

Spending Title III, Part A Funds to Support English Learners

This section provides information about how local educational agencies (LEAs) can spend Title III, Part A funds.

Title III, Part A is a U.S. Department of Education (ED) grant program that provides supplemental funding to help support English learners (ELs) and immigrant students. ED awards Title III, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs.

For convenience this section will refer to the program as “Title III.” For more information about Title III please contact: Dr. Christelle Estrada, Ph.D. christelle.estrada@schools.utah.gov

Purpose of Title III Subgrants to LEAs

In General

LEAs must use Title III funds for effective approaches and methodologies for teaching ELs and immigrant children and youth for the following:

1. Developing and implementing new language instruction educational programs and academic content instructional programs for English learners (ELs) and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.
2. Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for ELs and immigrant children and youth.
3. Implementing schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.
4. Implementing LEA-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for ELs and immigrant children and youth.¹

Definition of English Learner and Immigrant Children and Youth under ESSA

Under ESSA, an “English learner,” when used with respect to an individual, means an individual —

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose native language is a language other than English;

¹ ESSA, Section 3115(a). For federal non-regulatory guidance on the Title III program, please see U.S. Department of Education, *English Learners and Title III of the Elementary and Secondary Education Act (ESEA)*, as amended by the Every Student Succeeds Act (ESSA) (September 2016) available at <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiiguidenglishlearners92016.pdf>. This guidance will be referred to as *ED 2016 Title III, Part A Guidance* for the rest of this document.

- (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
- (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
 - (i) the ability to meet the challenging State academic standards;
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.²

Under ESSA, the term “immigrant children and youth” means individuals who—

- (A) are aged 3 through 21;
- (B) were not born in any State; and
- (C) have not been attending one or more schools in any one or more States for more than 3 full academic years.³

Title III and the Supplement not Supplant Requirement

Title III is subject to a strict “supplement not supplant” (SNS) requirement that affects how Title III funds are spent.⁴ Because SNS works differently in Title III than other federal programs this section addresses SNS before addressing other Title III spending issues.

At its most basic, SNS requires Title III funds to add to (supplement) and not replace (supplant) other federal, state, and local funds. Whether a cost complies with SNS is situation specific, but in general there are three issues to consider:

1. Compliance with SNS is tested using two “presumptions,”
2. An LEA may not use Title III funds to meet its civil rights obligations to EL students, and
3. In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I, Part A.

Issue 1: Compliance with SNS is tested using two “presumptions”

The federal government presumes Title III supplanting in the following two situations:

1. An LEA uses Title III funds to provide services the LEA is required to make available under other laws, or
2. An LEA uses Title III funds to provide services the LEA paid for with state or local funds the prior year.⁵

² ESSA, Section 8101(20). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

³ ESSA, Section 3201(5). Also, *ED 2016 Title III, Part A Guidance*, p. 43.

⁴ ESSA, Section 3115(g).

⁵ *ED 2016 Title III, Part A Guidance*, Question A-2.

These presumptions can be “rebutted” (disputed with evidence) and possibly overcome if the LEA can show it could not have provided the services in question with state or local funds.⁶

Example: Presumed Supplanting Violation

Paying for an interventionist that provides intensive small-group interventions to EL students with Title III funds would violate the second presumption of supplanting if the LEA paid for this interventionist with local funds the prior year.

NOTE: The LEA may be able to rebut this presumption of supplanting if it can show it did not have local funds available to pay for the interventionist.

Issue 2: An LEA may not use Title III funds to meet its civil rights obligations to EL students

Under the first presumption of supplanting an LEA may not use Title III funds to meet the requirements of federal, state, or local law. Under federal law, specifically Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA), LEAs have legal obligations to ensure that ELs can meaningfully and equally participate in educational programs and services.⁷ ED guidance explains that to meet these civil rights obligations to EL students LEAs must:

- Identify and assess all potential EL students in a timely, valid, and reliable manner,
- Provide EL students with a language assistance program that is educationally sound and proven successful, consistent with *Castañeda v. Pickard* and the U.S. Supreme Court decision in *Lau v. Nichols*,
- Provide sufficiently well prepared and trained staff and support the language assistance programs for EL students,
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities,
- Avoid unnecessary segregation of EL students,
- Ensure that EL students who have or are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are identified, located, and evaluated in a timely manner and that the language needs of students who need special education and disability related services because of their disability are considered in evaluations and delivery of services,
- Meet the needs of EL students who opt out of language assistance programs,
- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they

⁶ ED 2016 Title III, Part A Guidance, Question A-2.

