

Title IV, Part A Frequently Asked Questions

This document provides the answers to program-related questions received by the Division. You can also navigate through the document using the Bookmarks in your PDF viewer. The newest questions that have been added will be noted by “*” and in blue font.

For questions or additional information, please contact us at ESSASupport@tea.texas.gov.

*The [Supplement, Not Supplant requirement, ESEA Section 4110](#), requires that Title IV, Part A program funds be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under the program. For additional guidance related to the Supplement, Not Supplant requirement, refer to the [Supplement, Not Supplant Handbook](#).

*Questions and responses are organized by the following topic areas:

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Federal Requirements

Q1. What requirements should an LEA consider when determining if Title IV, Part A funds may support allowable programs and activities?

- A1. An LEA should ensure Title IV, Part A programs and activities meet the following requirements:
- Ensure that the LEA has prioritized distribution of Title IV, Part A funds to applicable school campuses; [ESSA, Section 4106(2)(A)]
 - Ensure that the LEA has consulted with Private Nonprofit (PNP) schools; [ESSA, Section 4106(2)(B)]
 - Ensure that activities and/or resources are –
 - Supplemental [ESSA, Section 4110];
 - Identified in required *Comprehensive Needs Assessment* which includes data and all stakeholders [ESSA, Sections 4106(2) and 4106(c)];
 - The planning process meets the requirements for continued consultation of stakeholders and coordination [ESSA, Sections 4106(c)(2)];
 - Reasonable;
 - Necessary to carry out the intent and purpose of the Title IV, Part A program;
 - Allocable; and
 - Allowable under Title IV, Part A;
 - Ensure that the expenditure(s) meet all EDGAR requirements;
 - Ensure that all LEA policies and procedures were followed;
 - Ensure if Title IV, Part A allocation is over \$30,000, LEA must- [ESSA, Section 4106(2)(D)(D)(E) –
 - Not use less than 20% of funds to support **Well-Rounded Education Opportunities**
 - Not use less than 20% of funds to support **Safe and Healthy Students**
 - Use portion of funds to support the **Effective Use of Technology**;
 - **Ensure no more than 15% of funds allocated to the effective use of technology content area is used for purchasing technology infrastructure, regardless of district Title IV, Part A allocation amount [ESSA, Section 4109(b)]. This restriction would also apply to LEAs with a Title IV, Part A subgrant that is less than \$30,000. – FAQ revised May 2023**

Finally, an LEA must check to ensure that the activity is not one of the prohibited activities in [Section 4001\(b\)](#) or [Section 8526](#) of the ESEA, as amended by the Every Student Succeeds Act (ESSA).”

Q2. Are there federal requirements that might affect Title IV, Part A allowability of costs?

- A2. Yes. The *Code of Federal Regulations* (C.F.R.), [Section 200.403](#), provides requirements that must be met for expenditures to be allowable under Federal grants.

Q3. Is there an LEA limitation on Title IV, Part A direct administrative costs that may be taken?

- A3. Yes. The LEA may not reserve more than 2 percent for the direct administrative costs of carrying out the LEA’s responsibilities under Title IV, Part A per the ESEA [Section 4105\(c\)](#).

Q4. What is considered an administrative cost for Title IV, Part A?

A4. Title IV, Part A statute states that an LEA “may reserve not more than 2 percent for the direct administrative costs of carrying out the local educational agency’s responsibilities” under Title IV, Part A. The costs of administration are those portions of reasonable, necessary, and allowable costs associated with the overall project management and administration. These costs can be both personnel and non-personnel.

Please note that “administrative” is not further defined in the statute beyond carrying out the LEA’s responsibilities under the program. The Title IV, Part A uses of funds, including administrative funds, must be 1) reasonable and necessary, 2) allocable to the grant, 3) consistent with the Uniform Guidance and program statute and 4) treated consistently across Federal programs (e.g., a cost that is categorized as administrative in one program, should not be categorized as programmatic in another program). – USDE Response, 6/2021

Q5. Is an individual LEA that receives an allocation of less than \$30,000 of the Title IV, Part A program funds required to use a certain percentage of funds for each of the three content areas?

A5. No. Section 4106(f) allows an individual LEA receiving an allocation of less than \$30,000 to use funds for only one (or more) of the three content areas in the Title IV, Part A program. Such LEAs must provide an assurance [i.e., ESSA Consolidated Federal Grant Application’s *Program-Specific and ESSA Provisions and Assurances*] that they will either use not less than 20 percent for well-rounded education, use not less than 20 percent for safe and healthy students, or use a portion to support the effective use of technology consistent with 4106(f). [USDE Office of General Counsel]

Q6. Must an LEA distribute Title IV, Part A, Subpart 1 program funds to each of its schools?

A6. No. An LEA is not required to distribute Title IV, Part A program funds to each of its schools. Consistent with ESEA section 4106(e)(2)(A), an LEA must prioritize the distribution of funds to schools and must implement the program consistent with all relevant statutory requirements. In prioritizing the distribution of funds, an LEA that provides district-wide services with Title IV, Part A program funds must focus those services on schools with the greatest need identified in ESEA section 4106(e)(2)(A).

Q7. Do the application assurances regarding use of funds in the three main content areas apply to the schools to which an LEA distributes funds?

A7. No. The application assurances regarding use of funds in the three Title IV, Part A program content areas apply at the LEA level. These assurances serve to establish minimum expenditure requirements (i.e., not less than 20 percent of funds for activities to support well-rounded educational opportunities, not less than 20 percent for activities to support safe and healthy students, and a portion for activities to support the effective use of technology) that an LEA must meet with respect to its entire allocation. In meeting these requirements, an LEA has flexibility in determining the amount of funds to distribute to a school and for which activities, provided its determinations are consistent with its needs assessment and school prioritization. An LEA might, for example, use 20 percent of its funds for an arts program in only two of its elementary schools and use 40 percent of its funds for a district-wide school climate program, consistent with its assurance to prioritize schools most in need.

***Q8. Must an LEA prioritize which schools receive Title IV, Part A funds?**

- *A8. Yes. Per [ESEA, Section 4106\(e\)\(2\)\(A\)](#), an LEA or consortium of LEAs must include in its application an assurance that funds will be prioritized for distribution to schools as set out in the statute as below.

Section 4106(e)(2)(A)

(A) - Prioritize the distribution of funds to schools served by the local educational agency, or consortium of such agencies, that—

- i. are among the schools with the greatest needs, as determined by such local educational agency, or consortium;
- ii. have the highest percentages or numbers of children counted under section 1124(c);
- iii. are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i);
- iv. are implementing targeted support and improvement plans as described in section 1111(d)(2); or
- v. are identified as a persistently dangerous public elementary school or secondary school under section 8532;

Q9. Are there internet safety requirements an LEA must follow if Title IV, Part A funds are allocated?

- A9. Yes. An LEA shall adhere to all internet safety requirements of the [ESSA, Title IV, Part A, Subpart 2](#) statute and annually agree to related assurances in the ESSA Consolidated Federal Grant Application's *Program-Specific and ESSA Provisions and Assurances*.

Below is a summary of the Title IV, Part A, Subpart 2 internet safety requirements:

No funds made available under Title IV, Part A, Subpart 1 to an LEA for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of the [Communications Act of 1934 \[47 U.S.C. 254\(h\)\(5\)\]](#) may be used to purchase computers used to access the internet or to pay for direct costs associated with accessing the internet for such school unless the school, school board, LEA, or other authority with responsibility for administration of such school has the following in place:

1. **policy of internet safety for minors** that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene, are child pornography, or are harmful to minors, and is enforcing the operation of such technology protection measure during any use of such computers by minors; and
2. **policy of internet safety that includes the operation of a technology protection measure** with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene or child pornography and is enforcing the operation of such technology protection measure during any use of such computers.

An LEA shall certify its compliance with these requirements annually upon submission of the ESSA Consolidated Application.

Q10. Is there a requirement for LEAs to have a non-smoking policy for children's services?

- A10. Yes. In the *Program-Specific and ESSA Provisions and Assurances*, an LEA must certify, submit, and assure it meets compliance for the non-smoking policy for children's services.

The LEA assures that no person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children. Smoking shall not be allowed within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood education programs. Exception: This shall not apply to any portion of such facility that is used for inpatient hospital treatment of individuals dependent on or addicted to drugs or alcohol; or to any private residence. [[ESSA, Title VIII, Part F, Subpart 5, Section 8573](#)].

Q11. Has an Errata been posted explaining a new prohibition of ESEA program funds being used for possession and/or training with dangerous weapons?

A11. Yes. An Errata was published on August 26, 2022, for the 2022-2023 ESSA Consolidated Federal Grant Application with details.

Prohibition of ESEA Program Funds Used for Possession of and/or Training with Dangerous Weapons: The LEA assures that no funds under the ESEA will be used for the provision to any person of a dangerous weapon, as defined in section 930(g)(2) of title 18, United States Code, or training in the use of a dangerous weapon. [[Section 8526](#) of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Bipartisan Safer Communities Act, *Section 2938, Division A-Mental Health and Firearms Provisions, Title III-Other Matters, Subtitle D-Amendment on ESEA Funding, Section 13401*]

A dangerous weapon is defined in section 930(g)(2) as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2 1/2 inches in length.

Please note, the prohibition went into effect immediately on June 25, 2022, and applies to all ESEA funds, existing and future awards under all ESEA programs.

Supplement, Not Supplant (SNS) Requirements

Q1. Is it permissible for an LEA to use Title IV, Part A funds to pay salaries this year if it used local funds last year?

A1. No. LEAs should be mindful that Title IV, Part A program funds may be used only to supplement, and not supplant, non-Federal funds that would otherwise be available for activities authorized under the program's [Supplement, Not Supplant requirement, ESEA section 4110](#). This means that, in general, LEAs may not use Title IV, Part A program funds for the cost of activities in the three program content areas – well-rounded education, safe and healthy students, and technology – if the cost of those activities would have otherwise been paid with State or local funds in the absence of the Title IV, Part A program funds. [USDE Non-Regulatory Guidance Student Support and Academic Achievement](#) (October 2016)

Q2. What does “supplement, not supplant” mean in the context of the Title IV, Part A program?

A2. The [Supplement, Not Supplant requirement, ESEA section 4110](#) requires that Title IV, Part A program funds be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under the program. This means that an LEA may not use Title IV, Part A program funds to carry out activities that would otherwise be paid for with State or local funds. In determining whether a

particular use of funds would violate the non-supplanting requirement, LEAs should consider matters such as whether the cost involved is currently paid for using State or local funds or whether the cost involved is for an activity that is required by State or local law. In no event may an LEA decrease the amount of State or local funds used to pay the cost of an activity simply because of the availability of the Title IV, Part A program funds.

There is a presumption of supplanting if Federal funds are used for State-required costs or costs previously covered with non-Federal funds. The presumption may be overcome if the LEA is able to demonstrate through written documentation (e.g., State or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the Title IV, Part A program funds.

