

MEMORANDUM

TO: Les Morse, Alaska Department of Education & Early Development
FROM: Michael Brustein and Leigh Manasevit
DATE: February 19, 2009
RE: Allowable Uses of Funds under the Fiscal Stimulus for Local Educational Agencies (LEAs) under Perkins, AEFLA, NCLB and IDEA programs.

This memorandum addresses the allowable uses of the stabilization funds for local educational agencies (LEAs) under the Carl D. Perkins Career and Technical Education Act (Perkins), the Adult Education and Family Literacy Act (AEFLA), the No Child Left Behind Act (NCLB), and the Individuals with Disabilities Education Act (IDEA). It does not address the use of funds for modernization.

Please note, this memorandum addresses the allowable programmatic uses of funds authorized under the programs only and does not address other allowability requirements such as those arising under the Office of Management and Budget (OMB) Circular A-87, the Education General Administrative Regulations (EDGAR), or other fiscal requirements under Perkins, AEFLA, NCLB and IDEA.

THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT

Under Section 135 of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270),¹ eligible recipients are authorized to use funds to support career and technical education programs –

1. That strengthen the academic and career and technical skills of students participating in career and technical education programs, by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study described in section 122(c)(1)(A), to ensure learning in—
 - A. the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and
 - B. career and technical education subjects;

¹ See http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s250enr.txt.pdf for the complete text of the Perkins Act.

2. That link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than 1 career and technical program of study described in section 122(c)(1)(A);
3. That provide students with strong experience in and understanding of all aspects of an industry, which may include workbased learning experiences;
4. That develop, improve, or expand the use of technology in career and technical education, which may include—
 - A. training of career and technical education teachers, faculty, and administrators to use technology, which may include distance learning;
 - B. providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into the technology fields; or
 - C. encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;
5. That provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—
 - A. in-service and preservice training on—
 - i. effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;
 - ii. effective teaching skills based on research that includes promising practices;
 - iii. effective practices to improve parental and community involvement; and
 - iv. effective use of scientifically based research and data to improve instruction;
 - B. support of education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;
 - C. internship programs that provide relevant business experience; and
 - D. programs designed to train teachers specifically in the effective use and application of technology to improve instruction;
6. That develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

7. That initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;
8. That provide services and activities that are of sufficient size, scope, and quality to be effective; and
9. That provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.
10. To involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of career and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;
11. To provide career guidance and academic counseling, which may include information described in section 118, for students participating in career and technical education programs, that—
 - A. improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and
 - B. provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;
12. For local education and business (including small business) partnerships, including for
 - A. work-related experiences for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;
 - B. adjunct faculty arrangements for qualified industry professionals; and
 - C. industry experience for teachers and faculty;
13. To provide programs for special populations;
14. To assist career and technical student organizations;
15. For mentoring and support services;
16. For leasing, purchasing, upgrading or adapting equipment, including instructional aids and publications (including support for library resources) designed to strengthen and support academic and technical skill achievement;
17. For teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

18. To develop and expand postsecondary program offerings at times and in formats that are accessible for students, including working students, including through the use of distance education;
19. To develop initiatives that facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—
 - A. articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;
 - B. postsecondary dual and concurrent enrollment programs;
 - C. academic and financial aid counseling for subbaccalaureate career and technical education students that informs the students of the opportunities for pursuing a baccalaureate degree and advises the students on how to meet any transfer requirements; and
 - D. other initiatives—
 - i. to encourage the pursuit of a baccalaureate degree; and
 - ii. to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;
20. To provide activities to support entrepreneurship education and training;
21. For improving or developing new career and technical education courses, including the development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;
22. To develop and support small, personalized career-themed learning communities;
23. To provide support for family and consumer sciences programs;
24. To provide career and technical education programs for adults and school dropouts to complete the secondary school education, or upgrade the technical skills, of the adults and school dropouts;
25. To provide assistance to individuals who have participated in services and activities under this Act in continuing their education or training or finding an appropriate job, such as through referral to the system established under section 121 of Public Law 105–220 (29 U.S.C. 2801 et seq.);
26. To support training and activities (such as mentoring and outreach) in non-traditional fields;
27. To provide support for training programs in automotive technologies;

28. To pool a portion of such funds with a portion of funds available to not less than 1 other eligible recipient for innovative initiatives, which may include—
 - A. improving the initial preparation and professional development of career and technical education teachers, faculty, administrators, and counselors;
 - B. establishing, enhancing, or supporting systems for—
 - i. accountability data collection under this Act; or
 - ii. reporting data under this Act;
 - C. implementing career and technical programs of study described in section 122(c)(1)(A); or
 - D. implementing technical assessments; and
29. To support other career and technical education activities that are consistent with the purpose of this Act.

THE ADULT EDUCATION AND FAMILY LITERACY ACT

Under Section 231(b) of the Adult Education and Family Literacy Act,² the eligible agency requires that each eligible provider receiving a grant or contract use it to establish or operate one or more programs that provide services or instruction in one or more of the following categories:

1. Adult education and literacy services, including workplace literacy services. Workforce literacy services are literacy services that are offered for the purpose of improving the productivity of the workforce through the improvement of literacy skills.³
2. Family literacy services.
3. English literacy programs.

English Literacy and Civics Education Program

English Literacy and Civics Education Program (EL/Civics) grants may be used to support a variety of activities and costs related to English language and civics education instruction, including the costs of staff and instructors, materials, staff training, and support services such as child care and transportation costs for program participants.⁴ Under this program, the Secretary is especially interested in receiving applications that propose projects in the following areas:

- A. Projects that demonstrate successful partnerships with local agencies, organizations, or institutions, such as institutions of higher education, community-based organizations, and local education agencies, in providing EL/civics education and related support services.

² Title II of the Workforce Investment Act (P.L. 105-220).

³ Section 203(18) of the Adult Education and Family Literacy Act.

⁴ *Federal Register* 64, No. 221 (17 November 1999): 62921.

- B. Projects that demonstrate effective innovative approaches in providing EL/civics instruction, such as integrating technology into curriculum, establishing work- or community-based instruction sites, and providing flexible scheduling of classes and services.
- C. Projects that demonstrate effective strategies for professional development opportunities to help teachers develop networks to share ideas and best practices, promote effective use of technology, and develop contextualized and content-based curricula linked to appropriate assessments.
- D. Projects that demonstrate development of effective materials, such as curricula and assessment instruments, that address emerging areas in EL/Civics education, such as preparation for citizenship interviews, the naturalization process, life skills curricula, employability skills from a cross-cultural perspective, and learning disabilities.⁵

THE NO CHILD LEFT BEHIND ACT

Title I, Part A – Improving the Academic Achievement of the Disadvantaged

The Title I, Part A program, Improving the Academic Achievement of the Disadvantaged, provides financial assistance to eligible local educational agencies (LEAs) and schools with high numbers or high percentages of poor children to help ensure that all children meet challenging state academic standards. In schoolwide program schools, an LEA may use Title I, Part A funds for any activities that are part of the schoolwide program plan. In targeted assistance schools, however, Title I, Part A funds may only be used to meet the needs of participating eligible children. Both schoolwide and targeted assistance programs must be based on effective means of improving student achievement and include strategies to support parental involvement. LEAs also must use Title I, Part A funds to provide academic enrichment services to eligible children enrolled in private schools. All services under Title I, Part A must be supplemental to what the school provides to all students within the school. Examples of supplemental services to eligible Title I, Part A students include, but are not limited to, tutoring services, extended school-day programs, extended school-year programs, computer programs, etc.

Title I, Part B, Subpart 1 – Reading First

An eligible local educational agency (LEA) that receives a Reading First subgrant must use the funds to carry out the following activities:

1. Instructional reading assessments -- Selection and administering screening, diagnostic, and classroom-based instructional reading assessments with proven validity and reliability.