⁷ ED 2016 Title III, Part A Guidance, Question A-2 and A-3.

were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied,

- Evaluate the effectiveness of a school district’s language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program is reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time, and
- Ensure meaningful communication with limited English proficient (LEP) parents.⁸

Because Title III funds may not be used to meet legal obligations, including civil rights obligations, Title III may not be used to meet the obligations in the above list.

Example: Impermissible Title III Spending on Civil Rights Obligations

An LEA may not use Title III funds to identify EL students because identifying EL students is a civil rights obligation under Title VI and the EEOA.⁹

Example: Permissible Title III Supplemental Spending

An LEA that meets its civil rights obligations on staffing may use Title III funds to hire extra staff. For example, ED guidance states that an LEA may use Title III funds to hire a specialist on EL students with interrupted formal education or English learners with disabilities to provide *supplemental* support to these unique populations; an LEA could also use Title III funds to hire staff that would provide *supplemental* LEA-wide instructional support to teachers of ELs. ED guidance also notes that determinations about the supplement not supplant requirement in Title III are always fact-specific.¹⁰

Issue 3: In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I

Under the first presumption of supplanting, an LEA may not use Title III funds to meet the requirements of federal, state, or local law. Under No Child Left Behind (NCLB), this meant LEAs could not use Title III funds to pay for Title I, Part A’s EL-related requirements. Under ESSA, however, certain requirements that were previously part of the Title III program have moved to Title I, Part A. Because of this, ED guidance permits LEAs to use Title III funds to pay for activities that were in Title III under NCLB, but are now part of Title I, Part A in ESSA such as:

- EL parental notification regarding language instruction educational programs (LIEPs) and related information (ESEA Section 1112(e)(3)),
- Parental participation (e.g., regular EL parent meetings) (ESEA Section 1116(f)), and

⁸ ED 2016 Title III, Part A Guidance, Question A-3. Additional information about the civil rights obligations to EL students is available in a joint U.S. Department of Education and U.S. Department of Justice Dear Colleague Letter (2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

⁹ ED 2016 Title III, Part A Guidance, Question A-8.

¹⁰ ED 2016 Title III, Part A Guidance, Question D-7.

- Reporting to the State on the number and percentage of ELs achieving English language proficiency (ESEA Section 1111(h)(2)).¹¹

ED’s guidance states that LEAs may only use Title III funds for activities that moved from Title III to Title I *if* they ensure that:

1. The activity being supported is consistent with the purposes of Title III and meets federal guidelines for “reasonable and necessary costs,”¹²
2. The activity being supported is supplemental to the LEA’s civil rights obligations to ELs under Title VI of the Civil Rights Act and the EEOA, and
3. The LEA can demonstrate it is also using Title III funds to conduct activities required under Title III.¹³ (See below for more information about required Title III EL activities).

Please note LEAs may not use Title III funds for Title I, Part A activities that are *also* used to meet civil rights obligations. For example, under Title VI of the Civil Rights Act of 1964 and the EEOA, LEAs must track EL student progress in achieving English language proficiency. LEAs often use the annual English language proficiency (ELP) assessment, which is now required under Title I,¹⁴ to meet this civil rights obligation. If an LEA uses the annual ELP assessment to meet its civil rights obligations, Title III funds could not be used to pay for costs related to administering the ELP assessment.¹⁵

How Title III Funds May Be Used

Title III includes two types of subgrants to LEAs. First, are “formula” subgrants available to LEAs (or a consortium of LEAs) that generate at least \$10,000 under a formula established in the Title III law. These subgrants must be used to support ELs in learning English and meeting state academic standards. (See Section I below – these funds will be referred to as “Title III EL funds.”) Second, are “targeted” subgrants SEAs might award to LEAs that experience a significant increase in immigrant children and youth and should provide immigrant children with enhanced instructional opportunities. (See Section II below – these funds will be referred to as “Title III Immigrant funds.”)