- USDE Non-Regulatory Guidance Student Support and Academic Achievement (October 2016)

Comprehensive Needs Assessment (CNA)

Q1. Who are the required stakeholders that must participate in the Title IV, Part A program development?

- A1. A local educational agency shall develop its application through consultation according to [ESSA, Section 4106\(c\)\(1\)](#) with the following stakeholders:
- Parents
 - teachers
 - principals
 - other school leaders
 - specialized instructional support personnel
 - students, community-based organizations
 - local government representatives
 - local law enforcement agencies
 - local juvenile courts
 - local child welfare agencies
 - local public housing agencies
 - Indian tribes or tribal organizations that may be in the region served by the local educational agency (where applicable)
 - charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools)
 - others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subpart

Q2. How does Title IV, Part A statute define ‘local government representatives’ who shall participate during consultation with the program development?

- A2. Local government representatives are defined in [ESSA, Section 4106\(c\)\(1\)](#) as local law enforcement agencies, local juvenile courts, local child welfare agencies, or local public housing agencies.

Q3. With what other stakeholders should an LEA consider consulting as it develops its application?

- A3. In addition to the [Title IV, Part A required stakeholders](#), an LEA should consider involving members from the business community, health providers, police, social workers, librarians, technology experts, service providers, faith-based community leaders, and other key stakeholders, as appropriate.

Under ESEA [section 4107\(a\)\(2\)](#) (well-rounded education) and [section 4108\(4\)](#) (safe and healthy students), LEAs are explicitly authorized to use a portion of funds in these areas to develop and implement programs and activities that may be conducted in partnership with an Institute of Higher Education (IHE), business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing these activities. In addition, LEAs may find it particularly helpful to include such partners in the needs assessment process.

Q4. Does TEA have any additional guidance, tools, resources, and/or templates to support LEAs working on the required Title IV, Part A comprehensive needs assessment components?

- A4. Yes. TEA's [Title I, Part A Capacity Building Initiative](#) in Region 20 has resources posted to support LEAs with sample documents and guidance to meet requirements for a Title IV, Part A comprehensive needs assessment. The [Collaborative Comprehensive Needs Assessment Resource Toolkit](#) provides sample templates, tools, videos, and other resources to support LEAs in meeting the Title IV, Part A requirements of a comprehensive needs assessment.

Required Consultation and Stakeholders

Q1. What should an LEA do if one of the required stakeholder groups is not responsive to consultation requests?

- A1. First, an LEA must make a good-faith effort to contact all required stakeholders for participation in consultation. If a stakeholder group(s) declined to participate in the application consultation process and/or does not respond to an LEA's request to consult after a good-faith effort on the part of the LEA to contact the required stakeholder groups, the LEA has provided a good-faith effort. Then, the LEA should document and maintain some type of evidence of outreach so it can demonstrate good-faith efforts were made within a given timeframe (e.g., letters, emails, meeting notes, etc.) for TEA or an auditor's review. In addition, per the statutory requirement, LEAs shall engage in continued consultation with stakeholder groups. – USDE Response, 11/2021

Q2. Is it an allowable use of Title IV, Part A funds to pay stipends for district staff to serve on various school committees or teams?

- A2. Stipends for district staff to support various school committees/teams may be an allowable use of Title IV-A funds. The necessity will be closely tied to the grantee's policies for compensating employees (see the Uniform Guidance at [2 CFR 200.430](#) and [2 CFR 200.431](#)), as well as whether the activities take place during regular school hours or outside regular school hours and the employee is not expected, as a condition of their employment, to participate in such teams.

Once a determination regarding stipends is made, the LEA must determine if and how the activity (i.e., use of funds for stipends) supports one of the three purposes of the Title IV-A program—well-rounded

education, supporting safe and healthy students, and effective use of technology. If the activity supports one of the three purposes, the LEA must ensure that the activity was informed by the school district's needs assessment, stakeholder engagement process, and prioritization of schools.

As with any cost charged to a grant, grantees are responsible for ensuring that only costs that are reasonable, necessary, and allocable to the grant are in fact charged to the grant. Title IV-A also has a supplanting prohibition, so the grantee must ensure that the use of Title IV-A funds supplements, and does not supplant, other state or local funds that would otherwise be used to pay for the allowable activity. In this case, since stipends (i.e., compensation of personnel) are involved, the grantee should be particularly cautious about ensuring that the use of funds is supplemental. – USDE Response, 4/2022

Q3. What are acceptable forms of documentation for sign-in sheets?

A3. Given the increased use of virtual meeting environments, participant rosters that include the meeting title, meeting date, and stakeholder names and roles would be acceptable substitutes for the more traditional sign-in sheets. This eliminates the need for a participant signature for any training sessions, professional development opportunities, and/or meetings.

Use of Funds

Q1. May an LEA use Title IV, Part A funds to purchase bus security cameras?

A1. Yes, if the LEA has supporting documentation that bus security cameras meet all requirements listed in the TEA [Title IV, Part A Use of Funds](#) resource. In addition, an LEA with an allocation of at least \$30,000 must provide activities in all 3 Title IV, Part A content areas.

Q2. May an LEA use Title IV, Part A funds to purchase a phone/software threat machine that interprets electronic threats to and from students?

A2. No. A phone/software threat machine does not meet the requirement of a 'reasonable and necessary' Title IV, Part A purchase. – USDE Response

Q3. Our district has had issues with bomb threats and anonymous calls regarding weapons on campuses. We would like to purchase a service that would identify where calls are coming from. May we use Title IV, Part A funds for this service?

A3. No. A phone identification service to track calls is not a reasonable and necessary use of Title IV, Part A funds. – USDE Response

Q4. May an LEA use Title IV, Part A funds for promotional items (i.e., tee-shirts, wristbands, lanyards, notebooks, etc.) which support a specific activity or program?

A4. No. These type of items appear to fit in the category of "advertising and public relations," which are generally not allowable per [2 CFR 200.421](#). One exception to the prohibition is costs that involve "program outreach and other specific purposes necessary to meet the requirements of the Federal award." So, items that are purely about publicity and promotion of the organization would not be proper. However, an item that was designed to let individuals that might be in need of the program services know about its existence might be allowable. – USDE Response

Q5. May an LEA use Title IV, Part A funds to provide professional development opportunities for staff?

A5. Yes, if the Title IV, Part A *Comprehensive Needs Assessment* (CNA) and data support the specified professional development opportunities and meet all [Title IV, Part A Use of Funds](#) requirements. However, an LEA with an allocation of at least \$30,000, must provide activities in all three content areas.

Q6. May an LEA expand or improve access to elementary students for a program that is currently being offered at the high school level? We have an elementary school that would like to expand a music program, however funding for the program is very limited.

A6. Yes. Title IV, Part A funds may only be used to expand or create new music/art programs and meet all requirements listed in the [Title IV, Part A Use of Funds](#) resource. In addition, an LEA with an allocation of at least \$30,000, must provide activities in all three content areas.

Q7. Would the use of Title IV, Part A funds for implementation of a drug testing program be allowable if all other requirements are satisfied?

A7. Yes, if the Title IV, Part A *Comprehensive Needs Assessment* (CNA) and data support a drug testing program and meet all listed requirements in the [Title IV, Part A Use of Funds](#) resource. In addition, an LEA with an allocation of at least \$30,000, must provide activities in all three content areas.

Q8. May an LEA use Title IV, Part A funds to support a student’s advanced placement (AP) exams?

A8. Yes, Title IV, Part A funds may be used as a reimbursement for *low-income* students to cover all or part of the AP examination costs/fees per [ESSA, Section 4107\(a\)\(3\)\(D\)](#).

***Q9. An LEA is tracking an alarming number of vaping incidents in its middle and high schools. This was identified as a need and is in the campus improvement plan. May the LEA use Title IV, Part A funds to purchase vaping sensors for those hot spot campus areas?**

*A9. Yes, only if local district policy does not require vaping sensors; otherwise, this would be supplanting.

LEAs may utilize Title IV, Part A funds for vape detectors, vape prevention tools, vape education programs and related staff development under ESSA, [Section 4108](#). - "Activities to Support Safe and Healthy Students

- ESSA, [Section 4108\(5\)\(A\)](#) "...drug and violence prevention activities that programs that are evidence-based.."
- ESSA, [Section 4108\(5\)\(A\)\(i\)](#) " programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes"
- ESSA, [Section 4108\(5\)\(C\)\(ii\)](#) "...support a healthy, active lifestyle..."
- ESSA, [Section 4108\(5\)\(D\)\(vi\)](#) "high-quality training for school personnel, including specialized instructional support personnel, related to— "...drug abuse prevention..."

In addition, the LEA must meet all requirements in the [Title IV, Part A Use of Funds](#) resource. If the LEA has an allocation of at least \$30,000, it must provide activities in all three content areas.

Q10. Our district has a new identified and prioritized need for "Mobile Messaging Signs" for immediate school safety improvements. We are exploring the use of Title IV, Part A grant funds under the "Safe and Healthy Students" content area for purchasing the equipment. Would this be an allowable use of funds?

A10. No. Based on the information provided, use of Title IV, Part A funds for this purpose raises significant concerns about the "supplement, not supplant" requirement. Traffic control is a state/local issue and, while related to school safety, generally paid for with other state/local funds. Further, even if the presumption of supplanting could be overcome, the purchase does not appear to be reasonable and necessary for performance of the grant (i.e., of a type generally recognized as ordinary and necessary for operation of the grant) and allocable to the grant (i.e., chargeable to the grant award in proportion to the benefits received by the grant award as a result of the cost). – *USDE Response*

Q11. May an LEA use Title IV, Part A funds to purchase a fingerprint scanner?

A11. No, this purchase would not be allowable. Based on the information provided, it appears that the primary use of the fingerprint scanner is for police-related activities. The scanner does not support the development of programs/activities in at least one of the three content areas in the Title IV, Part A program. In addition, the purchase does not appear to be reasonable and necessary for performance of the grant (i.e., it is of a type generally recognized as ordinary and necessary for operation of the grant) and allocable to the grant (i.e., it is chargeable to the grant award in proportion to the benefits received by the grant award as a result of the cost). – *USDE Response*

Q12. May an LEA use Title IV, Part A funds for portable microphone/headphones for teachers (because the students on the Zoom meeting cannot hear them when they move away from the camera)? Would the portable microphones/headphones be part of the 15% rule, or would they be considered part of improving the integration of instruction using technology?