⁵ *Id.*

2. Reading program -- Selection and implementing a learning system or program of reading instruction based on scientifically based reading research that includes the essential components of reading instruction and provides such instruction to children in kindergarten through grade 3 in the schools served by the LEA, including children:
 - a. With reading difficulties
 - b. At risk of referral to special education based on those difficulties
 - c. Evaluated under section 614 of the Individuals with Disabilities Education Act but not identified as having a disability (in accordance with IDEA section 614(b)(5) and as defined in section 602)
 - d. Served under IDEA primarily due to a specific learning disability related to reading (as defined in IDEA section 602)
 - e. Deficient in the essential components of reading instruction
 - f. Identified as having limited English proficiency
3. Instructional materials – Selection and implementation of instructional materials, including education technology such as software and other digital curricula, that are based on scientifically based reading research
4. Professional development -- Professional development for teachers of kindergarten through grade 3 and special education teachers of kindergarten through grade 12 that will prepare these teachers and other instructional staff in all of the essential components of reading instruction. Professional development must include:
 - a. Information, instructional materials, programs, strategies and approaches based on scientifically based reading research, including early intervention, classroom reading materials, and remedial programs and approaches;
 - b. Instruction in the use of screening, diagnostic, and classroom-based instructional reading assessments and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading
5. Evaluation strategies – Collection and summary of valid and reliable data to document the effectiveness of Reading First in individual schools and in the LEA as a whole and to stimulate and accelerate improvement by identifying the schools that produce significant gains in reading achievement
6. Reporting – The LEA must report data for all students and categories of students described in the State’s Title I adequate yearly progress definition.
7. Access to reading material – Promotion of reading and library programs that provide access to engaging reading material

There may be additional activities for which an LEA may use Reading First funds, provided they are based on scientifically based reading research and align with the LEA’s overall Reading First plan. These activities include:

- Humanities-based family literacy programs (which may be referred to as ‘Prime Time Family Reading Time’) that bond families around the acts of reading and using public libraries.
- Providing training in the essential components of reading instruction to a parent or other individual who volunteers to be a student’s reading tutor, to enable such parent or individual to support instructional practices that are based on scientifically based reading research and are being used by the student’s teacher.
- Assisting parent, through the use of materials and reading programs, strategies, and approaches (including family literacy services) that are based on scientifically based reading research to encourage reading and support their child’s reading development.

Title I, Part B, Subpart 2 – Early Reading First

An eligible local educational agency (LEA) that receives an Early Reading First subgrant must use the funds to carry out the following activities:

1. Providing preschool age children with high-quality oral language and literature-rich environments in which to acquire language and prereading skills.
2. Providing professional development that is based on scientifically based reading research knowledge of early language and reading development for the staff of the eligible applicant and that will assist in developing the preschool age children's —
 - a. recognition, leading to automatic recognition, of letters of the alphabet, knowledge of letters, sounds, blending of letter sounds, and increasingly complex vocabulary;
 - b. understanding that written language is composed of phonemes and letters each representing one or more speech sounds that in combination make up syllables, words, and sentences;
 - c. spoken language, including vocabulary and oral comprehension abilities; and
 - d. knowledge of the purposes and conventions of print.
3. Identifying and providing activities and instructional materials that are based on scientifically based reading research for use in developing the skills and abilities described in paragraph (2).
4. Acquiring, providing training for, and implementing screening reading assessments or other appropriate measures that are based on scientifically based reading research to determine whether preschool age children are developing the skills described in this subsection.
5. Integrating such instructional materials, activities, tools, and measures into the programs offered by the eligible applicant.

Title I, Part B, Subpart 3 – William F. Gooding Even Start Family Literacy Programs

The Even Start Family Literacy program includes fifteen required program elements for Even Start projects, primarily grounded in research and national evaluation data, which are intended to ensure that projects offer high-quality services so that all participating families can achieve their literacy goals. Therefore, a local educational agency (LEA) may use funds under this program to carry out the required 15 elements:

1. Identification and Recruitment of Families Most In Need of Even Start Services. Each project must identify and recruit families most in need of Even Start services, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators.
2. Screening and Preparation of Participants. Each project must screen and prepare parents (including teenage parents) and children to enable such parents and children to participate fully in Even Start activities and services. This includes testing of parents to ensure eligibility for services, referral to necessary counseling, other developmental and support services, and related services.
3. Flexible Scheduling and Support Services. Each project must be designed to accommodate participants' work schedules and other responsibilities. This includes providing support services, when such services are unavailable from other sources, which are necessary for full participation in the Even Start program. Flexibility in scheduling classes in order to optimize family participation and retention is especially critical given the demands of work participation requirements for public assistance, as is providing support services such as transportation, child care, and meals.
4. High-Quality, Intensive Instructional Programs. Each project must provide high-quality, intensive instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood services, and preparation of children for success in regular school programs.
5. Staff Qualifications. Each project must meet the following staff qualification requirements for staff whose salaries are paid in whole or in part with Even Start funds. Staff who are not paid with Even Start funds, such as staff supported by collaborators or partners, are not subject to the requirements of this program element.
6. Staff Training. Each project must train staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of Even Start instructional services offered.
7. Home-Based Instructional Services. Each project must provide and monitor integrated instructional services to participating parents and children through home-based services.
8. Year-Round Services. Each project must operate on a year-round basis, including the provision of some program services, instructional and enrichment, during the summer months.

9. Coordination with Other Programs. Each project must coordinate with relevant programs, such as Title I, Part A, Early Reading First, Reading First, Migrant Education, 21st Century Community Learning Centers, Head Start, and volunteer literacy programs. Local projects must also coordinate with any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and Title I of the Workforce Investment Act of 1998, and any other relevant programs.
10. Instructional Programs Based on Scientifically Based Reading Research. Each project must use instructional programs based on scientifically based reading research (as defined in section 1208) for children and adults, to the extent such research is available.
11. Attendance and Retention. Each project must encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals.
12. Reading Readiness Activities Based on Scientifically Based Reading Research. Each project must base its reading readiness activities for preschool children on scientifically based reading research, to the extent available, to ensure children enter school ready to learn to read.
13. Continuity of Services. Each project must promote the continuity of family literacy, to the extent applicable, to ensure that individuals retain and improve their educational outcomes.
14. Providing Services to Families Most In Need. Each project must ensure that the program will serve those families most in need of Even Start activities and services.
15. Local Independent Evaluation. Each project must provide for an independent evaluation of the program that it will use for program improvement.

Title I, Part B, Subpart 4 – Improving Literacy Through School Libraries

An eligible local educational agency (LEA) that receives an Improving Literacy Through School Libraries subgrant may use the funds to carry out the following activities:

1. Acquire up-to-date school library media resources, including books;
2. Acquire and use advanced technology, incorporated into the curricula of the school, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;
3. Facilitate Internet links and other resource-sharing networks among schools and school library media centers, and public and academic libraries, where possible;
4. Provide professional development described in section 1222(d)(2) for school library media specialists, and activities that foster increased collaboration between school library media specialists, teachers, and administrators; and

5. Provide students with access to school libraries during nonschool hours, including the hours before and after school, during weekends, and during summer vacation periods.

Title I, Part C – Education of Migratory Children

The Migrant Education Program (MEP) is designed to establish or improve education programs for migrant children. This grant assists a local educational agency (LEA) improve educational opportunities for migrant children to help them succeed in the regular school program, meet the challenging State academic content and student academic achievement standards that all children are expected to meet, and graduate from high school. MEP funds must be used to:

1. Support high-quality and comprehensive educational programs for migrant children in order to reduce the educational disruption and other problems that result from repeated moves;
2. Ensure that migrant children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards;
3. Ensure that migrant children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;
4. Ensure that migrant children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;
5. Design programs to help migrant children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare them to make a successful transition to postsecondary education or employment; and
6. Ensure that migrant children benefit from State and local systemic reforms.
7. These services may include, but are not limited to, the following supplemental services: after-school tutoring, extended-day school, extended-year school, or any other additional educational program that benefits migrant children's education.

