

Title IV, Part A Student Support and Academic Enrichment Program

**2019 State Coordinator National Meeting:
Questions and Answers (Q&A)**



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Contents

PURPOSE	2
LEA APPLICATION	2
ALLOCATIONS TO LOCAL EDUCATION AGENCIES (LEAS).....	2
ALLOWABLE USE OF FUNDS	3
GENERAL	3
WELL-ROUNDED EDUCATION	3
SAFE AND HEALTHY STUDENTS.....	4
PRIVATE SCHOOLS—EQUITABLE SERVICES.....	6
CARRYOVER OF FUNDS	7
TRANSFERABILITY	8

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Purpose

This document summarizes the informal question and answer sessions that occurred at the Title IV-A State coordinators' meeting held on December 9–10, 2019. Other than statutory and regulatory requirements included in the document, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. In addition, it does not create or confer any rights for or on any person.

Please consult with your Title IV-A Federal Program Officer (FPO) if you need any points clarified or have questions not answered in this document.

LEA Application

1. How often should an LEA conduct a comprehensive needs assessment (CNA)?

Per [ESEA Section 4106\(d\)\(3\)](#), all LEAs and consortia of LEAs that receive an allocation of \$30,000 or more must conduct a comprehensive needs assessment once every 3 years.

2. Where in the statute does it require an LEA to submit a budget to the SEA?

[ESEA Section 4106\(a\)\(1\)](#) states that an LEA shall submit an application to the SEA, which shall contain, at a minimum, everything contained in [Section 4106\(e\)](#), and anything else the State "may reasonably require." Accordingly, the SEA has discretion to require a budget. Also, [ESEA Section 4106\(e\)\(1\)\(B-D\)](#) states that the LEA must submit an application that describes how funds will be used for activities related to the three priority content areas.

3. Must an LEA prioritize which schools receive Title IV-A funds?

Yes. Per [ESEA Section 4106\(e\)\(2\)\(A\)](#), an LEA or consortium of LEAs must include in its application an assurance that funds will be prioritized for distribution to schools as set out in the statute.

4. May a SEA use ED Flex so LEAs may change the percent distribution by priority content area? If so, could an LEA direct all Title IV-A funds into a single priority content area?

Yes. Once an SEA applies for and receives ED Flex, provided the SEA and LEAs follow the required procedures (public notice, etc.), then an SEA may waive the percent distribution requirements for individual LEAs. See the [ED-FLEX FAQs](#) and [application](#) on the Department's website for more information.

Allocations to Local Education Agencies (LEAs)

5. May SEAs award Title IV-A funds to non-Title I LEAs?

In order to receive a Title IV-A LEA award, an LEA must have received a Title I-A allocation the previous fiscal year. Accordingly, SEAs may not award Title IV-A LEA funds to those LEAs that did not receive Title I-A funds in the previous fiscal year. However, under [Section 4101\(b\)\(3\)](#), SEAs may use state-level funds to support LEAs, including those that did not receive a Title IV-A formula grant award.

6. EDGAR 34 CFR 74.53 says that LEAs must keep their records 3 years past the final expenditure report. When does that clock start ticking?

34 CFR Part 74 no longer exists, but the same language is found in the Uniform Guidance at 2 CFR 200.333, which provides “Financial records, supporting documents, statistical records, and all other [non-Federal entity](#) records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the [Federal awarding agency](#) or [pass-through entity](#) in the case of a [subrecipient](#).” The “final expenditure report,” which would start the clock ticking, is likely for most grantees the same thing as the final performance report.

Allowable Use of Funds

General

7. Since SEAs have discretion when making decisions about allowable uses of funds, it is likely SEAs will use different guidelines. Is that okay?

Yes. While SEAs may not create a list of unallowable activities that conflicts with the list of authorized activities in the Title IV-A statute, SEAs may set state priorities and have some discretion in determining specific items of allowability based upon the facts presented. In determining allowability, SEAs must look to statutory requirements, the results of the needs assessment, if applicable, the approved application, the cost principles of the Uniform Guidance, including whether a request is reasonable and necessary, and whether a cost might result in supplanting, or is otherwise prohibited by the ESEA. The determination as to whether the cost of an activity is reasonable and necessary, is a fact-based inquiry that will likely result in some inconsistency within and across states as to specific items of cost. As long as a SEA applies this same basic analysis to any LEA request, it is not problematic that a specific item of cost ends up being allowable in one case and not in another.