A12. USDE Response (12/15/2020):

- If a district decides to use funds under Title IV, Part A for costs related to computer devices and accessories (like microphones/headphones) or internet connectivity, etc., the district must be sure that the use of the funds is reasonable and necessary and does not violate other program requirements, such as the supplement, not supplant requirement.
- If a district is providing free public education virtually (i.e., providing its core curriculum through online instruction), it must also provide the basic tools necessary to access that instruction with State or local funds or CARES Act funds and other Federal funds in which such spending is allowable.
- If the portable microphone/headphones for teachers are necessary for virtual learning, then they would likely constitute a violation of the Title IV, Part A supplement, not supplant requirement.
- However, Title IV, Part A funds may be used to enhance such virtual learning after such access is provided with other funds.
- If the district determines that the microphones/headphones do not constitute a supplanting violation, then the microphones/headphones would constitute an allowable use of funds under section 4109(a)(1), which is not subject to the 15% cap on technology infrastructure purchases.

Q13. One of our rural LEAs has asked about the allowability of adding an additional concrete pad to their playground to provide additional space to play basketball. Is this an allowable Title IV, Part A activity?

A13. No. The ESSA [section 8526\(1\)](#) statute, expressly prohibits the use of funds for construction, renovation, or repair of any school facility. These funds may be used for minor remodeling and repair. Minor remodeling refers to minor alterations in a previously completed building. The term also includes the extension of utility lines, such as water or electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of the previously completed building. The term does not

include building construction, structural alteration to buildings, building maintenance, or repairs. – USDE Response 12/2020.

Q14. Is the purchase of playground equipment allowable under the Safe and Healthy content area?

A14. In general, the purchase of playground equipment is an allowable use of funds under the safe and healthy student content area. To be funded, this activity should have been informed by the school district’s needs assessment, stakeholder engagement process, and prioritization of schools. As with any cost charged to a grant, grantees are responsible for ensuring that only costs that are reasonable, necessary, and allocable to the grant are in fact charged to the grant. If the program has a supplanting prohibition, which the Title IV, Part A program does, the grantee must ensure that the use of Title IV, Part A funds supplements, and does not supplant, other state or local funds that would otherwise be used to pay for the allowable activity.

Note: Construction is not authorized under Title IV, Part A. Thus, allowable activities regarding the condition of a school building must fall into the definition of 'minor remodeling' to be allowable. See 34 CFR 77.1(b). – USDE Response 9/22/2021

Q15. A district is supporting a program for domestic and sexual abuse awareness and prevention. May an LEA use Title IV, Part A funds for promotional items (i.e., tee-shirts, wristbands, lanyards, notebooks, etc.) which support the specific program?

A15. No. Based on the information provided, the purchase appears to be unallowable. These items appear to fit in the category of “advertising and public relations,” which are generally not allowable per 2 CFR 200.421. One exception to the prohibition is costs that involve “program outreach and other specific purposes necessary to meet the requirements of the Federal award.” So, items that are purely about publicity and promotion of the organization would not be proper, but an item that was designed to let individuals that might be in need of the program services know about its existence might be allowable. – USDE Response

Q16. May an LEA use Title IV, Part A funds to purchase and/or replace security cameras, exterior door locks, and key cards?

A16. It depends. If the LEA used state or local funds in the previous or current school year to purchase and/or replace security cameras, exterior door locks, and key cards, it would be considered supplanting Title IV, Part A funds. Consequently, it would be essential to know how the LEA expended their School Safety Allotment funds created by [Texas Education Code 48.115](#), as funds allocated under this section must be used to improve school safety and security, including costs associated with the purchase and maintenance of security cameras or other security equipment.

If supplemental and meets all requirements in the [Title IV, Part A Use of Funds](#) guidance, the purchase and/or and installation of security cameras, exterior door locks, and key cards could be allowable under the Title IV, Part A program consistent with one of the three main purposes of the statutory program—supporting safe and healthy students. To be funded, these activities should be consistent with the school district’s needs assessment, be a “reasonable and necessary cost,” and be consistent with the ESSA Consolidated Grant Application approved by TEA.

Title IV, Part A program funds could be used by a school district to purchase or replace security cameras, door locks, and key cards provided that several primarily statutorily required considerations are met. Assuming that the comprehensive local needs assessment (required under [ESEA Section 4106](#) for LEAs with allocations of at least \$30,000) and local stakeholder consultation indicate that the items are a

significant LEA need. In this case, the items would support the purposes of the safe and healthy students content area as they can foster a safe school environment.

There are further determinations on the allowability of the costs in accordance with [2 CFR Part 200, Subpart E](#) that costs are reasonable and necessary for the performance of the grant award. Also, because [section 4110](#) of the ESEA prohibits supplanting, the proposed use of funds for the activity must supplement, and not supplant, other State or local funds that would otherwise be used to pay for the otherwise allowable activity, in this case security cameras, door locks, and key cards.

As a reminder construction is not authorized under Title IV, Part A. Thus, allowable activities regarding the condition of a school building must fall into the definition of “[minor remodeling](#)” to be allowable. The installation of security cameras, locks, and key cards would generally constitute a minor alteration in a previously completed building and therefore would be allowable under the definition of minor remodeling.

Q17. May Title IV, Part A funds be used to pay for school campus security fencing and hardware?

A17. It would be difficult to justify that use of Title IV, Part A funds would be reasonable and necessary for performance of the grant (i.e., of a type generally recognized as ordinary and necessary for operation of the grant) and allocable to the grant (i.e., chargeable to the grant award in proportion to the benefits received by the grant award as a result of the cost). Additionally, it would be difficult to evaluate security fencing and hardware for program effectiveness. However, if the LEA decides that it can document such justification and evaluate the use of funds for program effectiveness, it would be up to the LEA to provide such documentation to an auditor and/or TEA program staff in the event of an audit. TEA or audit staff would make the final determination concerning whether the documentation is sufficient to demonstrate compliance with the Title IV, Part A use of funds statutory requirements. Based on the guidance provided above TEA would not recommend Title IV, Part A funds be used for the purpose requested. However, the decision to use funds in this manner is a LEA decision.

Q18. May Title IV, Part A funds be used to purchase 2-way radios for staff to communicate throughout the school buildings/campuses?

A18. It would be difficult to justify that use of Title IV, Part A funds would be reasonable and necessary to purchase 2-way radios. Most importantly, it would be difficult to evaluate the program effectiveness of radios. However, if the LEA decides that it can document such justification and evaluate the use of funds for program effectiveness, it would be up to the LEA to provide such documentation to an auditor and/or TEA program staff in the event of an audit. TEA or audit staff would make the final determination concerning whether the documentation is sufficient to demonstrate compliance with the Title IV, Part A use of funds statutory requirements. Based on the guidance provided above TEA would not recommend Title IV, Part A funds be used for the purpose requested. However, the decision to use funds in this manner is a LEA decision.

Q19. What guidance is available related to providing “light meals” using Title IV, Part A funds?

A19. As per the most current Budgeting Costs Guidance Handbook, “The following costs are allowable:

- Food necessary to conduct nutrition education programs for parents
- Parent involvement activities in which refreshments are necessary to encourage participation or attendance by parents, such as in low-income areas, and thus meet program objectives.

Full meals for parents or students are unallowable for these purposes under any circumstances. Expenditures must be reasonable in cost, necessary to accomplish program objectives, and an integral part of the instructional program.”

Q20. What is the definition of “nutritional” when it comes to providing snacks with Title IV, Part A funds?

A20. There is no specific guidance on the definition of “nutritional.” However, the LEA can use the Smart Snack standards that have been established by the US Department of Agriculture. The following website provides information about smart snacks: <https://www.fns.usda.gov/cn/tools-schools-focusing-smart-snacks>.

***Q21. May an LEA use Title IV, Part A funds to purchase musical instruments?**

*A21. Yes, musical instruments are an allowable activity of Title IV, Part A funds, if supplemental. The instruments must remain property of the LEA and not students. In addition, the LEA must track and keep inventory records on instruments. Keep in mind that any Title IV, Part A activities must be tied to program objectives) and intended outcomes, and LEAs must track progress toward meeting the program objectives and intended outcomes. All Title IV, Part A activities must meet the [Title IV, Part A Use of Funds Criteria](#).

In addition, the LEA will need to ensure that the use of funds to pay for musical instruments was informed by the school district’s needs assessment, stakeholder engagement process, and prioritization of schools. As always uses of funds must be reasonable and necessary and may not supplant other state and local funds that would be used to support the activity. For example, it may be necessary to provide musical instruments (on loan) to students from low-income families, thus making the cost allowable, but perhaps not to students whose families may be able to cover the cost of participation.

***Q22. May an LEA use Title IV, Part A funds to purchase SUVs?**

*A22. It would be difficult to justify that using Title IV, Part A funds to purchase SUVs is reasonable and necessary for LEA staff and student safety. Most importantly, it would be difficult to evaluate the program effectiveness of the vehicles. In addition, the LEA should ensure it has program objectives and intended outcomes and can track progress being made toward those objectives and outcomes with all Title IV, Part A purchases. However, if the LEA decides that it can document such justification and evaluate the use of funds for program effectiveness, it would be up to the LEA to provide such documentation to an auditor and/or TEA program staff in the event of an audit.

If the LEA decides to purchase vehicles using Title IV, Part A funds, it must submit a *Special or Unusual Costs form* through the *EDGAR Forms WorkApp System* for pre-approval. TEA or audit staff would make the final determination concerning whether the documentation is sufficient to demonstrate compliance with the Title IV, Part A use of funds statutory requirements. Based on the guidance provided above, TEA would not recommend Title IV, Part A funds be used for the purpose requested. However, the decision to use funds in this manner is an LEA decision.

***Q23. May an LEA use Title IV, Part A funds to purchase an ice machine for a campus?**

*A23. Title IV, Part A funds must support activities/programs that support well-rounded education opportunities, safe and healthy students, and effective use of technology. It would be difficult for an LEA to justify how an ice machine could meet the intent and purposes of Title IV, Part A. In addition, it might also prove difficult for an LEA to provide a Title IV, Part A program objective and measurable outcome, and track the progress an ice machine would make toward meeting that objective and outcome.

***Q24. May an LEA use Title IV, Part A funds to purchase flexible learning seats/tables?**

*A24. Title IV, Part A funds must support activities/programs that support well-rounded education opportunities, safe and healthy students, and effective use of technology. It would be difficult for an LEA to justify how flexible learning seats/tables could meet the intent and purposes of Title IV, Part A. In addition, it might also prove difficult for an LEA to provide a Title IV, Part A program objective and measurable outcome, and track the progress the learning seats/tables would make toward meeting the objective and outcome. All Title IV, Part A activities must meet the [Title IV, Part A Use of Funds Criteria](#).

***Q25. Can an LEA employee’s salary and costs be paid with Title IV, Part A funds?**

*A25. Possibly. The LEA would need to determine if the costs are 1) reasonable and necessary for the performance of the grant; 3) allocable to the grant; 4) supplements, and does not supplant, other State or local funds that would otherwise be used to pay for the position; and not one of the prohibited activities in ESEA [Section 4001\(b\)](#) or [Section 8526](#).

To determine allowability, including whether the cost is reasonable, necessary, and allocable, the LEA would need to consider 1) whether the program activities that the employee is responsible for overseeing are Title IV, Part A activities and 2) whether the employee is administering Title IV, Part A in part or in whole (and if in part, then only part of the salary might be chargeable to Title IV, Part A).