Title I, Part D – Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or At-Risk

An eligible local educational agency (LEA) that receives funds under the Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or At-Risk may use the funds to carry out the following activities:

1. Programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;
2. Dropout prevention programs which serve at-risk children and youth, including pregnant and parenting teens, children and youth who have come in contact with the juvenile justice system, children and youth at least 1 year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members;
3. The coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood such individuals will complete their education;
4. Special programs to meet the unique academic needs of participating children and youth, including vocational and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and
5. Programs providing mentoring and peer mediation.

Title I, Part E – National Assessment of Title I

This grant does not apply to local educational agencies.

Title I, Part F – Comprehensive School Reform

A local educational agency that receives a subgrant under this part shall provide the subgrant funds to eligible schools to enable the schools to implement a comprehensive school reform program that:

1. Employs proven strategies and proven methods for student learning, teaching, and school management that are based on scientifically based research and effective practices and have been replicated successfully in schools;
2. Integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive school reform plan for schoolwide change designed to enable all students to meet challenging State content and student academic achievement standards and addresses needs identified through a school needs assessment;
3. Provides high quality and continuous teacher and staff professional development;

4. Includes measurable goals for student academic achievement and benchmarks for meeting such goals;
5. Is supported by teachers, principals, administrators, school personnel staff, and other professional staff;
6. Provides support for teachers, principals, administrators, and other school staff;
7. Provides for the meaningful involvement of parents and the local community in planning, implementing, and evaluating school improvement activities consistent with section 1118;
8. Uses high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;
9. Includes a plan for the annual evaluation of the implementation of school reforms and the student results achieved;
10. Identifies other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the comprehensive school reform effort; and
11. (A) has been found, through scientifically based research to significantly improve the academic achievement of students participating in such program as compared to students in schools who have not participated in such program; or (B) has been found to have strong evidence that such program will significantly improve the academic achievement of participating children.

A school that receives funds to develop a comprehensive school reform program shall not be limited to using nationally available approaches, but may develop the school's own comprehensive school reform program for schoolwide change, in which case funds may be used in accordance with that school's comprehensive school reform program.

Title I, Part G – Advanced Placement Programs

An eligible local educational agency (LEA) that receives funds under Advanced Placement Programs must use the funds to expand access for low-income individuals to advanced placement incentive programs that involve:

1. Teacher training;
2. Pre-advanced placement course development;
3. Coordination and articulation between grade levels to prepare students for academic achievement in advanced placement courses;
4. Books and supplies; or
5. Activities to increase the availability of, and participation in, on-line advanced placement courses; or

6. Any other activity directly related to expanding access to and participation in advanced placement incentive programs, particularly for low-income individuals.

Title I, Part H – School Dropout Prevention

An eligible local educational agency (LEA) that receives funds under the School Dropout Prevention Program must use the funds to implement effective, sustainable, and coordinated school dropout prevention and reentry programs that involve activities such as:

1. Professional development;
2. Obtaining curricular materials;
3. Release time for professional staff to obtain professional development;
4. Planning and research;
5. Remedial education;
6. Reduction in pupil-to-teacher ratios;
7. Efforts to meet State student academic achievement standards;
8. Counseling and mentoring for at-risk students;
9. Implementing comprehensive school reform models, such as creating smaller learning communities; and
10. School reentry activities.

In addition to the above activities, LEAs may use funds under this program to implement the required scientifically based, sustainable, and widely replicated strategies for school dropout prevention and reentry. The strategies may include —

1. Specific strategies for targeted purposes, such as —
 - a. effective early intervention programs designed to identify at-risk students;
 - b. effective programs serving at-risk students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and
 - c. effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and
2. Approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, and developing clear linkages to career skills and employment.

Title II, Part A - Teacher and Principal Training and Recruitment Fund

Title II, Part A, Subpart 2 – Subgrants to Local Educational Agencies

Under Section 2123 of NCLB, local educational agencies (LEAs) may spend Title II, Part A, Subpart 2 funds on the following:

- Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel;

- Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, including:
 - providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers (i) in academic subjects in which there exists a shortage of highly qualified teachers within a school or within the LEA and (ii) in schools in which there exists a shortage of highly qualified teachers;
 - recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades;
 - establishing programs that train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);
 - establish programs that train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;
 - establish programs that recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and
 - establish programs that provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

- Providing professional development activities that improve the knowledge of teachers, principals and paraprofessionals concerning (i) one or more of the core academic subjects that the teachers teach and (ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement standards, and State assessments, to improve teaching practices and student academic achievement; and

- Providing professional development activities that improve the knowledge of teachers, principals and paraprofessionals concerning effective instructional practices and that:
 - involve collaborative groups of teachers and administrators;
 - provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;
 - provide training in methods of improving student behavior in the classroom and identifying early and appropriate interventions to help students with different learning styles to learn;
 - provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and

- provide training on how to understand and use data and assessments to improve classroom practice and student learning.
- Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide:
 - teacher mentoring from exemplary teachers, principals, or superintendents;
 - induction and support for teachers and principals during their first 3 years of employment;
 - incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or
 - incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.
- Carrying out programs and activities that are designed to improve the quality of the teacher force, such as:
 - innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy;
 - development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;
 - tenure reform;
 - merit pay programs; and
 - testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.
- Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.
- Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.
- Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.
- Carrying out programs and activities related to exemplary teachers.

Title II, Part A, Subpart 3 – Subgrants to Local Educational Agencies

Under Section 2134 of NCLB, local educational agencies (LEAs) that enter into eligible partnerships with an institution of higher learning and a school of arts and sciences may spend Title II, Part A, Subpart 3 funds in connection with the partnership on the following:

- Professional development activities in core academic subjects to ensure that:
 - teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and
 - principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects;
- Developing and providing assistance to LEAs and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that:
 - ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;
 - may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph; and
 - may include activities of partnerships between one or more LEAs, one or more schools served by such LEAs, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

Title II, Part B – Mathematics and Science Partnerships

Under Section 2202 of NCLB, local educational agencies (LEAs) that enter into eligible partnerships with an engineering, mathematics or science department within institution of higher learning, the State educational agency, and another eligible entity may spend Title II, Part B funds on the following:

- Creating opportunities for enhanced and ongoing professional development of mathematics and science teachers that improves the subject matter knowledge of such teachers.
- Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable scientifically based research teaching methods and technology-based teaching methods into the curriculum.
- Establishing and operating mathematics and science summer workshops or institutes, including follow-up training, for elementary school and secondary school mathematics and science teachers that:

- directly relate to the curriculum and academic areas in which the teacher provides instruction, and focus only secondarily on pedagogy;
 - enhance the ability of the teacher to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula; and
 - train teachers to use curricula that are (i) based on scientific research, (ii) aligned with challenging State academic content standards, and (iii) object-centered, experiment-oriented, and concept- and content-based;
 - programs that provide teachers and prospective teachers with opportunities to work under the guidance of experienced teachers and college faculty;
 - instruction in the use of data and assessments to inform and instruct classroom practice; and
 - professional development activities, including supplemental and follow-up activities, such as curriculum alignment, distance learning, and activities that train teachers to utilize technology in the classroom.
- Recruiting mathematics, engineering, and science majors to teaching through the use of:
 - signing and performance incentives that are linked to activities proven effective in retaining teachers, for individuals with demonstrated professional experience in mathematics, engineering, or science;
 - stipends provided to mathematics and science teachers for certification through alternative routes;
 - scholarships for teachers to pursue advanced course work in mathematics, engineering, or science; and
 - other programs that the State educational agency determines to be effective in recruiting and retaining individuals with strong mathematics, engineering, or science backgrounds.
 - Developing or redesigning more rigorous mathematics and science curricula that are aligned with challenging State and local academic content standards and with the standards expected for postsecondary study in mathematics and science.
 - Establishing distance learning programs for mathematics and science teachers using curricula that are innovative, content-based, and based on scientifically based research that is current as of the date of the program involved.
 - Designing programs to prepare a mathematics or science teacher at a school to provide professional development to other mathematics or science teachers at the school and to assist beginning and other teachers at the school, including (if applicable) a mechanism to integrate the teacher's experiences from a summer workshop or institute into the provision of professional development and assistance.
 - Establishing and operating programs to bring mathematics and science teachers into contact with working scientists, mathematicians, and engineers, to expand such teachers' subject matter knowledge of and research in science and mathematics.