I. Title III EL Funds

LEAs must use Title III EL funds to assist ELs in learning English and meeting state academic standards.¹⁶

A. Required Uses of Title III EL Funds at the LEA-Level

¹¹ ED 2016 Title III, Part A Guidance, Question A-4.

¹² The concept of “reasonable and necessary” costs comes from federal regulations known as the Uniform Grant Guidance (UGG). See, for example, the discussion in *Basic Considerations* of the UGG, available at https://www.ecfr.gov/cgi-bin/text-idx?SID=1ab34260fd33363573a554baedb4aa24&mc=true&node=pt2.1.200&rgn=div5#sg2.1.200_1401.sg12.

¹³ ED 2016 Title III, Part A Guidance, Question A-4.

¹⁴ ESSA, Section 1111(b)(2)(G).

¹⁵ ED 2016 Title III, Part A Guidance, Question A-7.

¹⁶ ESSA, Section 3115(a).

LEAs must use Title III EL funds for three activities:

1. Providing **effective language instruction educational programs (LIEPs)** that meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement.¹⁷
2. Providing **effective professional development** to classroom teachers (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:
 - Designed to improve the instruction and assessment of ELs,
 - Designed to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs,
 - Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers, and
 - Of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom.¹⁸
3. Providing and implementing other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which must include **parent, family, and community engagement activities**, and may include strategies that serve to coordinate and align related programs.¹⁹

As with all Title III costs, these three required Title III EL activities – effective LIEPs, effective professional development, and effective parent, family, and community engagement activities – **must be supplemental to state and locally funded programming** the LEA is delivering to meet its civil rights obligations to EL students.

Note: ED’s Title III guidance encourages SEAs and LEAs **to adopt criteria to ensure LIEPs are effective** in helping ELs gain English language proficiency and help them meet the State’s challenging academic standards. It lists several criteria SEAs and LEAs should consider. See Question C-3, pages 19-20:

<http://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguideenglishlearners92016.pdf>. The guidance also makes recommendations **on professional development and staff qualifications** for those who teach ELs on pp. 22-26. Finally, the guidance addresses **parent engagement**, including new requirements under Title I (which are outside the scope of this Title III spending guide) on pages 27-31. The SEA could link to or incorporate selected sections of ED’s guidance in this document, or it could insert its own information about these three topics, and their impact on Title III spending which may be influenced by state or local legal requirements with regard to ELs.

B. Authorized Uses of Title III Funds at the LEA-Level

In addition to spending on the required three activities above, LEAs may spend their Title III EL funds on other supplemental activities, including:

¹⁷ ESSA, Section 3115(c)(1). For federal guidance about LIEPs, please see *ED 2016 Title III, Part A Guidance*, Section C.

¹⁸ ESSA, Section 3115(c)(2). For federal guidance on educators of English Learners, including professional development, please see *ED 2016 Title III, Part A Guidance*, Section D.

¹⁹ ESSA, Section 3115(c)(3). For federal guidance on parent, family, and community engagement, please see *ED 2016 Title III, Part A Guidance*, Section E.

- Upgrading program objectives and effective instructional strategies,²⁰
- Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures,²¹
- Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators,²²
- Developing and implementing effective preschool,²³ elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services,²⁴
- Improving the English language proficiency and academic achievement of ELs,²⁵
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children,²⁶
- Improving the instruction of ELs, which may include ELs with a disability, by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs,²⁷
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education,²⁸ and
- Carrying out other activities that are consistent with the purposes of Title III subgrants.²⁹

If an LEA uses its Title III EL funds for one of the above authorized activities, it must ensure the funds are supplemental, including the requirement that the funds not be used to meet its civil rights obligations under Title VI of the Civil Rights Act and the EEOA.

II. Title III Immigrant Funds

LEAs that have experienced a significant increase in immigrant children and youth might receive an “immigrant subgrant” from their SEA. These Title III immigrant funds must be used to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, and may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children,
- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth,

²⁰ ESSA, Section 3115(d)(1).

²¹ ESSA, Section 3115(d)(2).

²² ESSA, Section 3115(d)(3).

²³ For more information on Title III and Early Learning, please see *ED 2016 Title III, Part A Guidance*, Section F.

²⁴ ESSA, Section 3115(d)(4).

²⁵ ESSA, Section 3115(d)(5).