In addition, to overcome the presumption of supplanting, the LEA would need to show that it would not otherwise be able to fund the salaries of the position, but for the availability of Title IV, Part A funds. The LEA would need to provide clear documentation that no state or local funds are available to cover the staff salaries and that the reason for the lack of appropriations is not because federal funds might be available to cover the positions.

– U.S. Department of Education (4/2023)

Professional Development and Travel

Q1. Does the ESEA statute define professional development?

A1. Yes, the [ESEA section 8101\(42\)](#) statute defines “professional development.” Section 8101(42) generally applies to ESEA programs that authorize the use of funds specifically for “professional development” activities.

Title IV, Part A authorizes the use of funds for well-rounded education, safe and healthy students, and the effective use of technology. In each of these three content areas, the statute provides examples of how funds may be used, some of which include specific reference to “professional development” activities. For instance, [ESEA section 4108\(5\)\(A\)\(ii\)](#) indicates that funds may be used for “professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention.” This kind of specific reference to “professional development” means that any activities carried out under this authority must be consistent with the definition of “professional development” in [ESEA section 8101\(42\)](#), including that the

activities are “sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused.”

However, Title IV, Part A is a program that supports a broad range of other activities, not only those specifically identified in the statute. Therefore, Title IV, Part A funds could be used to carry out other kinds of training activities that meet the program’s statutory requirements and that are not statutorily identified as “professional development.” Such activities would not need to meet the definition of “professional development” in [ESEA section 8101\(42\)](#), although the Department would certainly encourage the use of the definition as a guide to developing meaningful training.

For activities that are carried out under statutory “professional development” authorities, these activities can be offered in a variety of formats such as in-person or virtually in either a synchronous or asynchronous format, as long as they otherwise meet the requirements of [ESEA section 8101\(42\)](#). – USDE, 4/2022

Q2. May LEA staff use Title IV, Part A funds to attend out-of-state training?

A2. Federal grant funds may not be used for out-of-state training when the same type and quality of training is available in state. - [TEA Budgeting Costs Guidance Handbook](#), *Other Operating Costs (6400)* section.

***Q3. After determining that all Title IV, Part A requirements have been met as per the [Title IV, Part A Use of Funds Criteria](#) guidance, may an LEA pay for an annual subscription or program-related software license at the beginning of the year?**

*A3. Possibly. If the subscription contains items that are not all available at the beginning of the service, such as completing one level of the software before the next level is available, then you may pay for the service that has been invoiced and received during that period. In this example, you could not pay the entire year of the subscription at the beginning of the grant year because an LEA has not received the full benefit (full access).

***Q4. May Title IV, Part A funds pay college tuition or reimburse teachers to become fully certified in an area of need or to attend graduate school?**

*A4. In general, use of Title IV, Part A funds for teacher certification in core subjects would raise a presumption of supplanting.

-U.S. Department of Education (4/2023)

Q5. Is there a website or resource to review state requirements regarding travel and its reimbursement costs?

A5. Yes. The [federal per diem rate map](#), published by the U.S. General Services Administration, is used for reimbursement of in-state and out-of-state meal and lodging expenditures. Because the reimbursement rates can change, it is recommended that travelers print the page at the time reservations are made and submit the printout with the travel reimbursement voucher as a supporting document.

For more detailed information regarding allowable travel expenses, consult the [Texas State Comptroller's Textravel](#) webpage. - [TEA Budgeting Costs Guidance Handbook](#)

Well-Rounded Education Opportunities

Q1. Does the ESSA statute define well-rounded education?

A1. Yes, ESEA section 8101(52) defines well-rounded education. The term “well-rounded education” means courses, activities, and programming in subjects such as:

English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.

Q2. How may an LEA use Title IV, Part A to support activities in the well-rounded content area?

A2. An LEA may use Title IV, Part A funds to support well-rounded activities, such as:

- Science, technology, engineering, and mathematics (STEM)
- Music and arts (i.e., dance, theater, media/visual arts, etc.,)
- Foreign language instruction
- Accelerated learning programs
 - Dual or concurrent enrollment programs
 - Early college high school programs
- Civics instruction
- College and career counseling (programs and services)
- Social emotional learning (SEL)
- Environmental education

Q3. What are examples of science, technology, engineering, and mathematics (STEM) activities?

A3. A few examples of Title IV, Part A STEM activities are:

- Increasing access for groups of underrepresented students to high-quality courses
- Supporting participation in nonprofit competitions (i.e., robotics, computer programming, etc.,)
- Providing hands-on learning
- Integrating other academic subjects into STEM curricula
- Integration and learning through exploration, problem solving, and other real-world contexts

Q4. Can Title IV, Part A funds be used to purchase drones? The drones would be part of the LEA’s STEM program and activities for students.

A4. In general, the purchase of drones would need to support at least 1 of the 3 purposes of the Title IV, Part A program statute—well-rounded education, safe and healthy students, and effective use of technology. To be funded, the purchase of equipment should have been informed by the school district’s needs assessment, stakeholder engagement process, and prioritization of schools. As with any cost charged to a grant, grantees are responsible for ensuring that only costs that are reasonable, necessary, and allocable to the grant are in fact charged to the grant. If the program has a supplanting prohibition, which the Title IV, Part A program does, the LEA must ensure that the use of Title IV, Part A funds supplements, and does not

supplant, other state or local funds that would otherwise be used to pay for the allowable activity.
– USDE Response, 9/2021.

Q5. May an LEA purchase an online reading program focusing on foundation reading skills and designed to accelerate literacy be an allowable expenditure under Title IV, Part A?

A5. Yes. The Title IV, Part A Guidance states, “a well-rounded education promotes a diverse set of learning experiences that engages students across a variety of courses, activities, and programs in subjects such as English, **reading/language arts**, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, and physical education.”

Q6. May Title IV, Part A funds pay for SAT and ACT exam fees?

A6. Yes, SAT and ACT exam fees are allowable under the well-rounded education content area.

An LEA may use funds for college and career counseling programs and services. These programs and services are, generally, designed to help students make informed and better educational and career

choices as they develop personal, social, educational, and career skills. Programs often offer students information starting in middle school about how to prepare for college, including the importance of choosing rigorous high school course offerings, how to choose from among career options, how to enroll in and receive federal financial aid through the FAFSA, and how to pursue academic and occupational training needed to succeed in the workplace. To help prepare students to transition to college, assistance is provided on identifying postsecondary opportunities that are associated with students’ interests, applying for college admissions and obtaining financial aid, and preparing for college aptitude tests (e.g., SAT and ACT). - *College and career counseling (ESEA section 4107(a)(3)(A))*. - [USDE Non-Regulatory Guidance Student Support and Academic Achievement](#) (October 2016)

***Q7. May Title IV, Part A funds be used to purchase cardiopulmonary resuscitation (CPR) mannequins for student training purposes? (Revised TEA response, May 2023)**

*A7. No. This activity would not be considered supplemental as it is required in state law. Using Title IV, Part A funds for this activity would be considered supplanting Title IV, Part A funds to meet a state requirement. Student training is required in [TEC §28.0023](#) and [19 TAC 74.38](#). Staff training is required in [TEC §22.902](#). [TEC §28.0023](#) and [19 TAC 74.38](#) require districts to provide CPR training for students.

A district shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation from high school. CPR instruction must include training that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

[TEC §22.902](#)

a) A school district shall, in accordance with the policy adopted under Section 21.4515, make available to district employees and volunteers’ instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator, as defined by Section 779.001, Health and Safety Code.

(b) Repealed by Acts 2021, 87th Leg., R.S., Ch. 545 (S.B. 199), Sec. 4(1), eff. September 1, 2021.

(c) Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other school employee specified by the commissioner and each student who serves as an athletic trainer must participate in the instruction in the use of an automated external defibrillator. A person described by this Subsection must receive and maintain certification in the use of an automated external defibrillator from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(d) The commissioner shall adopt rules as necessary to implement this section.

(e) This Subsection applies only to a private school that receives an automated external defibrillator from the agency or receives funding from the agency to purchase or lease an automated external defibrillator. A private school shall adopt a policy under which the school makes available to school employees and volunteers' instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator. The policy must comply with the requirements prescribed by this section and commissioner rules adopted under this section, including the requirements prescribed by Subsection (c).

Q8. Does the ESEA statute define 'dual or concurrent enrollment?'

- A8. Yes, the ESEA statute 4101(15) provides a definition for 'dual or concurrent enrollment' programs. The term 'dual or concurrent enrollment program' means a program offered by a partnership between at least one institution of higher education and at least one local educational agency through which a secondary school student who has not graduated from high school with a regular high school diploma is able to enroll in one or more postsecondary courses and earn postsecondary credit that—
1. is transferable to the institutions of higher education in the partnership; and
 2. applies toward completion of a degree or recognized educational credential as described in the Higher Education Act of 1965.

Q9. Our district is exploring the use of animal-based interventions for counselors to teach social-emotional learning skills to students. Would it be an allowable activity under Title IV, Part A to pay for a district employee's dog to be trained as a therapy/comfort dog?

A9. No. Training an employee's dog does not meet the intent and purposes of the Title IV, Part A program.

***Q10. Can Title IV, Part A funds be used to support students in critical subjects who may have dyslexia? Most of the examples in ESEA Title IV, Part A appear to support students in 'enriching' subjects.**

*A10. ESEA section 4101(b)(3) provides that state-level funds may be used to support LEAs in offering well-rounded educational experiences to all students, including special populations such as female students, minority students, and children with disabilities, "...who are often underrepresented in critical and enriching subjects..." However, there is no requirement that these funds only be used in critical and enriching subjects, and thus no need to make this determination here.

As with any cost charged to a grant, grantees are responsible for ensuring that only costs that are reasonable, necessary, and allocable to the grant are in fact charged to the grant. If the program has a supplanting prohibition, which the Title IV-A program does, the grantee must ensure that the use of Title IV-A funds supplements, and does not supplant, other state or local funds that would otherwise be used to pay for the allowable activity.

-U.S. Department of Education (3/2023)

***Q11. May an LEA use Title IV, Part A to pay for school activity fees under the well-rounded education content area?**

***A11.** The payment of fees for activities, including school day and after school activities, may be allowable under Title IV, Part A. The LEA will need to determine if the fees support at least one of the three purposes of the Title IV, Part A program—well-rounded education, supporting safe and healthy students, and effective use of technology.

In addition, the LEA will need to ensure that the use of funds to pay for student activity fees was informed by the school district’s needs assessment, stakeholder engagement process, and prioritization of schools. As always uses of funds must be reasonable and necessary and may not supplant other state and local funds that would be used to support the activity. For example, it may be necessary to provide dues assistance to students from low-income families, thus making the cost allowable, but perhaps not to students whose families may be able to cover the cost of participation.