- Designing programs to identify and develop exemplary mathematics and science teachers in the kindergarten through grade 8 classrooms.
- Training mathematics and science teachers and developing programs to encourage young women and other underrepresented individuals in mathematics and science careers (including engineering and technology) to pursue postsecondary degrees in majors leading to such careers.

Title II, Part C – Innovation for Teacher Quality

Title II, Part C, Subpart 1, Chapter B – Transition to Teaching Program

Under Section 2313 of NCLB, local educational agencies (LEAs) that enter into an entity that is an “eligible entity” under the grant with the State educational agency, a for-profit or nonprofit organization, an institution of higher education, a regional consortium of State educational agencies, or a consortium of high-need LEAs may spend Title II, Part C, Chapter B funds on the following:

- To develop a teacher corps or other program in order to establish, expand, or enhance a teacher recruitment and retention program for highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, who are eligible participants, including activities that provide alternative routes to teacher certification.
- Providing scholarships, stipends, bonuses, and other financial incentives, that are linked to participation in activities that have proven effective in retaining teachers in high-need schools operated by high-need LEAs, to all eligible participants, in an amount not to exceed \$5,000 per participant.
- Carrying out pre- and post-placement induction or support activities that have proven effective in recruiting and retaining teachers, such as:
 - teacher mentoring;
 - providing internships;
 - providing high-quality, preservice coursework; and
 - providing high-quality, sustained inservice professional development.
- Carrying out placement and ongoing activities to ensure that teachers are placed in fields in which the teachers are highly qualified to teach and are placed in high-need schools.
- Making payments to pay for costs associated with accepting teachers recruited under this section from among eligible participants or provide financial incentives to prospective teachers who are eligible participants.
- Collaborating with institutions of higher education in developing and implementing programs to facilitate teacher recruitment (including teacher credentialing) and teacher retention programs.

- Carrying out other programs, projects, and activities that are designed and have proven to be effective in recruiting and retaining teachers, and that the Secretary determines to be appropriate.
- Developing long-term recruitment and retention strategies including developing:
 - a statewide or regionwide clearinghouse for the recruitment and placement of teachers;
 - administrative structures to develop and implement programs to provide alternative routes to certification;
 - reciprocity agreements between or among States for the certification or licensing of teachers; or
 - other long-term teacher recruitment and retention strategies.

Title II, Part C, Subpart 4 – Teaching of Traditional American History

Under Section 2351 of NCLB, local educational agencies (LEAs) that enter into a partnership approved by the Secretary of Education with an institution of higher learning, nonprofit history or humanities organization, and/or library or museum may spend Title II, Part C, Chapter C, Subpart 4 funds on the following:

- To carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and
- For the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implementation of activities (i) to improve the quality of instruction and (ii) to provide professional development and teacher education activities with respect to American history.

Title II, Part D – Enhancing Education Through Technology

Title II, Part D, Subpart 1 – State and Local Technology Grants

Under Section 2416 of NCLB, local educational agencies (LEAs) may spend Title II, Part D, Subpart 1 funds on the following:

- To provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology:
 - to access data and resources to develop curricula and instructional materials;

- to enable teachers (i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and (ii) to retrieve Internet-based learning resources; and
 - to lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards, including increasing student technology literacy, and student academic achievement standards.
- Establishing or expanding initiatives, particularly initiatives involving public-private partnerships, designed to increase access to technology for students and teachers, with special emphasis on the access of high-need schools to technology.
 - Adapting or expanding existing and new applications of technology to enable teachers to increase student academic achievement, including technology literacy:
 - through the use of teaching practices that are based on a review of relevant research and are designed to prepare students to meet challenging State academic content and student academic achievement standards; and
 - by the development and utilization of innovative distance learning strategies to deliver specialized or rigorous academic courses and curricula to areas that would not otherwise have access to such courses and curricula.
 - Acquiring proven and effective courses and curricula that include integrated technology and are designed to help students meet challenging State academic content and student academic achievement standards.
 - Utilizing technology to develop or expand efforts to connect schools and teachers with parents and students to promote meaningful parental involvement, to foster increased communication about curricula, assignments, and assessments between students, parents, and teachers, and to assist parents to understand the technology being applied in their child's education, so that parents are able to reinforce at home the instruction their child receives at school.
 - Preparing one or more teachers in elementary schools and secondary schools as technology leaders who are provided with the means to serve as experts and train other teachers in the effective use of technology, and providing bonus payments to the technology leaders.
 - Acquiring, adapting, expanding, implementing, repairing, and maintaining existing and new applications of technology, to support the school reform effort and to improve student academic achievement, including technology literacy.
 - Acquiring connectivity linkages, resources, and services (including the acquisition of hardware and software and other electronically delivered learning materials) for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement.

- Using technology to collect, manage, and analyze data to inform and enhance teaching and school improvement efforts.
- Implementing performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, particularly in determining the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.
- Developing, enhancing, or implementing information technology courses.

Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act

Please find below, a list of authorized uses of funds for LEAs under Title III, Part A.⁶ As per Section 3115(c-d), local educational agencies (LEAs) may spend Title III, Part A subgrants allocated under Section 3114 on the following activities:

- 1) Increasing the English proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing—
 - a. English proficiency; and
 - b. student academic achievement in the core academic subjects.
- 2) Providing high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is—
 - a. designed to improve the instruction and assessment of limited English proficient children;
 - b. designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;
 - c. based on scientifically based research demonstrating the effectiveness of the professional development in increasing children’s English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
 - d. of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting

⁶ By design of Title III, Part B shall be in effect only for a fiscal year for which part A is not in effect. Since Part A is currently in effect, Part B is not in effect at this time. Part C addresses General Provisions and as such does not directly address the allowable uses of funds for LEAs. Accordingly, only Title III, Part A is at issue for purposes of this memorandum.

impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.

- 3) Upgrading program objectives and effective instruction strategies.
- 4) Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.
- 5) Providing—
 - a. tutorials and academic or vocational education for limited English proficient children; and
 - b. intensified instruction.
- 6) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.
- 7) Improving the English proficiency and academic achievement of limited English proficient children.
- 8) Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families—
 - a. to improve the English language skills of limited English proficient children; and
 - b. to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.
- 9) Improving the instruction of limited English proficient children by providing for—
 - a. the acquisition or development of educational technology or instructional materials;
 - b. access to, and participation in, electronic networks for materials, training, and communication; and
 - c. incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.
- 10) Carrying out other activities that are consistent with the purposes of this section.

Moreover, under Section 3115(e)(1), an LEA that qualifies as an agency experiencing substantial increases in Immigrant Children and Youth and has received funds under Sec. 3114(d)(1) may use those funds to provide enhanced instructional opportunities for immigrant children and youth, which may include—

- 1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- 2) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- 3) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- 4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;
- 5) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, 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;
- 6) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and
- 7) 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 of immigrant children and youth by offering comprehensive community services.