²⁶ ESSA, Section 3115(d)(6).

²⁷ ESSA, Section 3115(d)(7).

²⁸ ESSA, Section 3115(d)(8).

²⁹ ESSA, Section 3115(d)(9).

- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth,
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program,
- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services,
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education, and
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.³⁰

USBE Approved Response to Findings in 2014 Federal Audit

1. *Evidence it ensures accurate and timely collection of data on the number or percentage of immigrant children and youth of all LEAs.*

Title III meets bi-annually with the Data and Statistics Department to monitor the process for data collection of LEAs' number of immigrant children and youth to ensure accuracy. Jointly held webinars, live streamed and archived, have also been designed to provide technical support for LEAs.

At the joint meeting, July 8, 2016, the following timeline has been determined, based on the initial policy guidance developed in 2009:

TIMELINE:

July 30: Preliminary immigrant counts are available based on counts from LEAs at the end of the previous year.

August 15: Preliminary allocation for immigrant funding is uploaded into the Utah Consolidated Application to adjust LEAs improvement plans based on WIDA ACCESS data and end of level academic data by school.

October 1: Immigrant counts from LEAs are updated based on current year.

November 1: Utah Consolidated Application due with detailed budget for allocation of funds based on allowable expenditures (Supplement not supplant letter) for two program goals: 1) increased English Language Proficiency based on WIDA ACCESS data – listening, speaking, reading and writing; and 2) increased academic achievement on end of level state tests in Mathematics, English, and Science.

³⁰ ESSA, Section 3115(e). See also *ED 2016 Title III, Part A Guidance*, Question G-4.

December 1 (same date as Title I): Desk Monitoring Instrument (DMI) to track progress for LEAs' annual goals as stated in the UCA as well as compliance with requirements from DOE and DOJ on Civil Rights for English Learners.

- 2. Evidence it has provided training to LEAs on allowable activities and the application process for immigrant subgrant. The USOE must also provide evidence it has implemented its process to award immigrant subgrants in a timely manner.*

A letter dated November 23, 2016 was sent to all LEAs who qualified for Immigrant Subgrants explaining the process and the allowable expenses listed in the budget allocation. Beginning with the 2017 allocations, grant awards will be generated automatically based on the following timeline:

July 30: Preliminary immigrant counts are available based on counts from LEAs at the end of the previous year.

August 15: Preliminary allocation for immigrant funding is uploaded into the Utah Consolidated Application to adjust LEAs improvement plans based on WIDA ACCESS data and end of level academic data by school.

October 1: Immigrant counts from LEAs are updated based on current year.

TRAINING: Ongoing training occurs at each Alternative Language Directors Meeting, scheduled four times a year with the first meeting specifically targeting new Title III LEA Coordinators. All meetings are recorded with web-based resources and archived for access throughout the state on the Title III website at the Utah State Board of Education.

At the February 17th Alternative Language Services Directors' meetings, Sandra Grant, the Financial Analyst for Federal Programs, provided training to LEAs on the process and timeline for Title III allocations including immigrant funding. Here is the link to that particular meeting:

<http://www.schools.utah.gov/SAS/federalprograms/ELs-Immigrants-Refugees/Meetings/2016ALS.aspx>

- 3. Evidence it is awarding immigrant funds in a timely manner. Additionally, the State must submit evidence it has updated its procedures for allocations, reallocations, carryover and immigrant grant allocation along with evidence of guidance and/or technical assistance to subgrantees on these topics.*

Existing procedures for allocating and reallocating the Immigrant Grant were clarified in a meeting with Title III and the Data and Statistics Department on July 5, 2016. The following outline provides clarification of the existing procedures and will be communicated to LEAs in three formats: 1) the planned webinar on Fiscal Policies (live streamed, recorded, and archived), 2) at the Alternative Language Services Meeting every year for new directors, and

3) In the revisions of the State Plan for Educational Equity for English Learners as aligned to ESSA (formerly the ELL Master Plan).