-U.S. Department of Education (3/2022)

***Q12. Can schools use Title IV, Part A funds to pay for nursing or ensuring services as long as they are part of the district’s comprehensive approach to meeting the needs of the whole child?**

***A12.** The use of Title IV, Part A funds to support a school nurse may be allowable, as long as the nurse is not providing medical services. The LEA will need to determine if the costs are 1) reasonable and necessary for the performance of the grant; 3) allocable to the grant; 4) supplements, and does not supplant, other State or local funds that would otherwise be used to pay for the position; and not one of the prohibited activities in ESEA [Section 4001\(b\)](#) or [Section 8526](#)).

Medical services are listed as a prohibited use of funds in ESEA [Section 4001\(b\)](#). To determine allowability, including whether the cost is reasonable, necessary, and allocable, the LEA would need to consider 1) whether the program activities that the employee is responsible for overseeing are Title IVA activities and 2) whether the employee is administering Title IVA in part or in whole (and if in part, then only part of the salary might be chargeable to Title IVA).

In addition, to overcome the presumption of supplanting, the LEA would have to show that it would not otherwise be able to fund the salaries of the position, but for the availability of Title IVA funds. The LEA would need to provide clear documentation that no state or local funds are available to cover the nurse’s salaries and that the reason for the lack of appropriations is not because federal funds might be available to cover the positions.

-U.S. Department of Education (4/23)

Safe and Healthy Students

Q1. What are some examples of allowable activities under the safe and healthy students content area?

A1. A few examples of student physical and mental health activities that are allowable under the safe and healthy student content area (*ESSA, Section 4108*) are:

- Drug and violence prevention;
- School-based health and mental health services;
- Healthy, active lifestyle, and nutritional education;
- Physical activities;
- Trauma-informed classroom management;
- Chronic disease management;
- Mentoring and school counseling; and
- Schoolwide positive behavioral interventions and support (PBIS).

Q2. May an LEA use Title IV, Part A funds to pay for *Crisis Prevention Intervention* curriculum (CPI) materials? CPI is a nonviolent crisis intervention training designed to teach staff best practices for de-escalating students in crisis, managing difficult situations, and disruptive student behaviors.

A2. Yes, CPI would be an allowable Title IV, Part A activity in the content area of *Safe and Healthy Students*.

Q3. May Title IV, Part A funds be used for district staff firearms and ammunition as part of a school safety program?

A3. No. Title IV, Part A funds may not pay for costs, either direct or indirect, related to firearms and ammunition. -*USDE Response*

Q4. May Title IV, Part A funds be used to support active shooter drills?

A4. No. Title IV, Part A funds may not support any virtual, practice, or active shooter drills. The LEA may prorate training for the portions not using a weapon (i.e., instructor-led sessions).

Q5. May Title IV, Part A funds be used for the services of a school resource officer?

A5. Yes, if it meets all requirements listed in the TEA [Title IV, Part A Use of Funds](#) document.

***Q6. How does ESEA [Section 8526](#) impact the funding of school resource officers and/or *Alert, Lockdown, Inform, Counter, Evacuate (ALICE)* active shooter training?**

***A6.** Title IV, Part A funds cannot be used to procure (i.e., buy) weapons, as defined in the [Bipartisan Safer Communities Act](#), for School Resource Officers (SROs) or to train SROs on how to use these weapons. If the ALICE training includes a component on the use of weapons, then Title IV, Part A funds cannot be used to pay for this portion of the training. The cost for attending the training will need to be prorated and the percentage of time that the training focuses on training on the use of weapons paid from state or local funds.

-U.S. Department of Education (4/2023)

Q7. May Title IV, Part A funds support an LEA’s physical education equipment?

A7. In general, the purchase of physical education equipment is an allowable use of funds under the safe and healthy student content area. To be funded, the purchase of equipment should have been informed by the school district’s needs assessment, stakeholder engagement process, and prioritization of schools. As with any cost charged to a grant, grantees are responsible for ensuring that only costs that are reasonable, necessary, and allocable to the grant are in fact charged to the grant.

If the program has a supplanting prohibition, which the Title IV, Part A program does, the grantee must ensure that the use of Title IV, Part A funds supplements, and does not supplant, other state or local funds that would otherwise be used to pay for the allowable activity. -USDE Response, 9/2021.

Q8. Is the purchase of protective gear, such as coveralls and helmets for a welding program, an allowable expenditure under Title IV, Part A?

A8. In general, all Title IV, Part A activities must support at least 1 of the 3 purposes of the Title IV, Part A program statute—well-rounded education, safe and healthy students, and effective use of technology. To be funded, all purchases should be aligned to the school district’s needs assessment, stakeholder engagement process, and prioritization of schools.

However, some classroom welding protective gear is state-required, and therefore it would be supplanting to purchase with Title IV, Part A funds. The [Texas Education Code 38.005](#). requires teachers and students to wear industrial-quality eye-protective devices as determined by school district policy. The Texas Administrative Codes, [25 TAC 295.141](#) and [25 TAC 295.142](#), provide a list of situations where eye and face protection are recommended or required.

As with any cost charged to a grant, LEAs are responsible for ensuring only costs that are reasonable, necessary, and allocable to Title IV, Part A are charged to the grant. In addition, the LEA must ensure supporting documentation meet all requirements listed in the [Title IV, Part A Use of Funds](#) resource. If all Title IV, Part A program requirements have been met and documentation supports it, the purchase of welding protective gear could be an allowable expense under Title IV, Part A.

Q9. May LEA Title IV, Part A funds be used to purchase metal detectors for campuses under the *Safe and Healthy Students* content area?

A9. Metal detectors could be an allowable purchase with Title IV, Part A funds if all requirements are met. TEA recommends LEAs review the Texas Governor’s [School and Firearm Safety Action Plan](#) (May 2018), [Texas Association of School Boards: Metal Detectors in Schools FAQ](#) documents (2019), and the [Title IV, Part A Use of Funds](#) criteria (2021). In addition, there are additional questions an LEA should consider when reviewing Title IV, Part A data, stakeholder feedback, and student/staff needs to determine if funding should be used for district metal detectors:

1. Will an armed law enforcement officer, school resource officer, or other staff be present in case a weapon or anything else illegal is found to handle the situation or make arrests?
2. Will staff be adequately trained to conduct handheld scanners to detect prohibited objects, including weapons on students, staff, parents, and other visitors?
3. What will be the protocol after the school day starts and visitors (i.e., parents, special guests, etc.,) enter the building?
4. What will be the protocol for after-school events?
5. Which entry points will have metal detectors?
6. If metal detectors are determined to be an adequate activity for Title IV, Part A funds supported by the results of a comprehensive needs assessment (if applicable), consultation meetings with stakeholders, and review of other federal requirements, the protocols and trainings for metal detector use must be outlined in the school and/or district’s safety plan.
7. How will the LEA evaluate the metal detectors for program effectiveness?

If the program has a supplanting prohibition, which the Title IV, Part A program does, the grantee must ensure that the use of Title IV, Part A funds supplements, and does not supplant, other state or local funds

that would otherwise be used to pay for the allowable activity. If the LEA has met the [Title IV, Part A Use of Funds](#) requirements and supporting documentation is readily available for TEA and/or auditors, metal detectors may be an allowable expense with Title IV, Part A funds.

Q10. May Title IV, Part A funds be used to purchase students' clear backpacks for safety?

A10. It would be difficult to justify that use of Title IV, Part A funds would be reasonable and necessary to purchase students' clear backpacks or book bags to increase student safety. Additionally, it would be difficult to evaluate the program effectiveness of the student backpacks. However, if the LEA decides that it can document such justification and evaluate the use of funds for program effectiveness, it would be up to the LEA to provide such documentation to an auditor and/or TEA program staff in the event of an audit. TEA or audit staff would make the final determination concerning whether the documentation is sufficient to demonstrate compliance with the Title IV, Part A use of funds statutory requirements. Based on the guidance provided above TEA would not recommend Title IV, Part A funds be used for the purpose requested. However, the decision to use funds in this manner is a LEA decision.

Q11. May Title IV, Part A funds be used to provide weapons and/or weapons training?

A11. The Office of Safe and Supportive Schools at the United States Department of Education shared information regarding S. 2938, the [Bipartisan Safer Communities Act](#), signed into law by President Biden on June 25, 2022.

Section 13401 of the Act amends [Section 8526](#) of the Elementary and Secondary Education Act of 1965 (ESEA) to add a prohibition that no funds under the ESEA may be used for the provision to any person of a dangerous weapon, as defined in section 930(g)(2) of title 18, United States Code, or training in the use of a dangerous weapon. A dangerous weapon is defined in section 930(g)(2) as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2 1/2 inches in length.

Please note, the prohibition went into effect immediately on June 25, 2022, and applies to all ESEA funds, existing and future awards under all ESEA programs, including Title IV, Part A. – USDE Response 8/9/2022.

***Q12. May Title IV, Part A funds be used to purchase an automated external defibrillator (AED) storage cabinet to keep general first aid and supplies for life threatening emergencies readily accessible?**

***A12.** Yes. As with any cost charged to a grant, grantees are responsible for ensuring that only costs that are reasonable, necessary, and allocable to the grant are charged to the grant. If the program has a supplanting prohibition, which the Title IV, Part A program does, the grantee must ensure that the use of Title IV, Part A funds supplements, and does not supplant, other state or local funds that would otherwise be used to pay for the allowable activity.

Effective Use of Technology

Q1. In terms of what technology is limited by the 15% cap, the USDE has not defined what it means to address “readiness shortfalls of technological capacity and infrastructure” as described in [ESEA Section 4109\(a\)\(2\)\(B\)](#) (the 15 percent cap).

- A1. All *technology* purchases are subject to the same general cost allowability analysis as stated below:

“The LEA’s determination of allowability of Title IV, Part A, Subpart 1 funds will depend on several factors, starting with whether all statutory requirements are met. Generally, in reviewing an LEA’s application, LEA should first consider whether a proposed activity is consistent with the purposes of at least one of the three content areas in the Title IV, Part A program (well-rounded education in [Section 4107](#), safe and healthy students in [Section 4108](#), or the effective use of technology in [Section 4109](#)). Assuming that the activity is consistent with the purposes of one of the three content areas, as applicable, LEA must make further determinations as to allowability of costs in accordance with the cost principles in the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards \(Uniform Guidance\) at 2 CFR Part 200, Subpart E](#).

Specifically, the cost of an activity is allowable under the Title IV, Part A program if it is reasonable and necessary for performance of the grant (i.e., it is of a type generally recognized as ordinary and necessary for operation of the grant) and allocable to the grant (i.e., it is chargeable to the grant award in proportion to the benefits received by the grant award as a result of the cost). Also, because [Section 4110](#) of the ESEA prohibits supplanting, the proposed use of funds for the activity must supplement, and not supplant, other State or local funds that would otherwise be used to pay for the allowable activity.