Select Clarifications on LEA Uses of Title III, Part A Funds

It is important to note the following items in terms of the LEAs use of Title III, Part A funds:

- In carrying out activities under Title III, Part A, an LEA shall use approaches and methodologies based on scientifically based research on teaching limited English proficient children and immigrant children and youth for the purposes established in Sec. 3115(a).
- In its October 2008 Guidance regarding Title III, Part A's 'supplement not supplant' provision, USDE made several clarifications regarding the use of Title III funds. In particular, USDE stated the following:
 - Title III funds may not be used to provide "core language instruction educational programs and services" for limited English proficient students, including providing for the salaries of teachers who provide those core services for LEP students.
 - Title III funds generally may not be used to pay for the costs of developing or administering annual ELP assessments because Section 111(b)(7) requires the provision of an annual English proficiency of all students with LEP.
 - Title III funds may not be used for the purposes of screening students for language proficiency and placing students into core language instruction educational programs.

This memorandum does not address funds available under Section 3112, Native American and Alaska Native Children in School, as entities eligible to receive federal funds under that section generally would not include LEAs. Agencies receiving funds under Section 3112 are not eligible to receive a subgrant under section 3114. Moreover, eligible entities apply directly to the United States Secretary of Education for funding under this program.

Title IV, Part A—Safe and Drug-Free Schools and Communities

Under Title IV, Part A, LEAs may be eligible to receive funds under programs established in Subpart 1 and Subpart 2.

Title IV, Part A, Subpart 1—State Grants

Under Subpart 1, a State must distribute funds received under Section 4111(b) to its LEAs in accordance with Section 4114.

Section 4114. Local Educational Agency Program. An LEA shall use funds made available under Section 4114 to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other school and community based services and programs in accordance with the program requirements set out at Section 4115(b)(1). Section 4115(b)(2) proceeds to address authorized activities:

(2) **AUTHORIZED ACTIVITIES.**—Each local educational agency, or consortium of such agencies, that receives a subgrant under this subpart may use such funds to carry out activities that comply with the principles of effectiveness described in [Section 4115(a)], such as the following:

(A) Age appropriate and developmentally based activities that—

- (i) address the consequences of violence and the illegal use of drugs, as appropriate;
- (ii) promote a sense of individual responsibility;
- (iii) teach students that most people do not illegally use drugs;
- (iv) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
- (v) teach students about the dangers of emerging drugs;
- (vi) engage students in the learning process; and
- (vii) incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

(B) Activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.

- (C) Dissemination of drug and violence prevention information to schools and the community.
- (D) Professional development and training for, and involvement of, school personnel, pupil services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
- (E) Drug and violence prevention activities that may include the following:
- (i) Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
 - (ii) Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies. *See Limitation Note below.*
 - (iii) Reporting criminal offenses committed on school property. *See Limitation Note below.*
 - (iv) Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico. *See Limitation Note below.*
 - (v) Supporting safe zones of passage activities that ensure that students travel safely to and from school, which may include bicycle and pedestrian safety programs. *See Limitation Note below.*
 - (vi) The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities under this part that are implemented in the school. *See Limitation Note below.*
 - (vii) Expanded and improved school-based mental health services related to illegal drug use and violence, including early identification of violence and illegal drug use, assessment, and direct or group counseling services provided to students, parents, families, and school personnel by qualified school-based mental health service providers.
 - (viii) Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
 - (ix) Alternative education programs or services for violent or drug abusing students that reduce the need for suspension or expulsion or that serve

- (x) Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
- (xi) Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.
- (xii) Drug and violence prevention activities designed to reduce truancy.
- (xiii) Age-appropriate, developmentally-based violence prevention and education programs that address victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence.
- (xiv) Consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a student's locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect.
- (xv) Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident that have disrupted the learning environment.
- (xvi) Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), by a local educational agency to any public or private elementary school or secondary school.
- (xvii) Developing and implementing character education programs, as a component of drug and violence prevention programs, that take into account the views of parents of the students for whom the program is intended and such students, such as a program described in subpart 3 of part D of title V.
- (xviii) Establishing and maintaining a school safety hotline.

- (xix) Community service, including community service performed by expelled students, and service learning projects.
 - (xx) Conducting a nationwide background check of each local educational agency employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's fitness—
 - (I) to be responsible for the safety or wellbeing of children;
 - (II) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or
 - (III) to otherwise be employed by the local educational agency.
 - (xxi) Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide.
 - (xxii) Programs that respond to the needs of students who are faced with domestic violence or child abuse.
- (F) The evaluation of any of the activities authorized under this subsection and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

It is important to note the following items in regards to LEA use of Section 4114 (Title IV, Part A, Subpart 1) funds:

- Limitation Note
 - An LEA may use not more than 40% of the funds available to it under Title IV-A to carry out the activities described in clauses (ii) through (vi) of section (2)(E) above, of which not more than 50% of such amount may be used to carry out the activities described in clauses (ii) through (v) of that subsection. [Sec. 4115(c)(2).]
 - An LEA may use Title IV-A funds for the activities described in clauses (ii) through (v) of section (2)(E) above only if funding for these activities is not received from other Federal agencies. [Sec. 4115(c)(2).]
- There is no prohibition on the use of funds by LEAs or schools for the establishment or implementation of a school uniform policy if such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other scientifically based research information. [Sec. 4115(d).]
- Prohibited Uses of Funds. No funds under Title IV, Part A may be used for (1) construction (except for minor remodeling needed to accomplish the purposes of this part); or (2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs. [Sec. 4154.]

Title IV, Part A, Subpart 2—National Programs

There are four National Programs under Subpart 2 for which LEAs are eligible to receive grants. Those four programs are: Hate Crime Prevention, National Coordinator Program, Grants to Reduce Alcohol Abuse, and Mentoring Programs. The allowable uses of funds authorized under each program are addressed below.

Sec. 4123. Hate Crime Prevention. LEAs receiving grants under this program may use the funds to improve elementary and secondary educational efforts, including:

- (1) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;
- (2) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;
- (3) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and
- (4) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

Sec. 4125. National Coordinator Program. LEAs receiving grants under this program shall be used by local educational agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug-free grant program at such schools.

Sec. 4129. Grants to Reduce Alcohol Abuse. LEAs receiving a grant under this program may use these funds to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

Sec. 4130. Mentoring Programs. LEAs receiving a grant under this program shall use these funds for activities that establish or implement a mentoring program, that may include—

- (1) hiring of mentoring coordinators and support staff;
- (2) providing for the professional development of mentoring coordinators and support staff;
- (3) recruitment, screening, and training of mentors;
- (4) reimbursement to schools, if appropriate, for the use of school materials or supplies in carrying out the mentoring program;

- (5) dissemination of outreach materials;
- (6) evaluation of the mentoring program using scientifically based methods; and
- (7) such other activities as the Secretary may reasonably prescribe by rule.

Additionally, this section delineates several prohibited uses of funds under this section. LEAs receiving a grant under this program may not use the grant funds:

- (1) to directly compensate mentors;
- (2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the eligible entity's operations;
- (3) to support litigation of any kind; or
- (4) for any other purpose reasonably prohibited by the Secretary by rule.

Title IV, Part B—21st Century Community Learning Centers

Under Title IV, Part B, LEAs may receive funds under the Local Competitive Grant Program.