8. Must all Title IV-A funded activities be evidence-based?

No. The statute does not have a blanket requirement that all activities must be evidence-based. However, the statute does include, as possible allowable activities, some evidence-based activities. In these instances, the statute gives the SEA, in consultation with LEAs, discretion in determining whether such evidence is reasonably available.

Well-Rounded Education

9. A SEA established a virtual school program and mandated that those courses be paid for by district or charter school. If an LEA decides to use a different virtual program, may the LEA use Title IV-A funds for that other program?

There is not enough information here for us to make a determination. However, if a program or activity is required by state statute, there is a presumption that the use of federal funds to pay for it would be “supplanting,” and would thus be unallowable. There may be additional considerations that would affect a final decision about whether the use of funds constitutes supplanting.

10. How should SEAs manage a request for funds if the cost may fall under well-rounded education or effective use of technology (e.g., e-readers, art, media, translation services)?

There is a fair amount of overlap between the two content areas. It is up to the LEA to determine, and the SEA to confirm, under which content area a purchase would fall.

Safe and Healthy Students

11. May LEAs use Title IV-A funds for credit recovery programs?

It depends. SEAs should confirm under which content area it falls and whether it would supplant non-Federal funds. The [Title IV-A Nonregulatory Guidance](#) provides an example of using Title IV-A funds under Safe and Healthy Students for credit recovery.

12. How is “mental health assessment or service” defined?

The statute does not define mental health assessment. The SEA should look to see how state law defines that term.

13. May an LEA use Title IV-A funds to pay for protective eyewear for a student who wears glasses (e.g., athletics)?

The SEA’s determination of allowability of Title IV-A funds will depend on a number of factors, starting with whether all statutory requirements are met. Generally, in reviewing an LEA’s application, a SEA will first consider whether a proposed activity is consistent with the purposes of at least one of the three content areas in the SSAE program (well-rounded education in [Section 4107](#), safe and healthy students in [Section 4108](#), or the effective use of technology in [Section 4109](#)). Assuming that the activity is consistent with the purposes of one of the three content areas, as applicable, the SEA must make further determinations as to allowability of costs in accordance with the cost principles in the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards \(Uniform Guidance\) at 2 CFR Part 200, Subpart E](#). Specifically, the cost of an activity is allowable under the SSAE program if it is reasonable and necessary for performance of the grant (i.e., it is of a type generally recognized as ordinary and necessary for operation of the grant) and allocable to the grant (i.e., it is chargeable to the grant award in proportion to the benefits received by the grant award as a result of the cost). Also, because [Section 4110](#) of the ESEA prohibits supplanting, the proposed use of funds for the activity must supplement, and not supplant, other State or local funds that would otherwise be used to pay for the allowable activity. Finally, SEAs must check to ensure that the activity is not one of the prohibited activities in [Section 4001\(b\)](#) or 8526 of the ESEA, as amended by the Every Student Succeeds Act (ESSA).

14. May LEAs use Title IV-A funds to pay for school resource officers if such a position is mandated by the State but not funded?

Generally, if a program or activity is required by state statute, there is a presumption that the use of federal funds to pay for it would be “supplanting,” and would thus be unallowable. There may be additional considerations that would affect a final decision about whether the use of funds constitutes supplanting, including the fact that the state has not funded a mandated requirement

and that no other non-Federal funds are available for the cost of the program or activity. An SEA should consult with their state attorney since it relates to a State requirement and then follow up with ED if there are further questions.

15. May LEAs use Title IV-A funds to pay for IEP services? Would that be considered supplanting?

OGC will conduct additional research to answer this question.

16. May LEAs use Title IV-A funds to purchase vaping detectors?

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17. May LEAs use Title IV-A funds to pay for food to increase attendance at a parent/teacher conference or other scenario (Tribal specific – high poverty area)?

Generally, food will not be considered "reasonable and necessary" under the Uniform Guidance and will therefore be unallowable. However, if such a use is truly for family engagement and families could not or would not participate without food, it may be allowable. If an SEA thinks there is a possibility that such a use is allowable, send the request with details to ED for consideration.

18. May SEAs use Title IV-A funds to pay for food at a training for educators and administrators?

The Uniform Guidance at 2 CFR 200.432 sets out guidelines for allowable conference costs and states that meals and refreshments are potentially allowable conference costs; however, these costs must meet the threshold "necessary and reasonable" test, and grantees must ensure that conference costs are managed in a way that minimizes cost to the federal award. Accordingly, most food costs are unallowable. The exception to the general prohibition on paying for food and refreshments is for a "working lunch." To justify this as "necessary," grantees need to have substantive work that is an integral part of the meeting taking place during lunch. In addition, they have to show that they need to work through lunch in order to get through their meeting agenda within the confines of a reasonable working day. In addition, the boxed lunches would have to be

“reasonable” in cost as well. If a SEA thinks there is a possibility that such a use is allowable, send the request with details to ED for consideration.