Q2. What is the scope and applicability of the Special Rule in [ESEA, Section 4109\(b\)](#)?

- A2. LEAs or consortiums of LEAs may not spend more than 15 percent of funding in this section on devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases. At least 85 percent of the educational technology funds must be used to support professional learning to enable the effective use of educational technology.

Specifically, the statute states that LEAs may not use more than 15 percent for purchasing technology infrastructure as described in ESEA [Section 4109 \(a\)\(2\)\(B\)](#) which states: "purchasing devices, equipment, and software applications to address readiness shortfalls" and in ESEA [Section 4109 \(a\)\(4\)\(A\)](#) which states: "blended learning technology software and platforms, the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases."

***Q3. Does the U.S. Department of Education (ED) provide publications and resources that support professional development in the effective use of technology?**

- *A3. Yes, the Office of Education Technology (OET) has professional learning publications, toolkits, and other resources that may support the effective use of technology. A few of OET’s latest publications and information include –the [National Education Technology Plan, which](#) focuses on how technology can support learning and teaching; [Future Ready Schools: Professional Learning Toolkit, which](#) focuses on how districts can use technology to connect educators; an [Advancing Educational Technology in Teacher Preparation: Policy Brief, which](#) focuses on the effective integration of technology in teacher preparation and collaboration; and a blog on [How Coaches Can Support Powerful Learning with Technology Blog Series: 5 Key Aspects of Teaching to Support Powerful Technology Use](#).

Additional OET publications and resources may be found on the [Office of Educational Technology Professional Learning](#) webpage.

***Q4. Does ED provide any guidance on leveraging federal funds for teaching and learning with technology?**

- *A4. Yes. ED posted a [Dear Colleague Letter: Leveraging Federal Funds for Teaching and Learning with Technology](#) on January 25, 2023. The letter provides information on core areas for ‘maximizing investment in innovative technology-based learning strategies.’ ED provides guidance and activity examples an LEA may use to meet the effective use of technology content area under the Title IV, Part A program.

*LEA Special Data Collection (SDC) for Public Reporting

- *Q1. Is there a TEA webpage that provides information on the LEA special data collection for public reporting and its requirements?**

- *A1. Yes. LEAs may find information and requirements in the [LEA Special Data Collection for Public Reporting](#) section of TEA’s [Title IV, Part A](#) webpage.

- *Q2. Are there TEA instructions or other tools available to assist LEAs submitting data?**

- *A2. Yes. LEAs may use the [ESSA Title IV, Part A LEA Special Data Collection for Public Reporting Handbook](#) for specific federal requirements and TEA’s Smartsheet WorkApp submission instructions.

Districts may also use the [LEA Reporting Worksheet](#) as a planning document to prepare data for submission.

- *Q3. Are there any statewide training sessions on the LEA Special Data Collection for Public Reporting requirements and submission details?**

- *A3. Yes. All training slides and voiced-over presentations are located on the [Federal Program Compliance Statewide Training Series](#) webpage.

- *Q4. Is there an EDGAR WorkApp instructional video to assist LEAs?**

- *A4. Yes. An EDGAR instructional video for LEA submission of Title IV, Part A data is located here: https://youtu.be/Odp00LrkF_4.

- *Q5. How may additional LEA staff be granted access to the Smartsheet WorkApp for Title IV, Part A data submission?**

- *A5. LEA staff submitting the information will need access to the *Department of Grant Compliance and Administration* WorkApp System. Currently, the superintendent, chief financial officer, and federal program director listed in AskTED have been given access to the system. To add or change the individuals with access to the system, **someone with existing access** must request access for the new individual via the Help Form in the EDGAR Smartsheet WorkApp. The additional staff to be added to the system must agree to certain security requirements.

The following video outlines the process for an individual with existing access to request access for a new individual: https://youtu.be/Odp00LrkF_4. Each LEA is only guaranteed a certain number of access accounts currently.

- *Q6. If an LEA redirects 100% of its TIVA funds through Rural Education Achievement Program (REAP) and/or the Funding Transferability option, is it required to complete the WorkApp and submit data for public reporting?**

- *A6. Yes. Per federal guidance, TEA must collect data on all LEAs receiving a Title IV, Part A subgrant.

An LEA that redirects 100% of its TIVA funding via Funding Transferability and/or the Rural Education Achievement Program (REAP) will certify that it redirected 100% of TIVA funds to implement other programs and will not be required to provide additional data. LEAs may find additional information in the [ESSA Title IV, Part A LEA Special Data Collection for Public Reporting Handbook](#).

***Q7. How does the LEA submit data to TEA for public reporting?**

*A7. The LEA must submit data through the [Smartsheet WorkApp](#) for Federal Program Compliance division.

***Q8. Are there any TEA announcements regarding the Title IV, Part A LEA Special Data Collection and any submission requirements?**

*A8. Yes. TEA posted a *To The Administrator Addressed (TAA) Correspondence* on February 2, 2023. The [TAA Title IV, Part A Special Data Collection: Program Objectives and Measurable Outcomes](#) is located on TEA's TAA webpage.

***Q9. Does ED's Title IV, Part A statute define 'evaluate' when referring to an LEA's progress toward meeting the program objectives and measurable outcomes?**

*A9. No. The term 'evaluate' is not defined in the statute. Therefore, ED uses a commonly accepted definition which is 'a systematic method for collecting, analyzing, and using data to examine the effectiveness of programs that contributes to continuous program improvement.'

An LEA self-assessment may not necessarily provide the data to determine progress towards meeting objectives and outcomes or support a continuous improvement process.

-ED Title IV, Part A State Coordinators' Annual Conference, March 2023.

***Q10. Is there an email address to send questions regarding the Title IV, Part A LEA Special Data Collection?**

*A10. Yes. Questions may be emailed to ESSASupport@tea.texas.gov.

Private Nonprofit (PNP) Equitable Services

Q1. May private nonprofit schools get a share of carryover funds when public schools do not expend their funds?

A1. No. [ESEA Section 8501\(a\)\(4\)](#) requires that expenditures for services to private school children and educators be equal, considering the number and educational needs of the children to be served, to the expenditures for participating public school children.

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

Q2. When should LEAs calculate equitable shares if they plan to transfer Title IV, Part A funds?

- A2. Before an LEA may transfer funds from a program subject to equitable services requirements, including Title IV, Part A, Subpart 1 it must engage in timely and meaningful consultation with appropriate private school officials ([ESEA Section 5103\(e\)\(2\)](#)). With respect to the transferred funds, the LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer. [USDE Office of General Counsel]
- Q3. May an LEA transfer only those funds that are to be used for equitable services to private school students or teachers?**
- A3. No. An LEA may *not* transfer funds to a particular program solely to provide equitable services for private school students or teachers. Rather, an LEA, after consulting with appropriate private school officials, must provide equitable services to private school students and teachers based on the rules of each program and the total amount of funds available to each program after a transfer. [[ESEA Section 5103\(e\)](#)].
- Q4. If a PNP school has Title IV, Part A equitable services remaining and declines continued participation or closes, what happens with the remaining funds for services?**
- A4. The remaining Title IV, Part A funds for equitable services are considered additional funds for services in both public and participating PNP schools the subsequent year on an equitable basis.
- Q5. If a private school receives Title IV, Part A funds from an LEA one year and has money left over but either does not want to participate or shuts down, may the remaining funds go back into the public schools in Title I, Part A?**
- A5. If the LEA provided equitable services for students in the private school in a particular year and there are carryover funds, those funds are considered additional funds for services for both public and private school students in the subsequent year. The funds would be used, along with any other carryover funds, for both public and private school students on an equitable basis. – USDE Response, 12/2020.
- Q6. Must PNP schools participate in Title I, Part A equitable services to receive Title IV, Part A services?**
- A6. No. The LEA must have received Title I, Part A funds to generate Title IV, A funds. -USDE Response, 12/2020.
- Q7. Is an evaluation of the Title IV program required if private nonprofit (PNP) schools participate in any Title IV, Part A equitable services?**
- A7. Yes. The evaluation of services and how the results will be used must be discussed during ongoing consultation meetings per the [ESEA, Participation by Private Schools and Teachers, Part F, Subpart 1, Section 8501\(c\)\(1\)\(D\)](#) and [ESEA, Title IV, Part A, Section 4106 \(e\)\(1\)\(E\)](#).
- Q8. If an LEA purchased 2 chrome books with Title IV, Part A equitable services for a PNP school a few years back and they no longer work, what is required of the LEA? Is the LEA obligated to replace the devices at the district cost? If, the PNP school has Title IV, Part A equitable services available for the current year, may they replace chrome books with this year's equitable services?**
- A8. The district is required to follow instructions on the *Inventory Disposition Request* form located on the [TEA Grants Administration](#) webpage. Disposition approval is required when equipment originally purchased

with federal grant funds is no longer needed for the original project, programs currently funded by other USDE grants, or projects previously supported by USDE grants.

If the PNP school would like to use the current year's Title IV, Part A equitable services to replace the chrome books and the request aligns with their needs assessment/data, meets the program purposes, and is approved by LEA, the purchase is allowable.

Q9. Can Title IV, Part A funds be used to pay for a private nonprofit's (PNP's) advanced placement testing proctor's stipend or salary?

A9. No. Stipends and/or salary for a PNP's testing proctor does not meet any of the 3 purposes of Title IV, Part A for students: well-rounded education, safe and healthy students, or the effective use of technology.

Q10. Can Title IV, Part A funds be used to assist PNP students for dual-credit tuition?

A10. Yes, it must meet requirements listed in [ESSA, Section 4107\(a\)\(3\)\(D\)](#) and the [Title IV, Part A Use of Funds](#) document. In addition, all Title IV, Part A funds used for PNP equitable services/materials/purchases must be neutral, secular, and nonideological.

Q11. Can Title IV, Part A funds be used to pay for PNP student licenses for an online career inventory?

A11. Yes, it must meet requirements listed in [ESEA, Section 4107\(1\)\(3\)\(A\)](#) and the [Title IV, Part A Use of Funds](#) document. In addition, all Title IV, Part A funds used for PNP equitable services/materials/purchases must be neutral, secular, and nonideological.

Q12. May an LEA use Title IV, Part A funds for a PNP's student group to attend a *Science, Technology, Engineering, and Mathematics (STEM)* competition?

A12. Yes, it must meet all requirements listed in the [Title IV, Part A Use of Funds](#) document.

An LEA may use Title IV, Part A funds for a PNP's programming and activities to improve instruction and student engagement in STEM subjects per [ESEA Section 4107\(a\)\(3\)\(C\)](#). STEM activities may include increasing access for groups of underrepresented students to high-quality courses and supporting participation in nonprofit competitions (e.g., robotics, science research, intervention and math competitions, computer programming).

All Title IV, Part A funds used for PNP equitable services/materials/purchases must be neutral, secular, and nonideological.

Q13. Are educational field trips an allowable activity with Title IV, Part A funds?