Sec. 4204. Local Competitive Grant Program. LEAs receiving a local competitive grant under this program may use the award funds to carry out a broad array of before and after school activities (including during summer recess periods) that advance student academic achievement, including—

- (1) remedial education activities and academic enrichment learning programs, including providing additional assistance to students to allow the students to improve their academic achievement;
- (2) mathematics and science education activities;
- (3) arts and music education activities;
- (4) entrepreneurial education programs;
- (5) tutoring services (including those provided by senior citizen volunteers) and mentoring programs;
- (6) programs that provide after school activities for limited English proficient students that emphasize language skills and academic achievement;
- (7) recreational activities;

- (8) telecommunications and technology education programs;
- (9) expanded library service hours;
- (10) programs that promote parental involvement and family literacy;
- (11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement; and
- (12) drug and violence prevention programs, counseling programs, and character education programs.

Section 4205(a). Additionally, in the February 2003 Title IV, Part B guidance, USDE provided the some specific example of allowable LEA uses of Title IV, Part B funds:

Academic enrichment can include tutoring in core academic subjects, and provide extra learning opportunities that provide students with ways to practice their academic skills through engaging, hands-on activities. Such activities might include: chess clubs, to foster critical thinking skills, persistence and other positive work habits; theatre programs, to encourage reading, writing and speaking as well as teamwork, goal-setting and decision-making; book clubs, to encourage reading and writing for pleasure; cooking programs, to foster application of reading, writing, math and science skills; poetry contests and slams, to encourage reading, writing and speaking; woodworking programs, to encourage planning, measurement, estimation and other calculation skills; and computer clubs, including newspaper publishing, to promote writing, editing and knowledge of and comfort with technology.

These kinds of enrichment programs are consistent with evidence of the importance of constructive learning activities during the non-school hours. For example, researcher Reginald Clark found that economically disadvantaged youth who participated in constructive learning activities for 20-35 hours per week performed better in school than their more passive peers.

Please note, programs or activities developed pursuant to this part have special requirements for meeting the principles of effectiveness. See Section 4205(b).

Title V, Part A – Innovative Programs

Subpart 3 – Local Innovative Education Programs

Under Section 5131 of NCLB, LEAs may spend Title V, Part A, Subpart 3 funds on the following:

- Programs to recruit, train, and hire highly qualified teachers to reduce class size, especially in the early grades, and professional development activities carried out in accordance with title II, that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local academic content standards and student academic achievement standards.

- Technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel (including school library media personnel) regarding how to use technology effectively in the classrooms and the school library media centers involved.
- Programs for the development or acquisition and use of instructional and educational materials, including library services and materials (including media materials), academic assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that are tied to high academic standards, that will be used to improve student academic achievement, and that are part of an overall education reform program.
- Promising education reform projects, including magnet schools.
- Programs to improve the academic achievement of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school.
- Programs to improve the literacy skills of adults, especially the parents of children served by the LEA, including adult education and family literacy programs.
- Programs to provide for the educational needs of gifted and talented children.
- The planning, design, and initial implementation of charter schools as described in part B [of Title V – this section relates to implementing charter schools programs].
- School improvement programs or activities under sections 1116 and 1117 [of NCLB].
- Community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage.
- Activities to promote consumer, economic, and personal finance education, such as disseminating information on and encouraging use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved with earning, spending, saving, and investing).
- Activities to promote, implement, or expand public school choice.
- Programs to hire and support school nurses.
- Expansion and improvement of school-based mental health services, including early identification of drug use and violence, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school-based mental health services personnel.
- Alternative educational programs for those students who have been expelled or suspended from their regular educational setting, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs.
- Programs to establish or enhance prekindergarten programs for children.
- Academic intervention programs that are operated jointly with community-based organizations and that support academic enrichment, and counseling programs conducted during the school day (including during extended school day or extended school year programs), for students most at risk of not meeting challenging State academic achievement standards or not completing secondary school.
- Programs for cardiopulmonary resuscitation (CPR) training in schools.

- Programs to establish smaller learning communities.
- Activities that encourage and expand improvements throughout the area served by the LEA that are designed to advance student academic achievement.
- Initiatives to generate, maintain, and strengthen parental and community involvement.
- Programs and activities that expand learning opportunities through best-practice models designed to improve classroom learning and teaching.
- Programs to provide same-gender schools and classrooms (consistent with applicable law).
- Service learning activities.
- School safety programs, including payment of reasonable transportation costs and tuition costs for such students.
- Programs that employ research-based cognitive and perceptual development approaches and rely on a diagnostic-prescriptive model to improve students' learning of academic content at the preschool, elementary, and secondary levels.
- Supplemental educational services, as defined in section 1116(e) [of NCLB].

Title V, Part C – Magnet Schools Assistance

Under Section 5307 of NCLB, LEAs may spend Title V, Part C, funds on the following:

- Planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;
- For the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;
- For the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are highly qualified, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;
- With respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that:
 - are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and
 - further the purpose of this part;
- For activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;
- To enable the LEA, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and
- To enable the LEA, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.

Title V, Part D – Fund for the Improvement of Education

Title V, Part D, Subpart 1 – Fund for the Improvement of Education

Under Section 5411 of NCLB, local educational agencies (LEAs) may spend Title V, Part D, Subpart 1 funds on the following:

- Activities to promote systemic education reform at the State and local levels, including scientifically based research, development, and evaluation designed to improve:
 - student academic achievement at the State and local level; and
 - strategies for effective parent and community involvement.
- Programs at the State and local levels that are designed to yield significant results, including programs to explore approaches to public school choice and school-based decision-making.
- Recognition programs, which may include financial awards to States, LEAs, and schools that have made the greatest progress, based on the Secretary's determination or on a nomination by the State in which the school is located (or in the case of a Bureau funded school, by the Secretary of the Interior) in:
 - improving the academic achievement of economically disadvantaged students and students from major racial and ethnic minority groups; and
 - closing the academic achievement gap for those groups of students farthest away from the proficient level on the academic assessments administered by the State under section 1111.
- Scientifically based studies and evaluations of education reform strategies and innovations, and the dissemination of information on the effectiveness of such strategies and innovations.
- Identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools, including programs to evaluate the effectiveness of using the best practices of exemplary or Blue Ribbon Schools to improve academic achievement.
- Activities to support Scholar-Athlete Games programs, including the World Scholar-Athlete Games and the U.S. Scholar-Athlete Games.
- Programs to promote voter participation in American elections through programs, such as the National Student/Parent Mock Election and Kids Voting USA.
- Demonstrations relating to the planning and evaluation of the effectiveness of programs under which LEAs or schools contract with private management organizations to reform a school or schools.

Title V, Part D, Subpart 2 – Elementary and Secondary School Counseling Programs

Under Section 5421 of NCLB, LEAs may spend Title V, Part D, Subpart 2 funds on the following:

- To initiate or expand elementary school or secondary school counseling programs that comply with the following requirements. Each program must:
 - be comprehensive in addressing the counseling and educational needs of all students;
 - use a developmental, preventive approach to counseling;

- increase the range, availability, quantity, and quality of counseling services in the elementary schools and secondary schools of the LEA;
- expand counseling services through qualified school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists;
- use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve peer interaction;
- provide counseling services in settings that meet the range of student needs;
- include in-service training appropriate to the activities funded under this Act for teachers, instructional staff, and appropriate school personnel, including in-service training in appropriate identification and early intervention techniques by school counselors, school social workers, school psychologists, other qualified psychologists, and child and adolescent psychiatrists;
- involve parents of participating students in the design, implementation, and evaluation of the counseling program;
- involve community groups, social service agencies, or other public or private entities in collaborative efforts to enhance the program and promote school-linked integration of services;
- evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this program;
- ensure a team approach to school counseling in the schools served by the LEA by working toward ratios recommended by the American School Health Association of one school counselor to 250 students, one school social worker to 800 students, and one school psychologist to 1,000 students; and
- ensure that school counselors, school psychologists, other qualified psychologists, school social workers, or child and adolescent psychiatrists paid from funds made available under this program spend a majority of their time counseling students or in other activities directly related to the counseling process.