Effective Use of Technology

19. What technology purchases are allowable, and which are not? Give examples.

In terms of what technology is limited by the 15 percent cap, the Department has not defined what it means to address “readiness shortfalls of technological capacity and infrastructure” as described in [ESEA Section 4109\(a\)\(2\)\(B\)](#) (the 15 percent cap). All technology purchases are subject to the same general cost allowability analysis as stated below:

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Private Schools—Equitable Services

20. When should LEAs calculate equitable shares if they plan to transfer Title IV-A funds?

Before a SEA or LEA may transfer funds from a program subject to equitable services requirements, including Title IV-A, it must engage in timely and meaningful consultation with appropriate private school officials ([ESEA Section 5103\(e\)\(2\)](#)). With respect to the transferred funds, the SEA or LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer.

21. May private schools get a share of carryover funds when public schools do not expend their funds?

No. ESEA Section 8501(a)(4) requires that expenditures for services to private school children and educators be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

Note that private schools do not directly receive equitable services funds. Instead, funds are allocated to the LEA for the provision of equitable services, and the LEA either administers the services, or contracts with a third-party provider to administer the services, to eligible private school students and teachers.

- 22. A SEA has several LEAs that are smaller than the private schools in an area. Although they have a good working relationship in some communities, sometimes the private schools get a lot more funding than public schools. The public schools want to transfer their money into another Title, but it creates a weird situation for the SEA.**

Under [ESEA Section 5103](#), an LEA may transfer funds out of Title IV-A into certain other ESEA programs. As noted in question 23, before a SEA or LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with appropriate private school officials. [\(ESEA Section 5103\(e\)\(2\)\)](#). Consultation should include discussion on, among other issues, how private school children's needs will be identified. It is important to talk about need. The private school needs to come to the table with not "this is the funding" but "this is the student's needs."

- 23. A SEA has a lot of private schools that want to purchase technology, but public schools are worried that the technology won't be used for secular use.**

OGC will conduct additional research to answer this question.

- 24. A SEA worked with an LEA to calculate an equitable share on total amount, then pulled it off because they didn't think private schools had the same requirements. If calculated correctly, how does the amount compare?**

OGC will conduct additional research to answer this question.

- 25. If a private school receives Title IV-A funds from an LEA one year and has money left over but either does not want to participate or shuts down, may the remaining funds go back into the public schools in Title I, Part A?**

OGC will conduct additional research to answer this question.

- 26. What is the LEA's responsibility to monitor programs and activities funded by Title IV-A in private non-profit schools?**

OGC will conduct additional research to answer this question.

- 27. Must recipient/participating private schools receive Title I-A funds to receive Title IV-A funds?**

OGC will conduct additional research to answer this question.

Carryover of Funds

- 28. If an LEA carries over funds, must they maintain percentage distribution requirements?**

An LEA should be establishing its plans for spending across the content areas in its approved application and meeting those commitments, whether in the initial year or a carryover year. That said, an LEA only must meet the spending requirements once for each year's appropriation.

29. Are the carryover funds meant for LEAs or may the SEA use them as well?

An LEA may carry over its funds (funds may be obligated by the SEA and LEAs for 27 months). If an LEA does not want to carry funds over and decides to return the funds to the SEA, then the SEA would need to redistribute those funds to eligible LEAs consistent with the formula. Per ESEA 4104(a)(1), the SEA may not retain greater than 5 percent of its total Title IV-A allocation.

30. May the SEA determine a carryover cap for LEAs?

Pursuant to 34 CFR 76.709(a), LEAs have 27 months in which to obligate these funds, entitling them to carryover whatever funds are not obligated in the first fiscal year. Accordingly, SEAs may not set a carryover cap for LEAs, but may encourage them to only carryover amounts as the SEA believes appropriate for efficient funds management.

Transferability

31. If an LEA transfers 100% of its Title IV-A funds to another eligible program, may the LEA receive funds allocated to an SEA for statewide Title IV-A activities?

Yes. Under [Section 4101\(b\)\(3\)](#), SEAs may use state-level funds to support LEAs, including those that do not receive a Title IV-A subgrant or those that choose to transfer all Title IV-A funds to another eligible program.