and identified by the local educational agency that meet the purpose of this title.
16. Reducing class size to a level that is evidence-based to the extent that State determines that such evidence is reasonably available, to improve student achievement through the recruiting and hiring of additional effective teachers. **NOTE:** This activity is only allowable for public school districts.

## Class Size Reduction (Public Districts Only)

Title II, Part A funds may be used to reduce class size if the initiative meets the criteria listed below, which have been established by scientifically-based research and based upon a needs assessment. The impact on student achievement must be measurable. The criteria are as follows:

- Based on local needs assessment; **and**
- Must reduce class size to 17-22 or fewer; **and**
- In grades K-3; **and**
- In classes taught by highly-qualified and highly-effective teachers who adjust instructional strategies to fit reduced class size.

## Application Requirements

To be eligible to receive a subgrant under this section, a local educational agency shall submit an application to the State educational agency [CASA](#) at such time, in such manner, and containing such information as the State educational agency may reasonably require.

## Stakeholder Engagement

In developing the application, a local educational agency shall meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title. The local educational agency must also seek advice from the individuals and organizations regarding how best to improve the local educational agency's activities to meet the purpose of this title.

Consultation shall not interfere with the timely submission of the application required under this section.

## Descriptions

Each application submitted shall include the following:

1. A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with challenging State academic standards.
2. A description of the local educational agency's systems of professional growth and improvement, such as induction for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.
3. A description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under ESSA Section 1111(d) and have the highest percentage of children counted under ESSA Section 1124(c).
4. A description of how the local educational agency will use data and ongoing consultation to continually update and improve activities supported under this program.

## Assurances

1. An assurance that the local educational agency will comply with ESEA Section 8501, regarding participation by private school children and teachers.

2. An assurance that the local educational agency will coordinate professional development activities authorized under program with professional development activities provided through other Federal, State, and local programs.

## Next Steps

The Department will hold webinars and on-site workshops to assist districts in completing their ESSA applications. For more information on Iowa's ESSA implementation and training schedule, including archived and upcoming webinars, see the [ESSA School Improvement Timeline](#).

## Additional Guidance

For additional Title II, Part A guidance, see the Department's [Every Student Succeeds Act](#) webpage or contact Isbelia Arzola, Title II, Part A Director and Education Consultant, at [Isbelia.arzola@iowa.gov](mailto:Isbelia.arzola@iowa.gov).