Title V, Part D, Subpart 4 – Smaller Learning Communities

Under Section 5441 of NCLB, LEAs may spend Title V, Part D, Subpart 4 funds on the following:

- To study (i) the feasibility of creating the smaller learning community or communities and (ii) effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities.
- To research, develop, and implement (i) strategies for creating the smaller learning community or communities and (ii) strategies for effective and innovative changes in curriculum and instruction, geared to challenging State academic content standards and State student academic achievement standards.
- To provide professional development for school staff in innovative teaching methods that (i) challenge and engage students and (ii) will be used in the smaller learning community or communities.
- To develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community

members in the smaller learning communities as facilitators of activities that enable teachers to participate in professional development activities and provide links between students and their community.

Title V, Part D, Subpart 6 – Gifted and Talented Students

Under Section 5464 of NCLB, LEAs may spend Title V, Part D, Subpart 6 funds on the following:

- Conducting scientifically based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to serve all students;
- Conducting program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purpose of this subpart.
- Carrying out professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.
- Establishing and operating model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs (such as summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education).
- Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.
- Carrying out programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.
- Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.
- Providing funds for challenging, high-level course work, disseminated through technologies (including distance learning), for individual students or groups of students in schools and LEAs that would not otherwise have the resources to provide such course work.

Title V, Part D, Subpart 7 – Star Schools Program

Under Section 5473 of NCLB, LEAs may spend Title V, Part D, Subpart 7 funds on the following:

- Development, construction, acquisition, maintenance, and operation of telecommunications facilities and equipment.
- Development and acquisition of live, interactive instructional programming.
- Development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, and ongoing, in-class instruction.
- Establishment of teleconferencing facilities and resources for making interactive training available to teachers.
- Obtaining technical assistance.

- Coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

Title V, Part D, Subpart 9 – Foreign Language Assistance Program

The Secretary of Education awards funds to LEA programs that undertake the following initiatives:

- Include intensive summer foreign language programs for professional development;
- Link nonnative English speakers in the community with the schools in order to promote two-way language learning;
- Promote the sequential study of a foreign language for students, beginning in elementary schools;
- Make effective use of technology, such as computer assisted instruction, language laboratories, or distance learning, to promote foreign language study;
- Promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content based instruction; and
- Are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.

In awarding a grant under this program, the Secretary takes into account whether the LEA demonstrates the following:

- Shows the promise of being continued beyond the grant period;
- Demonstrates approaches that can be disseminated and duplicated in other local educational agencies; and
- Includes a professional development component.

Title V, Part D, Subpart 10 – Physical Education

The Secretary of Education awards funds to LEA programs that have the following elements:

- Fitness education and assessment to help students understand, improve, or maintain their physical well-being.
- Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.
- Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.
- Opportunities to develop positive social and cooperative skills through physical activity participation.
- Instruction in healthy eating habits and good nutrition.
- Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

Title V, Part D, Subpart 11 – Community Technology Centers

Under Section 5513 of NCLB, LEAs may spend Title V, Part D, Subpart 11 funds on the following:

- Creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and
- Evaluating the effectiveness of the project.
- Supporting a center coordinator, and staff, to supervise instruction and build community partnerships;
- Acquiring equipment, networking capabilities, and infrastructure to carry out the project; and
- Developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of preschool preparation, academic achievement, educational development, and workforce development, such as the following:
 - After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.
 - Adult education and family literacy activities through technology and the Internet, including (i) General Education Development, Language Instruction Educational Programs, and adult basic education classes or programs; (ii) introduction to computers; (iii) intergenerational activities; and (iv) educational development opportunities.
 - Career development and job preparation activities, such as (i) training in basic and advanced computer skills; (ii) resume writing workshops; and (iii) access to databases of employment opportunities, career information, and other online materials.
 - Small business activities, such as (i) computer-based training for basic entrepreneurial skills and electronic commerce; and (ii) access to information on business start-up programs that is available online, or from other sources.
 - Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

Title V, Part D, Subpart 14 – Grants to Improve the Mental Health of Children

Under Section 5541-5542 of NCLB, LEAs may spend Title V, Part D, Subpart 14 funds on the following:

- To enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students.
- To enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services, and ongoing mental health services.
- To provide training for the school personnel and mental health professionals who will participate in the program carried out under this section.

- To provide technical assistance and consultation to school systems and mental health agencies and families participating in the program carried out under this section.
- To provide linguistically appropriate and culturally competent services.
- To evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about sustainability of the program.
- To deliver services to eligible children and their families that foster eligible children's emotional, behavioral, and social development and take into consideration the characteristics of eligible children.
- To coordinate and facilitate access by eligible children and their families to the services available through community resources, including mental health, physical health, substance abuse, educational, domestic violence prevention, child welfare, and social services.
- To provide ancillary services such as transportation or child care in order to facilitate the delivery of any other services or activities authorized by this section.
- To develop or enhance early childhood community partnerships and build toward a community system of care that brings together child-serving agencies or organizations to provide individualized supports for eligible children and their families.
- To evaluate the success of strategies and services provided pursuant to this section in promoting young children's successful entry to school and to maintain data systems required for effective evaluations.
- To pay for the expenses of administering the activities authorized under this section, including assessment of children's eligibility for services.

Title V, Part D, Subpart 15 – Arts in Education

Under Section 5551 of NCLB, LEAs may spend Title V, Part D, Subpart 15 funds on the following:

- Research on arts education.
- Planning, developing, acquiring, expanding, improving, or disseminating information about model school-based arts education programs.
- The development of model State arts education assessments based on State academic achievement standards.
- The development and implementation of curriculum frameworks for arts education.
- The development of model inservice professional development programs for arts educators and other instructional staff.
- Supporting collaborative activities with Federal agencies or institutions involved in arts education, arts educators, and organizations representing the arts, including State and local arts agencies involved in arts education.
- Supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts.
- Supporting model projects and programs by Very Special Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

- Supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curriculum.

Title V, Part D, Subpart 16 – Parental Assistance and Local Family Information Centers

Under Section 5564 of NCLB, LEAs may spend Title V, Part D, Subpart 16 funds on the following:

- To assist parents in participating effectively in their children’s education and to help their children meet State and local standards, such as assisting parents:
 - to engage in activities that will improve student academic achievement, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children’s educational academic achievement in comparison to State and local standards;
 - to provide follow-up support for their children’s educational achievement;
 - to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;
 - to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;
 - to participate in the design and provision of assistance to students who are not making adequate academic progress;
 - to participate in State and local decisionmaking; and
 - to train other parents (such as training related to Parents as Teachers activities).
- To obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents.
- To help the parents learn and use the technology applied in their children’s education.
- To plan, implement, and fund activities for parents that coordinate the education of their children with other Federal, State, and local services and programs that serve their children or their families.
- To provide support for State or local educational personnel, if the participation of such personnel will further the activities assisted under the grant.
- To coordinate and integrate early childhood programs with school-age programs.
- Developing and implementing the schools’ plans or activities under sections 1118 and 1119 [of NCLB].
- Developing and implementing school improvement plans, including addressing problems that develop in the implementation of the schools’ plans or activities under sections 1118 and 1119.
- Providing information about assessment and individual results to parents in a manner and a language the family can understand.
- Coordinating the efforts of Federal, State, and local parent education and family involvement initiatives.
- Providing training, information, and support to State educational agencies, local educational agencies and schools, especially low-performing local educational agencies and schools, and organizations that support family-school partnerships.