Procedures for Allocation and reallocation of Immigrant Subgrants to LEAs

Up to 15% of the formula allocation is set aside for the Immigrant allocations. After determination of the set aside for Immigrant funding and receipt of the Immigrant enrollment information from LEAs from the previous year, the preliminary allocation of Immigrant funds is calculated using the following process:

1. Obtain Local Education Agency (LEA) Immigrant enrollment information for the previous year, available at the end of July.
2. Calculate the average of the two preceding years Immigrant enrollment for each LEA
3. To determine “significant increase” subtract the average of the two preceding years Immigrant enrollment from the current year Immigrant enrollment for each LEA.
4. Add the increased enrollment to the current year Immigrant enrollment for each LEA to determine the adjusted Immigrant enrollment.
5. Divide the adjusted Immigrant enrollment for each LEA by the total adjusted Immigrant enrollment to obtain the district percentage of the total adjusted Immigrant enrollment.
6. Multiply the total set aside for Immigrant by the LEA percentage of adjusted Immigrant enrollment to determine the LEA allocation of Immigrant funds.
7. Ensure that the total LEA allocations do not exceed the set aside for Immigrant funding.
8. Rank the LEAs with based on Significant Increase formula with the threshold of at least \$10,000 in a preliminary allocation.
9. Based on the ranking re-allocate all funds from LEAs that did not meet the \$10,000 threshold.
10. Funds are awarded to those LEAs with the largest increase in immigrants students based on the previous formula.
11. Prepare the Awarded Funds (C20) document, LEA letters and journal entries and submit to Administration for approval (Completed by the Fiscal Analyst in the BASE System to automatically generate award letters).

Clarification for the existing procedures for carryover of the Immigrant Grant were developed by Title III in conjunction with the Student Advocacy Services Fiscal Analyst and the Utah State Board’s Department of Internal Auditors. Evidence for the development of a procedure for carryover for the Immigrant Grant was guided by The Education Department General Administrative Regulations (EDGAR), Part 75 Amendments (Expanded Authorities) on the website of the Office of Language Acquisition at the U.S. Department of Education. As a result, the following clarification of carryover procedures will be used by Title III with LEAs and communicated at the LEAs’ Directors meetings, in the state plan, and on the Title III website through archived webinars.

“The regulatory amendments now provide that grant funds are carried over automatically from one budget period to the next, without the need for approval or any action on the part of the grantee. The grantee (in this case the LEA as subgrantee) may spend unexpended funds in the following budget

period for any allowable cost that falls within the scope and objectives of the project, not just for expenditures arising out of uncompleted activities.”

However, in those cases where there are no prior restrictions on a grantee's use of carry-over funds as a condition of award but there are reservations in the course of project monitoring about a grantee's use of such funds, a written statement describing the ways the LEA intends to use the remaining funds must be sent to Title III at the end of the fiscal year. In cases where Title III does not concur with the grantee's planned expenditures, it no longer denies the grantee use of some or all of the remaining funds, but, rather reduces new grant funds awarded for the following budget period.

The amount carried over must be expended by the end of the following year. For example, if a portion of a 2015-2016 allocation is carried over into 2016-2017, an amount equal to the carryover must be expended by the end of the 2016-2017 fiscal year.

NOTE: The scope and objectives of the project are determined by federal law: 1) Increased English language proficiency for each student and 2) increased academic achievement in the assessed content areas of Math, English, and Science. These student growth goals are included in the approved UCA (Utah Consolidated Application) and monitored in the DMI (Desk Monitoring Instrument).

III. Other Spending Considerations and Rules

A. LEA-Level Administrative Costs

LEAs may use up to two percent of their Title III funds for direct administrative costs.³¹ Indirect costs are not part of the two percent cap.³²

B. Maintenance of Effort

LEAs that receive Title III funds must comply with a maintenance of effort requirement.³³ In short, maintenance of effort ensures districts maintain a consistent floor of state and local funding for free public education from year-to-year.³⁴

C. Equitable Services

Title III funds are subject to an equitable services requirement.³⁵ In short, this means that the LEA must ensure that eligible private school students, their teachers, and other educational personnel are served by Title III.³⁶

³¹ ESSA, Section 3115(b).

³² *ED 2016 Title III, Part A Guidance*, Question A-10.

³³ ESSA, Section 8521.

³⁴ *ED 2016 Title III, Part A Guidance*, Question A-17.

³⁵ ESSA, Section 8501(b)(1)(C).

³⁶ *ED 2016 Title III, Part A Guidance*, Question C-6. See also *ED 2016 Fiscal Changes Guidance*, Section P.