A13. Yes, such an activity is allowable if it meets the following conditions:

- is identified in the Comprehensive Needs Assessment (CNA);
- is included in the Campus Improvement Plan (CIP);
- is allocable, reasonable, and necessary to carry out the intent and purpose of the grant program;
- includes an instructional activity or activities that cannot be conducted through interactive activities in the classroom or on campus;
- will result in a positive impact on student achievement;
- includes instruction that addresses the Texas Essential Knowledge and Skills (TEKS); and
- includes an evaluation of the field trip that measures the impact on student achievement.

If an LEA plans on using grant funds for field trips, it will be required to complete the appropriate TEA justification form(s) and retain the documentation at the local level. LEA must keep and maintain this form so that it may be provided to an independent auditor or to TEA monitors if selected for a review. Additional information regarding field trips is listed in the [TEA Budgeting Costs Guidance Handbook](#).

Q14. May an LEA use Title IV, Part A funds for an accelerated learning program for struggling students?

A14. Yes. Efforts to raise student academic achievement through accelerated learning programs is an allowable activity with Title IV, Part A funds.

Q15. May PNP staff use federal funds to attend out-of-state training?

A15. Federal grant funds may not be used for out-of-state training when the same type and quality of training is available in the state. - [TEA Budgeting Costs Guidance Handbook](#), *Other Operating Costs (6400)* section.

Q16. May a Private School use Title IV, Part A funds to purchase COVID rapid test kits?

A16. Yes. Using Title IV, Part A funds to purchase COVID rapid test kits could be an allowable use of funds, subject to all the standard Title IV, Part A allowability requirements. If being used to support a “safe and healthy” school environment for students, it fits under Title IV, Part A’s activities to support safe and healthy students. – USDE, 3/2022

Q17. How is the definition of professional development applied to private nonpublic (PNP) schools?

A17. The definition of ‘professional development’ in [ESEA section 8101\(42\)](#) does not change as applied to PNP schools. The response applies with respect to any use of funds for either professional development or training for teachers in PNP schools. – USDE, 4/2022

Mental Health Services

Q1: How does Title IV, Part A define a ‘school-based mental health services provider?’

A1. The [Title IV, Part A Section 4102\(6\)](#) statute defines “school-based mental health services provider” as a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State-licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

Q2. Is there a TEA website with resources which may assist LEAs in supporting students’ mental and behavior health?

A2. Yes. The TEA’s [Mental Health and Behavioral Health](#) webpage assists school personnel with resources for supporting student mental health.

Q3. Can Title IV, Part A funds pay for mental health services and support?

- A3. Yes. [Section 4108](#) of the ESEA allows for supplemental activities to support safe and healthy students. Allowable activities include school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers. LEAs may use Title IV, Part A funds for programs and activities that integrate both physical and emotional safety into the school to help maintain the wellbeing of students.

Federal funds must be spent on programs, activities, services, and supports that are reasonable and necessary and based on local needs assessment. Funds must supplement any requirements of state statute by adding additional programs, activities, services, supports, and training to any requirements by the state. School mental health services are not required by state statute other than specific staff training, procedures, and practices, such as notification of parents of early warning signs of suicide or a mental health condition so that a parent may seek appropriate intervention and treatment. Thus, supplemental mental health interventions, such as tele-mental health, may be funded by Title IV, Part A.

Examples Title IV, Part A activities, programs, and services to support safety, mental health, and wellbeing that may be allowable include those that:

- Prevent bullying and harassment.
- Improve instructional practices for developing relationship-building skills, such as effective communication and interpersonal skills.
- Improve instructional practices for developing skills to manage emotions and skills for behavioral self-regulation that are grief and trauma informed.
- Improve instructional and schoolwide practices in a school to improve safety through the recognition and prevention of violence, coercion, abuse, including teen and dating violence, stalking, and sexual violence and harassment.
- Provide mentoring and school counseling to all students, including students who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse.
- Provide substance use and abuse recovery and support services.
- Establish or improve school dropout and reentry programs.
- Integrate systems of student and family support.
- Provide parent, guardian, and family engagement and learning opportunities to teach and support integrated student mental health, wellbeing, and academic success.
- Establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success.
- Provide positive youth development and engagement programs, including engaging students who are at-risk, highly mobile, disabled, and/or English language learners.
- Provide other school mental health services that are delivered within a multi-tiered system of support (MTSS) across all tiers and are coordinated to serve all students, including students with disabilities under IDEA and Section 504 plans.
- Provide telemedicine and tele-mental health therapy and services.
- Provide programs that promote community partnerships including school-based and school-linked mental health services and support.

- Provide students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators or tele-health and tele-mental health services.

Q4. Are Title IV, Part A funds allowable to cover the purchase of curriculum, programs, and training for mental health?

A4. Yes. LEAs may purchase curriculum for evidence-based programs and training to support the activities and objectives listed in FAQ #1 to support school mental health. Costs for any supplemental, additional, or advanced training plus any curriculum materials, staffing, or coaching that the LEA determines is reasonable and necessary to implement the related program activities in a school may be allocated to Title IV, Part A.

The following types of basic training required by the state may not be funded by Title IV, Part A:

- Suicide prevention/intervention/postvention
- Recognizing mental health conditions/prevention/intervention
- Substance abuse prevention/intervention
- Grief and trauma-informed practices
- Building/maintaining positive relationships and good decision making
- Bullying prevention
- Child maltreatment

For example, if an LEA provides basic trauma informed care training that is required for educators by purchasing an online subscription to a trauma-informed care training with Foundation School Program (FSP) or local funds, then the LEA could supplement that required training with supplemental and advanced training with Title IV, Part A; such as the Trauma Sensitive Schools Framework or PBIS-Integrated Systems Framework for Mental Health or another initiative for school mental health training. In this scenario, Title IV Part A could pay for the supplemental training and curriculum, materials, training, and coaching that is reasonable and necessary to build out a trauma-informed school on a systems level – an evidence-based strategy for schools.

Q5. Are Title IV, Part A funds allowable for staff salaries to coordinate and provide mental health services and support?

A5. Yes. Examples of positions that may be funded include:

- Licensed mental health professionals, including licensed clinical social workers (LCSW) and licensed master social workers (LMSW) with supervision to complete LCSW licensure, licensed professional counselors (LPC) or licensed professional counselor interns (LPC-i) with supervision to complete licensure, advance practice psychiatric nurses, PhD psychologists, licensed marriage and family therapists (LMFT).
- Social workers: licensed master social workers and licensed bachelor social workers
- Parent Engagement Specialists
- Professional School Counselors

- Case Managers or Service Coordinators or Resource Coordinators: any of the mental health positions or other specialized instructional support personnel who are well trained in school mental health and who the LEA determines can effectively serve in these roles.
- Telemedicine and tele-mental health or tele-counseling services are provided remotely to students at school or at home.
- Contracted or partnership agreements to provide school mental health services through community providers such as local mental health authorities (LMHAs), clinics, hospitals, medical schools, psychiatrists, private-practice behavioral health clinicians, nonprofit organizations, and other prevention specialists for services and supports that are aligned with school needs and coordinated through the MTSS. Examples of these contracted or partnership agreements include services delivered at a school through a memorandum of understanding, a purchased services contract, a shared funding strategy for a non-physician mental health professional, a licensed specialist in school psychology, or a social worker to provide services in a school.

Q6. May an LEA use state and federal funds to pay for a portion of a mental health service coordinator's salary?

- A6. For an LEA to use Title IV, Part A funds to pay a portion of the salary for a Mental Health Service Coordinator, the LEA must first determine if that activity is supported by the needs assessment and stakeholder engagement process and allowable under Title IV, Part A:
- 1) consistent with one of the three content areas;
 - 2) reasonable and necessary for the performance of the grant;
 - 3) allocable to the grant;
 - 4) supplements, and does not supplant, (section 4110) other State or local funds that would otherwise be used to for the position; and
 - 5) not one of the prohibited activities in ESEA [Section 4001\(b\)](#) or [Section 8526](#).

Because there might be the presumption of supplanting, which would preclude the use of Title IV, Part A funds to pay the portion of the coordinator's salary, the LEA would need to show it would not otherwise be able to fund a portion of the position, but for the availability of Title IV, Part A funds. To do this, the LEA would need to provide clear documentation that no State or local funds are available to cover the coordinator's salary and reason for the lack of appropriations is not because federal funds might be available to cover the position.

Additionally, the coordinator would need to provide supplemental (i.e., additional) services to those already being provided with State funds. For example, providing services to a greater number of students. – USDE response 11/2021

Q7. What are examples of other funding sources that are allowable to be allocated or braided to work together for mental health services and supports?

- A7. LEAs may braid funding, such as split-funding positions so that all students may be served by a school mental health professional. For example, a position may be funded by 50% Individuals with Disabilities in Education Act (IDEA) funds to serve students with disabilities and 50% General Education Students if the position will serve half of each eligible student population. This cost allocation for time and effort would be approved through an approved methodology by TEA or the LEA, as guided by the agency. Positions may

also include a portion of Foundation School Program (FSP) or local funding to ensure the allocation is planned correctly and to allow for any actual variance to the cost allocation.

LEAs may also use Title IV, Part A in coordination with third-party insurance payments for purchased services. For example, an LEA may contract with a tele-mental health provider or organization for a practitioner to provide necessary mental health services for students at hourly rates for a recommended dosage of treatment that is approved by insurance providers, including Texas Medicaid.

Title IV, Part A could be braided into the provider contract to pay for students who are uninsured to ensure equitable delivery of tele-mental health or face-to-face services for all students who need mental health services. Equity must be assured so that all students can access services when establishing a school-based mental health program, including contracting for tele-mental health. Other funding sources may be braided with Title IV, Part A and third-party reimbursement through contracted providers to set up a tele-mental health, and/or a physical school-based mental health clinic program, such as: IDEA, FSP, local funds, grants, foundation/philanthropy dollars, hospital donations, and Federally Qualified Health Center partnerships.

Additional education funding sources designed to support at-risk students are available to LEAs, such as: State Compensatory Education or other ESSA federal funds may be braided with Title IV, Part A when the mental health services to be provided are designed as a part of academic and wraparound services, such as through an MTSS process, to remove barriers to learning, accelerate learning, and to help students achieve milestones, including achieving on state standards toward high school graduation, in accordance with guidance from those funding sources.

Q8. Are Title IV, Part A funds allowable for partnerships for school mental health?

A8. Yes. Funds may be used for school-based mental health services partnership programs that are conducted in partnership with a public or private mental health entity or health care entity. Programs must provide comprehensive school-based mental health services, supports, and staff development for school and community personnel working in the school that are based on trauma-informed practices that are evidence-based, coordinated (where appropriate) with early intervening services provided under IDEA, and provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise.

Evidence-based interventions are practices or programs that have evidence to show that they are effective at producing results and improving outcomes when implemented. The kind of evidence described in ESSA has generally been produced through formal studies and research.