Title V, Part D, Subpart 17 – Combatting Domestic Violence

Under Section 5571 of NCLB, LEAs may spend Title V, Part D, Subpart 17 funds on the following:

- To provide training for elementary school and secondary school administrators, faculty, and staff that addresses issues concerning elementary school and secondary school students who experience domestic violence in dating relationships or who witness domestic violence, and the impact of such violence on those students.
- To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.
- To develop and implement elementary school and secondary school system policies regarding appropriate and safe responses to, identification of, and referral procedures for, students who are experiencing or witnessing domestic violence, and to develop and implement policies on reporting and referral procedures for those students.
- To provide the necessary human resources to respond to the needs of elementary school and secondary school students and personnel who are faced with the issue of domestic violence, such as a resource person who is either on-site or on-call and who is an expert.
- To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on those children.
- To conduct evaluations to assess the impact of programs and policies assisted under this subpart in order to enhance the development of the programs.

Title V, Part D, Subpart 18 – Healthy, High-Performing Schools

Under Section 5583 of NCLB, LEAs may spend Title V, Part D, Subpart 18 funds on the following:

- To develop a comprehensive energy audit of the energy consumption characteristics of a building and the need for additional energy conservation measures necessary to allow schools to meet the guidelines set out under the program.
- To produce a comprehensive analysis of building strategies, designs, materials, and equipment that
 - are cost effective, produce greater energy efficiency, and enhance indoor air quality; and
 - can be used when conducting school construction and renovation or purchasing materials and equipment.
- To obtain research and provide technical services and assistance in planning and designing healthy, high-performance school buildings, including developing a timeline for implementation of such plans.

Title V, Part D, Subpart 19 – Grants for Capital Expenses of Providing Equitable Expenses of Providing Equitable Services for Private School Students

Under Section 5592 of NCLB, LEAs may spend Title V, Part D, Subpart 19 funds only to pay for capital expenses incurred in providing equitable services for private school students under section 1120 [of NCLB for equitable services].

Title VI— Flexibility and Accountability

Under Title VI, local educational agencies (LEAs) may be eligible to receive funds under three different programs, however only one of those programs actually delineates unique allowable uses of funds as opposed to referencing allowable uses of funds already established in other sections of NCLB. Each program is discussed in turn.

Part A - Improving Academic Achievement

Subpart 3—State and Local Flexibility Demonstration, Chapter B--Local Flexibility Demonstration. While Local Flexibility Demonstration Agreements may allow LEAs more flexibility in terms of consolidation and use of funds, this program does not create new allowable uses of funds by LEAs per say. Section 6152.

Part B – Rural Educational Initiative

Subpart 1—Small, Rural School Achievement Program. Additional funding made available under this part allows LEA to use such funds in accordance with Title I-Part A, Title II-Parts A or D, Title III, Title IV-Parts A or B, or Title V. This program does not, however, create new allowable uses of funds by LEAs per say. Section 6212.

Subpart 2—Rural and Low-Income School Program. LEAs receiving funds under this program may use such funds for any of the following (Section 6222):

- (1) Teacher recruitment and retention, including the use of signing bonuses and other financial incentives.
- (2) Teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers.
- (3) Educational technology, including software and hardware, as described in part D of title II.
- (4) Parental involvement activities.
- (5) Activities authorized under the Safe and Drug-Free Schools program under part A of title IV.
- (6) Activities authorized under part A of title I.

(7) Activities authorized under title III.

Title VII – Indian, Native Hawaiian, and Alaska Native Education

Title VII, Part A – Indian Education, Subpart 1 – Formula Grants to Local Educational Agencies

Under Section 7115 of NCLB, LEAs may spend Title VII, Part A, Subpart 1 funds on the following:

- Activities that are designed to carry out the comprehensive program of the LEA for Indian students, and those described in the LEA application of the local educational agency submitted to the Secretary under the program;
- Activities designed with special regard for the language and cultural needs of the Indian students;
- Supplement and enrich the regular school program of the LEA;
- Culturally related activities that support the program described in the application submitted by the LEA;
- Early childhood and family programs that emphasize school readiness;
- Enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards;
- Integrated educational services in combination with other programs that meet the needs of Indian children and their families;
- Career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Vocational and Technical Education Act of 1998, including programs for tech-prep education, mentoring, and apprenticeship;
- Activities to educate individuals concerning substance abuse and to prevent substance abuse;
- The acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described under the program requirements;
- Activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the LEA;
- Activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;
- Family literacy services; and
- Activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.

Title VII, Part A – Indian Education, Subpart 2 – Special Programs and Projects to Improve Educational Opportunities for Indian Children

Under Section 7121-7122 of NCLB, LEAs may spend Title VII, Part A, Subpart 2 funds on the following:

- Innovative programs related to the educational needs of educationally disadvantaged children;
- Educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;
- Bilingual and bicultural programs and projects;
- Special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;
- Special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;
- Comprehensive guidance, counseling, and testing services;
- Early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;
- Partnership projects between LEAs and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;
- Partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;
- Programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;
- Family literacy services;
- Activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;
- Other services that meet the purposes of the program; and
- Professional development of teaching professionals and paraprofessionals may be a part of the program.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The Individuals with Disabilities Education Act (IDEA) Part B - Assistance for Education of All Children With Disabilities

A local educational agency (LEA) must provide a free and appropriate public education (FAPE) to all eligible children with disabilities ages 3 through 21 residing within its jurisdiction. The LEA must have an effective child find system that will locate, identify, and determine the eligibility of children residing within its jurisdiction who are suspected of having a disability. IDEA, Part B funds may be used by the LEA for its child find system. When a child with a disability is deemed eligible under IDEA for special education and related services, an individualized education program (IEP) must be created, which outlines each student's special education and related services. In order to meet its FAPE obligation, the LEA must provide each student the required special education and related services in accordance with each student's IEP.

Related services include: transportation., Speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, medical services for diagnostic and evaluation purposes, health services and school nurse services, social work services, parent counseling and training. Therefore, LEAs may use IDEA, Part B funds to provide special education and related services as required in eligible students' IEPs. LEAs must also use IDEA, Part B funds to provide special education and related services to parentally placed private school children, through consultation with the private schools. All services under IDEA, Part B must be supplemental and only pay the "excess costs" of providing special education and related services to children with disabilities, or costs that go beyond the average annual per-student expenditure during the preceding school year.

The Individuals with Disabilities Education Act (IDEA) Part C - Infants and Toddlers With Disabilities

A local education agency (LEA) under IDEA, Part C must provide a free and appropriate public education (FAPE) to eligible infants and toddlers with disabilities under the age of 3. Early intervention services are developmental services that assist an infant or toddler with developmental delays. The LEA must have an effective child find system that will locate, identify, and determine the eligibility of an infant or toddler suspected of having a disability residing within its jurisdiction. IDEA, Part C funds may be used for the LEA's child find system. When an infant or toddler with a disability is deemed eligible under IDEA for early intervention services, an individualized family services plan (IFSP) must be created. In order to meet the FAPE obligation under IDEA, Part C, the LEA must provide each student the required early intervention services in accordance with each student's IFSP. Allowable early intervention services include: family training, counseling, and home visits, special instruction, Speech-language pathology, and audiology services, and sign language and cued language services, occupational therapy, physical therapy, Psychological services, service coordination services, medical services only for diagnostic or evaluation purposes, early identification, screening, and assessment services, health services necessary to enable the infant or toddler to benefit from other early intervention services, social work services, vision services, assistive technology devices and assistive technology services, transportation and related costs necessary to enable the infant or toddler and his/her family to receive another early intervention service. Therefore, LEAs may use IDEA, Part C funds to provide early intervention services as required in eligible infant and toddlers' IFSPs.

Conclusion

We hope you find this information helpful. Again, this memorandum addresses only the allowable programmatic uses of funds authorized under Perkins, AEFLA, NCLB, and IDEA for LEAs and does not address other allowability requirements such as those arising under OMB Circular A-87, EDGAR, or other fiscal requirements under these federal programs.

As always, please let us know if you have any further questions on this issue.