Examples of trauma-informed practices at the systems level and student level that are supported by training and supplemental resources include: integrating a trauma-informed approach into the PBIS framework and integrating trauma informed approaches into a multi-tiered system of support (MTSS) such as: Restorative Discipline Practices, Trauma-Sensitive Schools, Trust Based and Relational Interventions and Trauma-Informed Classrooms, Collaborative and Proactive Solutions, The Bounce Back Program, Cognitive Behavioral Interventions for Trauma in Schools, Trauma-Focused Cognitive Behavioral Therapy, Dialectical Behavioral Therapy, The Emotional Backpack Project, and the Child Trauma Toolkit for Educators.

TEA reviewed a selection of state and national resources with Health and Human Services Commission (HHSC) mental health experts, university researchers, and research documentation to determine evidence base. TEA has curated evidence-based, trauma-informed training, frameworks, and supplemental resources for schools and posted information with links to resources on the [TEA Mental and Behavioral Health webpage](#).

Parent and Family Engagement

- Q1. May Title IV, Part A program funds in the Safe and Healthy Students content area be used to support parents?**
- A1. Yes. Promoting community and parent involvement in schools is an allowable activity.
- Q2. May Title IV, Part A program funds provide educator support to learn how to use technology for increasing the engagement of English learner (EL) students and communication with parents and caregivers of ELs?**
- A2. Yes.
- Q3. Is there a requirement for LEAs receiving an allocation of at least \$30,000 to include parents in the design and development of Title IV, Part A programs and activities?**
- A3. Yes, an LEA must include parents as a required stakeholder to provide program input. In addition, the LEA may use funds to promote the involvement of parents in program activities during the development, implementation, and evaluation of comprehensive program activities.
- Q4. Must an LEA obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service funded with Title IV, Part A program funds?**
- A4. Yes. Prior written, informed consent means active consent. Before obtaining consent, the entity must provide the parent written notice describing in detail: mental health assessment/service, purpose of assessment/service, provider of assessment/service, start of assessment/service, and how long the assessment/service(s) may last. [ESSA, [Section 4001\(a\)\(1\)\(A-C\)](#)]
- *Q5. Can Title IV, Part A funds be used to pay for sign-language interpretation services during a parent conference?**
- *A5.** The use of Title IV-A funds to pay for sign-language interpretation may be allowable under the Title IV-A program. To be funded, the need for the services should have been informed by the LEA's needs assessment, stakeholder engagement process, and prioritization of schools. As with any cost charged to a grant, the SEA will need to work with the LEA to determine if the activity is (1) consistent with one of the three content areas; (2) reasonable and necessary for the performance of the grant; (3) allocable to the grant; (4) supplements, and does not supplant (SNS), other state or local funds that would otherwise be

used to pay for the allowable activity; and (5) is not one of the prohibited activities in ESEA [Section 4001\(b\)](#) or [Section 8526](#).

A local or state mandate requiring schools to provide these services would raise the presumption that use of these funds would violate the SNS requirement and thus would not be allowable.

– US Dept. of Education (3/2023)

Shared Services Agreement (SSA)

Q1. When will the project district officially become part of the SSA? Will it be the date I submit the application or the date of the NOGA?

A1. The SSA fiscal agent is responsible for completing and submitting the grant application. The Grant Start Date or date of submission, whichever is later, is the start date of the NOGA and subsequently the SSA for the grant. However, the SSA fiscal agent must have a written agreement with each member LEA that addresses the start and end dates of the shared services agreement.

Q2. Also, can they continue to expend their 19-20 and 20-21 monies through the end of the extension? Or does that money roll to the SSA? Or does it go back to TEA?

A2. The SSA fiscal agent can expend funds throughout the grant period. For the 2019-2020 ESSA Consolidated grant, the last day to obligate funds is 9/30/21. Final expenditure reports are due 11/1/21. Normally, if there are funds remaining at the end of a grant period, the SSA will receive the funds through carryover in the following year, *if it is available*. For the 2019-2020 ESSA Consolidated grant, carryover *is not available* due to the extension. As a result of the extension, the LEA already received the full 27-months availability of funds they would have received if there had been carryover.

Remaining funds from the 2020-2021 ESSA Consolidated grant will carry over into the 2021-2022 grant. If a member LEA leaves the SSA in 2021-2022, the funds do not follow the member LEA, they stay with the SSA unless the written shared services agreement between the SSA fiscal agent and the member LEA specifies that the member LEA keeps its carryover upon leaving the SSA. SSAs must notify TEA if a member LEA leaving the SSA will receive any of the carryover funds.

Q3. If we have an SSA that is wanting to go non-Project for 2021-2022, what happens to their 2020-2021 Grant Funding?

A3. Any carryover remaining from an SSA that no longer wants to apply for the funds would go to the member LEAs. The SSA would need to notify TEA and specify the amount that would go to each member LEA. This issue should be addressed in the written agreement between the SSA fiscal agent and the member LEAs.

Flexibility, Transferability, Waivers, and Carryover

Q1. Is there TEA guidance regarding ESSA Title IV, Part A fiscal waivers for 2019-2020 and 2020-2021?

A1. Yes. The latest [Approved ESSA Fiscal Waivers](#) guidance, posted September 16, 2021, for school years 2019-2020 and 2020-2021 is listed on TEA's webpage.

Q2. If there are questions regarding Title IV, Part A carryover and/or fiscal waivers, who is the TEA contact?

A2. Questions may be emailed to staff in the TEA's *Department of Grant Compliance and Administration* at GrantSupport@tea.texas.gov.

Q3. If an LEA carries over funds, must they maintain percentage distribution requirements?

A3. An LEA should be establishing its plans for spending across the content areas in its approved application and meeting those commitments, whether in the initial year or a carryover year. That said, an LEA only must meet the spending requirements once for each year's appropriation. [USDE Office of General Counsel]

Q4. Are the carryover funds meant for LEAs or may the TEA use them as well?

A4. An LEA may carry over its funds (funds may be obligated by the LEAs for 27 months). If an LEA does not want to carry funds over and decides to return the funds to the TEA, then TEA would need to redistribute those funds to eligible LEAs consistent with the formula. [USDE Office of General Counsel]

Q5. May the SEA determine a carryover cap for LEAs?

A5. Pursuant to [34 CFR 76.709\(a\)](#), LEAs have 27 months in which to obligate these funds, entitling them to carryover whatever funds are not obligated in the first fiscal year. [USDE Office of General Counsel]

Q6. If an LEA uses the *Rural Education Achievement Program (REAP)* or Funding Transferability option from Title IV into Title I or another program, what are the guidelines?

A6. Funds that are transferred into another program through REAP or Funding Transferability follow the guidelines of the receiving program. For example, if Title IV, Part A funds are transferred into Title I, Part A, those funds follow the guidelines of Title I, Part A.

Q7. If a district transfer some or all Title IV, Part A funds to another Title program, when the “transferred out” funds are spent, are they considered Title IV, Part A funds spent?

A7. No. Funds transferred from the Title IV, Part A account lose their program identity and take on the identity of the program to which they are transferred. – USDE Response

Q8. If an LEA receives an allocation that is greater than \$30,000 and then transfers some of the funds out of Title IV, Part A into another Title program--so their available funds total drops below \$30,000--does the LEA need to meet the 20%/20%/portion requirements for the remaining Title IV, Part A funds?

A8. No, the LEA would not have to comply with the percentage spending requirements under these circumstances since the remaining allocation is below \$30,000. In other words, it is based on the total amount of Title IV, Part A funds remaining after the transfer.

If an LEA transfers funds into Title IV, Part A and the total allocation increases above \$30,000 (after the transfer), it would need to comply with the content area spending requirements.

State Requirements

Q1. Is there a list of Texas State requirements related to Title IV, Part A programs and activities for an LEA to avoid selecting which would be deemed supplanting?

A1. Yes. LEAs may review the [Region 14 Title IV, Part A School Safety State Initiative](#) webpage for state training requirements, and mandates.

Q2. If an LEA has met the state requirement of having at least 1 automated external defibrillator (AED) per campus with state and/or local funds, may Title IV, Part A purchase additional AEDs?

A2. Yes, if state and/or local funds were used to meet the minimum requirement, Title IV, Part A funds may be used for additional AEDs on campus.

Q3. May Title IV, Part A funds be used to support professional development on Trauma-Informed Schools?

A3. If the program has a supplanting prohibition, which the Title IV, Part A program does, the grantee must ensure that the use of Title IV, Part A funds supplements and does not supplant other state or local funds that would otherwise be used to pay for the allowable activity. Title IV, Part A funds cannot be used to meet a state or locally required activity or requirement. That would be supplanting. Trauma-Informed Care is *state-mandated* by [TEC 38.036 \(c\)](#) and [TEC 21.054\(d\)\(6\)](#). Therefore, Title IV, Part A funds may not be used to support the state requirements listed in the bill. If there are professional development activities that are not listed in state regulations, which would be supplemental and meets the requirements listed in the Title IV, Part A Use of Funds document, those activities may be allowable.

Q4. May Title IV, Part A funds be used to support training sessions for staff in bleeding control stations?

A4. No. If the program has a supplanting prohibition, which the Title IV, Part A program does, the grantee must ensure that the use of Title IV, Part A funds supplements and does not supplant other state or local funds that would otherwise be used to pay for the allowable activity. Title IV, Part A funds cannot be used to meet a state or locally required activity or requirement. That would be supplanting. Staff training for bleeding control stations is *state-mandated* by [TEC 38.030](#). Title IV, Part A funds cannot be used for bleeding control stations or training for all charter schools and districts.

Q5. Can Title IV, Part A funds be used to print or purchase Suicide Prevention stickers for student IDs?

A5. No. If the program has a supplanting prohibition, which the Title IV, Part A program does, the grantee must ensure that the use of Title IV, Part A funds supplements and does not supplant other state or local funds that would otherwise be used to pay for the allowable activity. Title IV, Part A funds cannot be used to meet a state or locally required activity or requirement. That would be supplanting. Suicide prevention stickers are *state-mandated* by [TEC 38.353](#). Title IV funds cannot be used to purchase the stickers.

***Q6. How does Texas define a school nurse?**

*A6. The TEA defines a school nurse *in 19 Texas Administrative Code (TAC) 153.1022 (a)(1)(D)* as “...an educator employed to provide full-time nursing and health care services and who meets all the requirements to practice as a registered nurse (RN)...”

According to the [Texas Board of Nursing \(TBON\)](#), a "school nurse" in Texas is a registered nurse (RN) who provides health care services to students within a school setting.

***Q7. Does Texas require an LEA to employ a school nurse?**

*A7. No.

***Q8. Where can an LEA find information regarding State School Safety grants and resources?**

*A8. The [TEA School Safety Resources](#) webpage provides information on state school safety resources. [TEA School Safety Related Grant Programs](#) webpage provides details on state school safety programs.